

Ward: Bury East - Moorside

Item 01

Applicant: Holme Park Developments

Location: GREENBROOK MILL, GREENBROOK STREET, BURY, BL9 6LZ

Proposal: RESERVED MATTERS - ERECTION OF 55 APARTMENTS

Application Ref: 50768/Reserved matters **Target Date:** 24/04/2009

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure the provision of affordable housing in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The application site is a triangular shape and bounded by Back Chesham Road South and Back Haslam Street. The northern part of the site is occupied by the former Greenbrook Mill which has been subdivided and is occupied by a number of small and medium enterprises.

The site is surrounded by houses on the western, eastern and southern boundaries although the site itself lies within the designated Freetown Employment Generating Area. The site is accessed via bye law rear entries rather than standard width roads.

Outline planning permission was established in January 2006 and approved the siting of the buildings and the means of access to the site.

The applicant seeks consent for the approval of the reserved matters: appearance, scale and landscaping. The proposed development consists of 55 apartments, which are arranged in three storey blocks, with the exception of block A which is a two and three storey building. Access to the site is from Greenbrook Street, as approved by the outline consent and there would be 66 spaces, 6 disabled spaces and cycle parking provided within the car park.

This matter has been brought to committee as it includes the provision of more than 50 units.

Relevant Planning History

44150 – Outline – residential development 59 apartments at Greenbrook Mill, Greenbrook Street, Bury. Withdrawn – 25 April 2005

44834 – Outline application – Erection of 55 apartments (resubmission) at Greenbrook Mill, Greenbrook Street, Bury. Approved with conditions – 24 January 2006

Publicity

The neighbouring properties were notified by means of a letter on 26 January and a press notice was published in the Bury Times on 5 February. Site notices were posted on 6 February 2009. There has been no response.

Consultations

Highways Team – No objections

Drainage Team – No objections

Environmental Health - Contaminated land – No comments

Landscape Practice – The proposed species are either loosely defined or may be unsuitable in terms of survival.

Waste Management – The proposed bin stores are not sufficient and should be able to accommodate 12 euro bins.

Environment Agency – No objections, subject to the inclusion of a condition relating to contaminated land

GM Police Architectural Liaison – No objections

National Grid – No response

United Utilities – No response

GMPTE – No objections.

BADDAC – No comment

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises

Issues and Analysis

Principle – Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site benefits from an extant outline planning permission (44834) for the erection of 55 apartments, which was granted in January 2006.

Design & impact upon the surrounding area – The proposed development would be arranged in two blocks, which would be located along the eastern and southern boundaries. There would be a car park located centrally between the two blocks. The proposed development would be of a traditional design using stone and would be in keeping with the terraced properties which surround the site. Greenbrook Mill, which has since been demolished, was a three storey building and therefore, it is considered that the proposed building, which would be predominantly three storeys in height, would be acceptable in terms of height and scale. Therefore, it is considered that the proposed development would be in accordance with Policies H2/1, EN1/1 and EN1/2 of the adopted Unitary Development Plan.

There would be 21 metres between the habitable windows of plots 1 – 4 and Nos 35 – 39 Haslam Street. Plots 1 – 4 would be in a two storey building and therefore, the proposal would comply with the aspect standards set out in DCPGN6. There would be 22.5 metres between the proposed three storey building (plots 11 – 16) Haslam Street. The agent has agreed to move the proposed building by 0.5 metres to ensure that the proposal would comply with the aspect standards. There would be at least 23 metres between the proposed

building and the existing dwellings. It is considered that proposed development would not have an adverse impact upon the amenity of the neighbouring residents and would comply with the aspect standards set out in DCPGN6.

Boundary treatments/bin stores – The proposed development would include a variety of boundary treatments. The boundary treatment along Back Haslam Street would be 1.8 metre high metal railings and the boundary treatment along Back Chesham Road South would be a wall with metal railings, of 1.8 metres in height. It is considered that the proposed boundary treatments would reflect the existing boundary treatments in the locality. There would be a 1.8 metre timber fence located between the proposed apartments to protect the amenity of the future occupiers. Therefore, it is considered that the proposed boundary treatments would not be unduly prominent within the locality and would be in accordance with Policies EN1/2 and EN1/3 of the adopted Unitary Development Plan.

The proposed bin stores would be located centrally within the site near the turning head. The agent is currently revising the plans to accommodate a bin store of suitable size in response to the comments from Waste Management.

Landscaping – A landscaping plan has been submitted as part of the application, which identifies the areas of hard and soft landscaping. It is considered that the proposed access road and hardstanding for the car park should be constructed from a permeable surface and this will be secured by a condition. The siting of the proposed buildings and the means of access to the site was approved on the outline planning permission and it is considered that the general arrangement of the landscaping is acceptable. The Landscape Practice requires more information with regard to the proposed species and it is proposed to secure this by a condition. Therefore, it is considered that the proposed development would be in accordance with Policy EN1/3 of the adopted Unitary Development Plan.

Parking and access – Access to the site is from Greenbrook Street, as per the details submitted in the outline application. SPD11 states that for residential development, there should be 78 spaces, 4 disabled parking bays and cycle parking. The site plan indicates that there would be 66 parking spaces, 6 disabled spaces and cycle stores. The application site is located in close proximity to the town centre and has good access to public transport. It is considered that the parking provision is sufficient for the proposed development and that the highways team has no objections to the proposal. Therefore, it is considered that the proposed development is in accordance with Policies HT2/4 of the adopted Unitary Development Plan and SPD11.

The site plan indicates that there would be gates across the vehicular entrance and pedestrian gates on either side. The agent has agreed to relocate the gates across the vehicular entrance further back into the site and to allow pedestrian access to the site. As a result, the proposed development would not become a gated community and would be socially inclusive, while maintaining a secure car park. Therefore, it is considered that the proposed development would be in accordance with Policies H2/2 and EN1/5 of the adopted Unitary Development Plan.

The proposed development would provide level access to all the entrances to the building. The provision of disabled parking bays is welcomed and BADDAC has no comments to the scheme. Therefore, it is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Contributions – On sites with over 50 dwellings, a single area of recreational space should be provided within the site. Due to the layout of the site, this is not possible and there are three smaller areas. Therefore, a contribution is required for off-site recreation provision of £22,646.80. The commuted sum for recreation provision and the provision of 14 affordable units will be secured through a Section 106 agreement. The applicant will provide a piece of public art on site and this will be secured via a condition.

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 would be acceptable in terms of height, form and scale and would not be unduly prominent in the locality, subject to conditional control. The proposed development would not have an adverse impact upon the amenity of the neighbouring residents and 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 development must be begun not later than the expiration of two years beginning with the date of this permission.
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. This decision relates to drawings numbered 4188/002, HOLM/12 Dwg 01, HOLM/12 Dwg 02, HOLM/12 Dwg 03, HOLM/12 Dwg 04, HOLM/12 Dwg 05, HOLM/12 Dwg 06 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 and the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be implemented as part of the proposed development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the commencement of development, details of the element of public art to be provided on site and that would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwellings hereby approved.
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.
5. Notwithstanding the submitted plan, a landscaping scheme, including details of permeable surfacing for the hardstandings, 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.

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

Ward: Bury East - Redvales

Item 02

Applicant: Elan Homes Ltd

Location: LAND ADJACENT TO PILOT MILL ALFRED STREET, BURY

Proposal: RESIDENTIAL DEVELOPMENT - 53 DWELLINGS, ACCESS ROADS. CAR PARKING, FENCING AND ASSOCIATED LANDSCAPING

Application Ref: 50974/Full

Target Date: 21/05/2009

Recommendation: Refuse

The application is being presented to Planning Committee for refusal due to the size of the scheme being such that it cannot be refused under the rules of delegation.

Description

The application involves an area of 0.89ha formerly occupied by Pilot Mill with car parking and unused areas. It is now separated from the mill by Heras fencing following the grant of planning permission last year for residential development. The location is immediately to the south of the mill and on the easterly side of Alfred Street. The large five storey mill is mostly on the northerly side of its associated land. Its car parks are next to the frontage and northerly boundary. There is a servicing and parking area for large delivery vehicles next to the building on its southerly side and this extends up to the boundary with the application land.

Full planning permission was granted on the land on 21st May 2008 for a residential development of 70 dwellings. This includes 32 3 storey town houses on the westerly half of the site nearest to Alfred Street and 38 apartments in two 4 storey linked blocks on the easterly portion. This development was commenced and a block of 6 town houses has been built on the Alfred Road frontage with foundations work commenced on the other block of 5 such units on the remainder of this frontage. The current applicants have acquired the site following the liquidation of the previous development company and the application involves a major revision of the development apart from the completed and commenced frontage section.

The application includes a part of the previously approved scheme on the frontage of Alfred Street where one of two blocks of three storey town houses has been built and the other one has been commenced. The remainder of the proposed scheme would consist entirely of houses rather than houses and flats as with the approved scheme. There would be mostly short terraces of two storey units but with some semi-detached. However, at the far easterly end of the site the two blocks would be three storey. In total there would be 18 three storey town houses, 27 two storey town houses and 8 pairs of semi-detached houses. Access would be, as previously, by a straight cul-de-sac ending in a turning head approximately in the centre of the site. The units at the easterly end of the layout would be accessed by a staggered access way serving blocks of parking spaces. The car parking facilities would include both car parks and frontage parking giving a total of 102 spaces with no provision for disabled parking. A small area of public open space would be provided at the far south-easterly corner of the site where there is a sewer easement.

In contrast to previous planning permissions the scheme does not incorporate a separation buffer zone between the houses and the adjoining mill, although the mill service area is immediately adjacent. The two developments would be separated by a 3m high acoustic fence set less than 1m from the nearest units.

Most surrounding development is residential with houses on Alfred Street facing the site. To

the south beyond an area of disused land and a very short cul-de-sac Durham Drive there is further residential development in Alfred Street, Wiltshire Close and Hampshire Close. The disused area includes a footpath between Alfred Street and the River Roch. To the east there is a belt of open land between the site and the river a short distance away.

The application is supported by a Planning Statement, a Design and Access Statement, an Ecological Statement, a Tree Survey, a Noise Assessment, a Car Parking and Layout Assessment, a Flood Risk Assessment, a Geo-Environmental Investigation Report and Gas Monitoring Results.

Relevant Planning History

33185/97 - Outline residential development for 17 dwellings and landscaping. Approved on 18th December 1997.

41468/03 - Outline single storey warehouse (Class B8) and amended layout of existing parking and service area. Approved on 17th December 2003.

46495 - Outline residential development. Approved on 27th September 2006.

49229 - Residential development. Approved on 21st May 2008.

Publicity

99 properties were notified on 24th February 2009. These include the following:

123 -137, 128 -138, 166A -210 and Antler Ltd, Pilot Works, Alfred Street
13 and 15 Topping Street,
56 – 72 and 113 – 121 Cornwall Street,
1 – 17 and 2 - 16 Wiltshire Close,
1 – 19 and 2 - 28 Hampshire Close.
Colliers CRE, 1 Marsden Street, Manchester

Site notices were posted on 2nd March 2009 and a press notice published in the Bury Times on 5th March 2009.

An objection has been received from Antler Ltd at Pilot Mill. The company is concerned that the scheme does not incorporate the 4m buffer zone, 1,5m high landscaped mound topped by a 2.5m high acoustic fence included as part of the approved scheme. As a good neighbour the Antler would wish to avoid any future disputes with prospective residents in relation to their commercial operation at Pilot Mill. They suggest that the scheme should be amended to include the same buffer strip details as with the approved scheme.

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

Consultations

Highways Team - Recommend refusal for reasons concerning sub-standard pedestrian access, servicing access and car parking arrangements and driveways associated with specified plots.

Drainage Team - No objections.

Environmental Health (Contaminated Land/ Air Quality) - Land contamination mitigation conditions recommended.

Environmental Health (Pollution Control) - Concerned about potential disturbances from any early morning/late night movements/deliveries to/from the mill. Recommends refusal for the reason that the application does not include sufficient evidence to support the proposal to locate dwellings closer to the mill than is shown on the previously approved scheme.

Public Rights of Way Officer - Concerned that the development could lead to pressure from the prospective residents to close or alleygate the public footpath that runs on the southern boundary of the site because the path would be to the rear of proposed houses and the residents may feel threatened by the presence of the path.

Landscape Practice - No response.

Waste Management - More information is required concerning details of the waste/storage/recycling facilities.

Environmental Projects - The proposal shows rear gardens next to riverside open space

development. There should be a belt of planting in this location to provide screening of the development from the open space. Concern about the future management of the area of public open space.

Wildlife Officer - Recommends conditions to prevent harm to nesting birds due to site clearance and requiring a scheme of habitat enhancement to be produced for the enhancement of the Wildlife Corridor.

Environment Agency - Recommend conditions concerning prior approval required to details of a surface water regulation system, details of existing and proposed ground and floor levels and a design and construction scheme alongside the River Roch.

GMP Architectural Liaison - Concerns include:

- Exposed gables need protecting by defensive planting or low railings.
- The site entrance lacks natural surveillance due to lack of windows in the gable ends.
- Gardens should be set back to back to provide better surveillance from rear facades over properties to the rear.
- Parking courts are proposed that lack natural surveillance.
- Rear access paths should be provided with lockable gates to prevent unauthorized access.
- The public open space should not be pushed into the corner of the development, as shown, and would not be very well overlooked by nearby dwellings. If not well maintained it could attract crime and antisocial behaviour.

Rochdale MBC - No response

GMPT - The application should be accompanied by a Residential Travel Plan.

BADDAC - Concern that the layout has poor legibility and that the excessive use of shared surfaces would make access for disabled people difficult/dangerous. Disappointed that no lifetime homes are provided.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN4	Energy Conservation
EN4/1	Renewable Energy
EN4/2	Energy Efficiency
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
RT1/1	Protection of Recreation Provision in the Urban Area
OL5/1	Designation of River Valleys
HT5/1	Access For Those with Special Needs
OL5/3	Riverside and Canalside Development in Urban Areas
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing
PPS1	PPS1 Delivering Sustainable Development
PPS3	PPS3 - Housing

Issues and Analysis

Principle – The principle of residential development has been established because of the current planning permission for such development on the site.

The residential density of 42 units per hectare is sufficient to provide for a efficient use of

the land and achieves the minimal level set down in PPS3.

Design and Layout – It is important to note that this application site has been subject to pre-application discussions and significant concerns were made to the applicant concerning the relationship of the development to the industrial premises (Pilot Mill) to the side of the site and in terms of the poor layout indicated within the submitted plans.

These concerns were re-iterated when the plans were submitted for formal consideration by officers. The layout was considered to be still poorly laid out and advice had not been followed. The applicant had indicated that they were prepared to change the proposals when the item was prepared to be presented to the Planning Control Committee in April 2009. However these amendments would need to be significant and should be secured through the submission of a fresh planning application.

The scheme involves a series of closely built blocks of town houses and semi-detached houses, mostly two storeys but with three storey units at the westerly and easterly ends of the site. It is notable that almost all of the units would directly face car parking spaces or roadways. Moving through the scheme the townscape would be dominated by highway surfaces and parked vehicles with the easterly half served by shared surfaces for pedestrians and vehicles. Landscaping would be minimal. This would produce an unattractive and potentially unsafe environment.

The separation distance between the frontage of three of the two storey units (plots 16, 20, 34, and 38), and the blank gables of the houses opposite at 10.4m, 11.7m, 11.8m and 11.5m would not be sufficient to provide a satisfactory aspect. Using the advice in the supplementary guidance for residential extensions SPG6 as a yardstick, this distance should not be less than 13m. There is a similar concern about the aspect from the rear elevations of the two storey units 19 to 23 towards the frontages of the three storey houses behind them. This distance would vary from 20.9m down to 19.5m. This compares with the SPG6 advice where the separation for such a situation for domestic extensions where principle elevations face each other and one of the properties is one storey higher than the other, should amount to 23m.

The only area of public open space would be a small area in the far corner of the development and set next to car parking spaces. It is unclear how maintenance of this space would be ensured and there is likely to be conflict between any use of it for ball games and the adjacent car parking.

Overall, the residential environment that the proposed would create would fail to provide a good quality residential environment and the proposal would conflict with the objectives of Policy H2/2 and DCPGN 16.

Separation from Pilot Mill – Pilot Mill will continue to be operated as an industrial premises next to the residential development with facilities such as a service area for HGV's and a boiler house located in close proximity to the application site. To avoid an undue impact on the prospective residents from noise and activity at the mill the original outline consent stipulated by a condition a requirement for a 10m wide buffer zone to help protect the housing. With the subsequent approved detailed consent ref.49229 this distance was reduced to 4m but included a continuous 1.5m high landscaped bund with a 2.5m high acoustic fence on top and was stipulated by condition 10. In contrast, the current application makes no provision for a buffer zone and the residential units would be protected by a 3m high acoustic fence with trees 15 trees shown to be planted within the private plots next to the fence. This relationship would create a poor, harsh environment to the future occupants and in terms of the layout of the site is considered to be unacceptable.

Residential Amenity – The relationship with nearby housing would be similar to that of the approved scheme. The units facing houses on the opposite side of Alfred Street are the same as on the approved scheme while there is a strip of land about 12m wide that separates the site from houses in Wiltshire Close and Hampshire Close to the south where the houses have only side gables facing the site. As such it is considered that the

development with this nearby housing is acceptable.

The residential amenity of the future occupiers within the site would be unacceptably compromised due to poor layout and inadequate separation within the site between dwellings. This situation has been raised with the applicants both before and after the submission of this scheme, but has not been properly addressed. As such the proposals would fail on UDP Policy H2/2 - The Layout of New Residential Development.

Recreation Provision – One minor area of public open space would be provided within the layout. However, in order to secure compliance with Policy RT2/2, the applicant is willing to complete a s.106 Agreement requiring the payment of a commuted sum payment of £45,178.74 towards off site provision. This method of satisfying the requirements of the policy should only be acceptable for developments of under 50 units. However, in this case, there are extensive recreational areas nearby which would be maintained by the Council. In the circumstances, the s.106 contribution would be acceptable in terms of satisfying the recreation provision requirements.

Public Artwork – The applicant is willing to complete a s.106 Agreement to make a £25,539 contribution towards artwork provision in the Borough and thus satisfying the requirements of Policy EN1/6.

Affordable Housing provision – In order to secure compliance with Policy H4/1 the developer needs to provide 25% of the dwellings as affordable housing and this would need to be secured through a s106 Agreement. The applicant has declared a willingness to complete such an Agreement.

Car Parking/Access - Originally the site included an area of car parking for the mill and the outline consent included a condition requiring this to be replaced. This has been carried out on the northerly side of the building where the significant new car park compensates for the provision lost as a result of the development.

There would be 102 parking spaces provided for the 53 units and this compares with the maximum level of 157 spaces set down in DCPGN11 for the proposed level of development. The provision of about 2 spaces per unit with 48 three bed houses and 5 two bed is considered to be adequate to serve the needs of the occupiers and for visitors and within the maximum standard. Thus in terms of the amount of provision the number of car parking spaces is considered to be in compliance with the Council's current standard.

With regard to the car parking provision the principle concerns are the dominance of car parking within the public areas of the layout and issues concerning the details of parts of the provision which detrimental to highway safety and free flow of traffic. This is where the position of particular parking spaces would require vehicles to make unnecessary manoeuvres on the highway.

There are also concerns about sections of the layout where sub-standard pedestrian access and servicing arrangements would lead to unacceptable conflicts between pedestrians and vehicles and lead to service vehicles parking and carrying out unnecessary manoeuvres on the highway to the detriment of the free flow of traffic and highway safer. Furthermore, a number of driveways would have insufficient footway visibility which would be detrimental to pedestrian safety.

Due to the shortcomings of the scheme in terms road safety and detriment to the free flow of traffic it is considered that the application should be refused.

River Valley/Wildlife Corridor - The easterly boundary is set to a line beyond which Policies OL5/1 and OL5/3 River Valleys/Riverside Development apply. The River Roch with a riverside footpath is only a short distance away in this direction. This is also the edge of a Wildlife Corridor (Policy EN6/4). There would be no direct access into the riverside area from the site. However, the footpath beyond the southerly boundary of the site provides

good access from the Alfred Street frontage.

The site boundary on the easterly side has, just next to it, a wide zone of thick vegetation before the more open riverside area is reached. This would act as a natural buffer to the development that is outside the application site and is not affected. No extra treatment should be required here as part of the development. Two block of three storey town houses have rear gardens about 7m long ending at this boundary where there would be a development boundary fence (1.8m high timber boarded fence) to the boundary with the river valley and Wildlife Corridor land.

Sustainable Development - Any planning permission should include a condition requiring the development to meet the Code for Sustainable Homes of a pass rate greater than zero. This could be secured through the imposition of a planning condition.

Secure Design - In terms of the natural surveillance issues raised by GMP the situation is compatible to that on the currently approved scheme. The majority of the car park areas shown are, in fact, overlooked by properties. The small public open space area is of concern regarding its relationship to the scheme but being right at the back of a sizeable enclosed development it is felt that the concerns about crime and anti-social behaviour are unlikely to be borne out. The provision of lockable gates to rear access paths is a matter for the prospective residents to implement if they consider that there is a need.

Recommendation: Refuse

Conditions/ Reasons

1. The design and layout of the development would result in the public realm within the scheme being excessively dominated by highway surfaces, parking areas and the presence of parked vehicles with insufficient visual relief from landscaped open space. Therefore, the development would not provide a good quality residential environment and, as such, it would be contrary to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan and the associated Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury.
2. The aspect distances that would be available to the houses directly opposite from the front elevations of the houses at plots 16, 20, 34 and 37 and from the rear elevations of those at plots 20 to 23 would be insufficient to avoid an overbearing relationship and, in the case of plots 20 - 23, it would not be sufficient to ensure an adequate level of privacy. The proposal, therefore, fails to secure a good quality residential environment for the units in question and, therefore, conflicts with Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.
3. The proposed development includes inadequate provision for the protection of the residential units from activity at the adjoining industrial premises to the detriment of the amenities of the prospective residents. The development would, therefore, be contrary to the following policies of the Bury Unitary Development Plan:
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
H3/2 - Existing Incompatible Uses
EN7/2 - Noise Pollution.
4. The proposed pedestrian access arrangements to Plots 16 – 38 are sub-standard, which is likely to lead to unacceptable conflicts between pedestrians and vehicles to the detriment of pedestrian safety contrary to the following policies of the Bury Unitary Development Plan:
H2/2 - The Layout of New Residential Development

H6/1 - Pedestrian and Cyclist Movement
H6/2 - Pedestrian/Vehicular Conflict

5. The proposed servicing arrangements for Plots 16 – 35 are sub-standard and are likely to lead to service vehicles parking and carrying out unnecessary manoeuvres on the highway to the detriment of the free flow of traffic and road safety contrary to Policy H2/2 - The Layout of New Residential Development.
6. The proposed parking arrangements for Plots 7, 12 -15, 36 - 38, 42 & 53 indicated on the submitted plans are sub-standard and are likely to lead to vehicles parking and carrying out unnecessary manoeuvres on the highway to the detriment of the free flow of traffic and road safety contrary to the following policies of the Bury Unitary Development Plan:
H2/2 - The Layout of New Residential Development
H2/4 - Car Parking and New Development.
7. The driveways to Plots 12, 16 & 42 are sub-standard in terms of footway visibility, which would be detrimental to pedestrian safety contrary to the following policies of the Bury Unitary Development Plan:
H2/2 - The Layout of New Residential Development
HT6/1 - Pedestrian and Cyclist Movement
HT6/2 - Pedestrian/Vehicular Conflict.
8. The development does not make sufficient provision for the needs of persons with special needs in respect of the following matters:
 - An excessive use of shared surfaces for pedestrians and vehicles
 - The layout has a poor level of legibilityThe proposal is, therefore, contrary to the following policies of the Bury Unitary Development Plan:
H2/2 – The Layout of New Residential Development
HT5/1 – Access for Those with Special Needs.

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

Ward: Bury West - Church

Item 03

Applicant: Greenhill Primary School

Location: GREENHILL CP SCHOOL, MILE LANE, ELTON, BURY, BL8 2JH

Proposal: SINGLE STOREY EXTENSION TO FORM NEW ADMIN / FRONT ENTRANCE;
INTERNAL ALTERATIONS

Application Ref: 51074/Full

Target Date: 07/05/2009

Recommendation: Approve with Conditions

Description

The site is an existing single storey primary school with playing fields to the north and play ground to the east. There are footpaths or roads on all four sides of the school with mainly residential properties beyond.

The proposal is for a 7.2m x 7.7m single storey extension at the front of the existing main entrance door on the elevation facing Mile Lane. There is a sloping access path from the door to maintain full accessibility for all. The extension is to create a secure lobby area, office and interview room at the front of the school. The plans also show other alterations to the internal layout of the school that do not require planning permission,

Relevant Planning History

None

Publicity

The occupiers of the following addresses were notified of this application by letter on the 16th March 2009; 12-16 Ribbleton Close; 29-31 Bispham Close; 51-59, 60 & 66 Mile Lane; 13 & 16 Rivington Drive and 12 & 14 Anderton Close. A letter of representation has been received from 55 Mile Lane which has raised the following issues:

- The proposed use of Cedar cladding is not suitable. It has been used on various other new buildings in Bury and soon loses its colour and quickly looks shabby.
- The infant playground has been recently extended with the loss of trees and shrubs. She would like them replaced to enhance the surrounding area and act as a sound barrier.

The objector has been informed of the Planning Control Committee.

Consultations

Highways Section – No objection

Drainage Section – No objection

BADDAC – No objection

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

CF2 Education Land and Buildings

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

SPD11 Parking Standards in Bury

Principle -The proposed extension is to an established school building within its own grounds. Therefore the principle of an extension is acceptable subject to considerations of its impact on parking; access for all, visual and residential amenity pursuant to Bury Unitary Development Plan Policy CF2 - Education Land and Buildings.

Parking – The position of the extension does mean the loss of two car parking spaces at the front of the school. However the remaining 18 car parking spaces is more than the maximum 14 required by Development Control Policy Guidance Note 11 – Parking Standards in Bury. Therefore the proposal is considered acceptable in terms of parking pursuant to Bury Unitary Development Plan Policy HT2/4 - Car Parking and New Development.

Access for all – The proposal includes a sloping path to the new doors that complies with the requirements set out in Approved Document M of the Building Regulations. Therefore the proposal is considered acceptable in terms of access for all pursuant to Bury Unitary Development Plan Policy HT5/1 - Access For Those with Special Needs.

Visual Amenity – The proposed extension maintains the design of the existing school building with a standing seam metal roof slope. The brickwork and windows are to match the existing materials. The proposal does introduce a new material with cedar cladding to two walls. However this addition is not considered to have a detrimental effect on the appearance of the school. Therefore the proposal is judged acceptable in terms of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.

Residential Amenity – The position of the extension is over 20m to the boundary of the school grounds and the nearest residential property is over 45m away. Therefore the proposal is considered acceptable in terms of residential amenity.

Comments on Representations – There is undoubtedly different opinions on the use of materials. However the choice of timber cladding is acceptable in this location as it helps to identify the position of the entrance and would not look so out of place as to be a justifiable reason to refuse permission for a scheme. The loss of the trees and shrubs when the playground was extended is not a consideration in the determination of this application.

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 not harm the character of the area nor the amenities of neighbouring residents. The scheme includes adequate parking provision and will not adversely impact on highway safety issues.

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 1112-01-P-01A; 1112-01-P-02A; 1112-01-P-03; 1112-01-P-004 & 1112-01-P-05 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 Bury UDP Policy EN1/2 - Townscape and Built Design.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory

development pursuant to Policy EN1/2 - Townscape and Built Design of Bury
Unitary Development Plan.

For further information on the application please contact **Janet Ingham** on **0161 253 5325**

Ward: North Manor

Item 04

Applicant: Mr Peter Hall

Location: LAND SOUTH OF RAMSBOTTOM ROAD, HAWKSHAW, BURY (ADJ BOLTON/BURY BOUNDARY)

Proposal: 3 STABLES AND FEED/HAY STORE AND CREATION OF NEW ACCESS

Application Ref: 50886/Full

Target Date: 20/03/2009

Recommendation: Approve with Conditions

This application was deferred from the March Planning Control Committee for a site visit to be held.

Description

This application follows two previous applications for stables, refused in October 2008 and in January 2009. The former was for stables and a new access at the southern end of the field, adjacent to Turton Road. This was refused on grounds that the new access would be unsafe without the removal of an extensive section of hedging which in turn would open up the site to the detriment of visual amenity and Green Belt policy. The second application involved the site of the current proposals. The submitted plans were unclear and thus the scheme was refused on grounds of insufficient information. The plans for current scheme are clearer and can be more accurately assessed.

The proposed stables would be located in a field (approx 4.2ha) on the south side of Ramsbottom Road close to the border with Bolton and Blackburn. The site which has 100m frontage onto Ramsbottom Road is located in the open countryside within West Pennine Moor and the Green Belt and is classed as an area of Special Landscape within the UDP. The field slopes up from the Ramsbottom Road to Turton Road on the northern boundary and there is a public footpath running between Turton Road and Ramsbottom Road adjacent to the eastern boundary. A small stream runs along the southern boundary which has a sporadic hedgerow and a number of semi-mature trees.

The proposal has three main elements, the stables, and the associated hardstanding and the new access.

The timber clad stable block would comprise three horse boxes and a tack and feed store with a concrete apron and a crushed stone turning area to the side. The block would be situated adjacent to the Ramsbottom Road boundary behind the existing hawthorn hedge and trees. A 1.2m timber post and rail fence would run around the stables and hardstanding. The stables would accommodate the applicant's three horses, all of which have horse passports.

The new access would be formed to the east of the existing lay-by. It would bridge over the small stream and run approximately 17m into the field to form a turning area made up of crushed stone. In order to accommodate the access a section of hedging needs to be removed and it is indicated that new hedging would be planted between the stables and Ramsbottom Road and along that section of the boundary to the rear of the lay-by that does not at present have a hedge along it. It is also indicated that there would be additional tree planting to the west of the stables and new grass seeding where the land would be disturbed by construction work.

Relevant measurements:

Stable block - Length 14.2m

Width 5.2m.
Ridge Height 3.4m.
Concrete apron - 18.5m x 3.6m (approx)
Parking/hardstanding - 14m x 14m
Width of access onto Ramsbottom Road - 6.1m

Relevant Planning History

50731 - Stables and new access - Refused 1/10/2008
50347 - Stables and new access - Refused 1/10/2008

Publicity

Site notice posted 27/1/2009 and press advert placed in Bury Times 29/01/2009.
Surrounding neighbours notified by letter dated 23/01/2009 at 10 - 20(evens) Ramsbottom Road, 253 Bolton Road and Old Water Fold Bradshaw Road - Three letters of objection from the occupiers of Old Water Fold, 320 Turton Road, Bradshaw Road, 48 Freckleton Drive and 253 Bolton Road. The concerns are summarised below:

- The development would increase the chance of accidents on what is a dangerous stretch of road where accidents have occurred recently.
- There is not enough level ground to exercise horses.
- The access/turning space would increase run-off onto the road.
- Risk of pollution to nearby water courses.
- The development would have a detrimental impact on the Green Belt.
- The development would have a detrimental impact on the ecology of the area.
- Approving this development would set a dangerous precedent for similar in future.

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No comment.

Public Rights of Way Officer - No objection.

Environment Agency - No objection subject to prior approval of manure storage facility..

Greater Manchester Police Architectural Liaison - No comment.

Bolton MBC - No comment.

Wildlife Officer - No objection subject to a habitat enhancement plan for the site.

Blackburn and Darwen Borough Council - No objection.

Baddac - No comment.

Unitary Development Plan and Policies

OL7/2 West Pennine Moors
OL1/2 New Buildings in the Green Belt
EN1/1 Visual Amenity
OL4/7 Development Involving Horses
EN9/1 Special Landscape Areas
SPD10 Planning for Equestrian Development
HT2 Highway Network
HT4 New Development
PPS7 PPS 7 Sustainable Development in Rural Areas
PPG2 PPG2 - Green Belts
SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

Issues and Analysis

Principle - The principle of stables in the open countryside is acceptable. National guidance within PPG2 Green Belts states that essential facilities for outdoor sport and recreation and which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it are considered to be acceptable.

PPG2 indicates that visual amenities of the Green Belt should not be injured by proposals

for development within the Green Belt, which although would not prejudice the purposes of including land within it, might be visually detrimental by reason of siting, materials or design.

PPS7 Sustainable Development in Rural Areas recognises that equestrian activities can fit well into rural areas and benefit the local economy subject to various siting and design criteria which is reflected in the Council's own Development Control Guidance Note 10 Planning for Equestrian Development.

UDP Policy OL4/7 - Development Involving Horses states that the keeping of horses for recreational purposes will be considered acceptable where it would not have an adverse impact on the appearance of the rural area. The policy is supported by Supplementary Guidance Note No.10 - Planning for Equestrian Development. The guidance indicates that stables should be sited close to boundary planting to afford appropriate screening. They should be at least 30m away from houses to protect residential amenity and have a good access to roads and riding routes. They should be well designed and of an appropriate size and constructed in traditional materials such as timber. There should be enough land to support the number of horses to be housed within the stables - the British Horse Society recommends 1 acre per horse.

Policies EN9/1 and OL7/2 relate to Special Landscape Areas and to the West Pennine Moors respectively and state that development should be managed to reduce any detrimental impact on the character of the area.

As the site falls within an area of grassland that may have ecological value, Policy EN6/3 is also relevant. This policy states that land use changes on existing features of ecological value should be taken into account when assessing development proposals.

Impact on the Openness of Green Belt - In terms of siting, the proposed stable block is generally in line with advice in the adopted Supplementary Guidance Note No.10 - Planning for Equestrian Development, in that the building would be positioned behind existing boundary tree and hedge planting and set down from the skyline in the lower section of the field. The site is sloping and in line with advice in SPG 8 - New Buildings and Associated Development in the Green Belt, the stable building would be parallel with the contours of the field and the cut and fill required on the southern side of the site would, with additional proposed tree and hedge planting reduce the overall visual impact of the development on the openness of the Green Belt and character of the surrounding countryside. The field is undulating as it slopes down from Turton Road and as such the stable block would be viewed intermittently by the public walking in a northerly direction along the public footpath that runs along the side of the site between Turton Road at the upper end of the field and Ramsbottom Road. However, the impact would be mitigated by the fact that views would be from higher ground, across the top of the stables and set against the backdrop of surrounding trees and hedges. The field in which the stables would be located is currently grazed by horses and it would not be considered unusual or incongruous to see stables of this size within the locality.

The stables would be of a conventional design, being constructed in timber and stained dark brown with a mono-pitched shallow sloping roof. The horse boxes and tack room are of average size and not over large. The proposed access and turning area would be surfaced with a crushed local stone or a mesh to allow grass to grow through to be agreed with the Local Planning Authority. Given the scale, design and location of the stables within the field, it is considered that the development would not have a significantly detrimental impact on the openness of the Green Belt or character of the West Pennine Moor.

Residential Amenity - It is noted that there are no residential properties in the immediate vicinity with views directly onto the site and the closest property is approximately 100m away to east. This separation distance is considered to be adequate.

In terms of the ecology of the area, the site is within a mosaic of various grassland which

may have ecological value. However as the development is small scale it is not considered that the development would have a seriously detrimental impact on ecology. It is considered sufficient to attach a condition requiring an ecological survey prior to commencement of development and mitigation measures implemented if required.

Drainage - For a development of this scale, the proposed timber sided, bunded manure container on a concrete base is considered to be sufficient to store waste without causing concern in terms of pollution. Notwithstanding this, it is considered appropriate to attach a condition to any approval requiring prior approval of the details of the proposed manure store. Any details would be checked by the Environment Agency and the Council's Environmental Health section. Water run off from the site and stables in particular is unlikely to be significant and should not adversely affect nearby watercourses. Separate permission from the Environment Agency will be needed for the proposed culvert under the access point.

Highways - Ramsbottom Road has a 40mph speed limit. A development of this nature on this section on road would be required to obtain 2.4x90m visibility splays. The required visibility splays can be achieved with the removal and replanting a section of hedgerow along the frontage. The presence of the existing lay-by, adjacent to the proposed access, should not unduly interfere with the proposed access arrangements.

Objections - The concerns relating to the visual amenity and Green Belt have been addressed above and it is considered that a modest stable block could be located within the field without detrimentally affecting the openness of the Green Belt or visual amenity of the locality. With regard to drainage, the access and turning area would be constructed of permeable materials which would reduce runoff to the road. Any run off from the stables and concrete hardstanding would not be significant enough to cause concern either to the highway or nearby watercourses. As stated above, the timber sided bunded manure store is considered to be adequate but would be subject to an appropriate condition of any approval and in turn checked by the Council's Environmental Health section.

Concerns about highway safety are valid particularly in view of recent traffic accidents. However the proposed visibility splays are considered to be adequate in this location and as such there are no sustainable reasons for refusal on highway grounds. The fact that there have been car accidents on this stretch of road in the recent past does not change this view.

With regard to ecology, although the site is within a mosaic of grassland, it is modest in scale and would have a negligible impact. Any approval however would be subject to a condition requiring an Habitat Enhancement Plan which requires the applicant to implement a landscape plan that would encourage wildlife and mitigate any loss of wildlife habitat that comes about from the development.

The application and plans are considered to comply with the UDP policies listed.

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 stables are considered to be acceptable in terms of the siting, design and impact on the neighbouring properties and the surrounding countryside and complies with UDP policies listed and DC Guidance Note 10 - Planning for Equestrian Development. 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 19th January 2007 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. The stables hereby permitted shall be used for the domestic purposes only. They shall not be used in part or whole for any commercial livery, equestrian or other use.
Reason: In the interests of amenity having regard to the location of the site pursuant to Policies OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
4. Samples of the materials to be used in the external elevations and surfacing 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.
5. Full details of the planting scheme which will form a Habitat Enhancement Plan for the proposed grassland, hedges and trees on the approved layout plan 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 stables are completed; and any plants removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of ecology and visual amenity pursuant to UDP Policies EN1/1 - Visual Amenity, EN6/3 - Features of Ecological Value and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. No development approved by this permission shall be commenced until, a scheme for the containment and storage of manure, has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed, in accordance with approved plans.
Reason: To prevent the pollution of the environment pursuant to Policies OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
7. No vegetation clearance shall be carried out on the site between 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.
Reason: To protect reduce the impact on the flora and fauna of the site.
8. Any soil or soil forming materials brought to site for use in landscaping and filling shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human

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

9. 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.

10. The visibility splays indicated on the approved plan 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.

11. 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.

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

Ward: North Manor

Item 05

Applicant: Co-operative Group

Location: 19-21 HOLCOMBE BROOK PRECINCT, LONGSIGHT ROAD, HOLCOMBE BROOK, RAMSBOTTOM, BURY, BL0 9SH

Proposal: 2 NO. EXTERNALLY ILLUMINATED FASCIA SIGNS; 1 NO. INTERNALLY ILLUMINATED PROJECTION SIGN

Application Ref: 51114/Advertisement

Target Date: 12/05/2009

Recommendation: Approve with Conditions

Description

The site is the Co-op store which is located at the end of a row of shops in Holcombe Brook precinct which is a local shopping centre as identified in the UDP as Policy S1/4 - Local Shopping Centres.

The application is for replacement of the existing signage with the new corporate colours of green background with dark blue and white lettering. The fascia sign to the front elevation is 11m wide and 0.75m high and to the side 3.4m wide and 0.75m high with both being externally illuminated by trough lighting. The internally illuminated projection sign has an area 0.63m by 0.75m and would be 2.5m from ground level.

Relevant Planning History

47853 – Externally illuminated shop fascia signs and window vinyls to front and poster frame to side – Approved conditionally 23/05/07 at Planning Control Committee.

Publicity

Notification letters were sent to businesses within the precinct, Flats 2-16 Brookfield House, Bolton Road West, 399-407 & 437-447 Bolton Road West, 2,2a,7,9,11,13,15,17,19,21 Longsight Road, 1 Hunters Green. One objection has been received from 11 Longsight Road who are opposite. Their comments are summarised below:-

- they objected to the last application
- they do not want more light coming into their house
- the Co-op flaunt the agreed timings

The objector has been notified of the Planning Control Committee.

Consultations

Traffic Section - comments awaited

Unitary Development Plan and Policies

EN1/9 Advertisements

Issues and Analysis

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

Visual and residential amenity - This type of signage is common to commercial property and will not appear out of place on a row of existing businesses some of which have illuminated signs.

The new colour scheme does have more visual impact than the existing but as the residential properties opposite are 35m away and separated by a busy road and car park it

is considered that the signage would not have any serious impact on their visual amenity. This is emphasised by the fact that the fascia signage to the front would see a reduction in length of the external trough lighting. As with the previous approval to protect residential amenity a condition is attached controlling the hours of illumination and as such will accord with UDP Policy EN1/9 - Advertisements.

Highway Safety - The level of illumination and position of the signs are such that they will not interfere with either motorists or pedestrians and as such will accord with UDP Policy EN1/9 - Advertisements.

Response to objection – The premises has been a shop for a long time and although the hours of opening hours are not controlled by planning condition. The hours of illumination are and any reported breach of this condition would be investigated by the Enforcement Team. The last complaint was received regarding opening hours was on 10/12/2007 and a letter was sent to the Co-op reminding them of the illumination condition. No complaints have been recorded since that date.

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 proposals are similar in scale and impact to the current advertisement display and these are judged to have no adverse impact on highway safety or the visual amenity of the area.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The signage shall be illuminated only between the following hours:- 0700 hrs to 2200 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/9 - Advertisements of the Bury Unitary Development Plan.

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

Ward: Prestwich - Sedgley

Item 06

Applicant: Manchester Maccabi CSC

Location: MANCHESTER MACCABI CSC, BURY OLD ROAD, PRESTWICH, M25 0EG

Proposal: VARIATION OF CONDITION NO. 5 OF PLANNING PERMISSION 46066 AND APPEAL REF: APP/T4210/A/07/2037735/NWF TO EXTEND THE LATEST TIME FOR THE USE OF FLOOD LIGHTING WITHIN THE ALL WEATHER SPORTS PITCHES AREA FROM 21:00 HOURS TO 22:00 HOURS

Application Ref: 51051/Full

Target Date: 12/05/2009

Recommendation: Approve with Conditions

Description

The application concerns a sports complex at Brooklands on Bury Old Road, Prestwich by Manchester Maccabi CFC. The site is accessed from Bury Old Road and includes a large area between Bury Old Road and Park Road. The facilities on site include a clubhouse, associated parking, 2 all weather sports pitches and 2 football pitches.

The site has boundaries with residential properties in Park Road to the east, Oakfield to the north, Woodthorpe Grange, Woodthorpe Court and Castle Hill Road to the south. The all weather pitches are on the northerly side of the complex between 10m and 15m from this boundary. The nearest houses are in Oakfield and the closest residential boundary is about 16m from a corner of the all weather pitch area where there would be a floodlight unit. The house itself would be over 40 metres away. The nearest Park Road house gardens are about 84m from the pitches in question with a distance of about 50m from garden boundaries in Woodthorpe Grange. The four floodlighting columns would consist of 9m high columns each supporting a 2kw lamp, which would provide 125 lux at ground level.

Planning permission was granted for the all weather pitch, floodlighting and clubhouse with associated car park in May 2006. The application was approved subject to conditions, which included the following condition:

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

An application was made in July 2006 to vary this condition to allow the lighting to be used until 22:00 on any day. This application was refused as the proposal would be detrimental to the amenity of the occupiers of surrounding residential properties. An appeal was submitted by the applicant and the appeal was allowed, subject to the following condition:

For the period till the end of August 2008 the floodlights to the all weather pitches shall not be illuminated later than 2200 hours on any day. After this period, unless a later time is agreed in writing with the local planning authority, the floodlights shall not be illuminated after 2100 hours on any day.

Therefore, the floodlights can be used until 2100 hours on a daily basis. The applicant seeks permission to extend the time for use of the floodlighting to the all weather pitches from 2100 hours to 2200 hours on any day.

Relevant Planning History

46066 – 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; 2 no. storage containers; access paths to pitches and revision to part of car parking layout at Manchester Maccabi Community Sports Club, Bury Old Road,

Prestwich. Approved with conditions – 26 May 2006

46553 – Two tarmac tennis courts with fencing at Manchester Maccabi Community Sports Club, Bury Old Road, Prestwich. Refused – 6 September 2006. Appeal dismissed 30 July 2007

46544 – Amendment to condition 5 of planning consent ref 40947 & condition 5 of planning consent ref. 46066 for the all weather sports pitches to be used with floodlights up to 2200 hours on any day in lieu of 2100 hours at Manchester Maccabi Community Sports Club, Bury Old Road, Prestwich. Refused – 6 September 2006. Appeal allowed – 30 July 2007

48012 – Alterations to entrance & first floor meeting rooms at Manchester Maccabi Community Sports Club, Bury Old Road, Prestwich. Approved with conditions – 18 June 2007.

Publicity

The surrounding properties were notified by means of a letter on 20 March. One letter of support has been received from Manchester Jewish Community Centre, which has raised the following issues:

- Important secure facility for use by the Jewish Community
- The Maccabi CSC is run in a professional manner

Five letters of objection have been received from the occupiers of 11 Oakfield, 9, 14, 16 & 17 Woodthorpe Grange, which have raised the following issue:

- But problem with noise and light pollution.
- Noise at all times of day from participants and supporters.
- Some of the spotlights are shining directly into residents homes.
- Lights could possibly be repositioned.
- Lights still on after 10pm, even during the one year trial period.
- Often no-one on the pitch after 8pm.

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

Consultations

Highways Section – No objections

Drainage Section – No objections

GM Police Architectural Liaison – No response

Unitary Development Plan and Policies

H3/2 Existing Incompatible Uses

EN7 Pollution Control

EN7/2 Noise Pollution

RT3/5 Noisy Sport

Issues and Analysis

Impact upon the surrounding area – The primary issue concerns the impact of the proposed change on the amenity of residents living next to this sports development.

It is considered that although the current application will be determined on its own merits, the planning history on the site and therefore, the Inspector's decision on the recent appeal is a material planning considerations in the determination of this planning application.

Policy H3/2 seeks to control the operation of adjacent uses in order to minimise areas of conflict and potential nuisance.

Policy EN7 seek to control and reduce environmental nuisance and pollution levels associated with a development by limiting the impact of pollution where possible.

Policy EN7/2 seeks to limit noise pollution and will not permit development which could lead to a unacceptable noise nuisance to nearby occupiers.

Policy RT3/5 states that noisy sports will not be permitted unless the use would not have an unacceptable effect on the amenity of surrounding areas, particularly residential areas.

The floodlighting to the external all weather pitch area has potential to disturb the peaceful enjoyment of residential properties. This impact would be particularly intrusive in the evening period with noise from the play being more noticeably against a lower level of background noise and at a time when residents would not be expected to have to endure a significant level of disturbance from noise and light pollution.

In order to ensure a suitable balance between the reasonable needs of the club for early evening use and those of the residents for the peaceful enjoyment of their homes in the later part of the day, a condition was included, which set a time limit of 2100hrs for the illumination of the pitches.

The properties on Oakfield would be the closest to the floodlighting. The rear gardens of No. 15 Oakfield would be some 16 metres from the floodlight and the dwelling would be a further 30 metres away and there are dense trees and bushes along the boundary with these properties. The dwellings on Park Road are 100 metres from the all weather pitches and the properties on Woodthorpe Grange are 53 metres from the all weather pitches. There is planting on the boundaries with the properties on Park Road and Woodthorpe Grange. It is considered that the distances involved and the screening from the existing trees and bushes along the boundaries would ensure that any adverse impact from the floodlights would not be significant.

The proposed extension of the hours would result in teams using the all weather pitches between the hours of 2100 and 22 hours. During this time there is a lower level of background noise. However, the sports club on site and its security lights are in use until 2330 hours and the Woodthorpe Grange public house, directly to the north of the site is licensed to be open from 8:00 am until 3:00 am seven days a week. Therefore, it is considered that the proposed extension of the hours of use of the floodlights and the all weather pitches would not add significantly to the level of noise within the area.

The objectors have raised concerns with regard to the floodlights being in use, with no-one on the pitch. As a result, it is proposed to place a condition, which would ensure that the floodlights are only on when the pitch is being used. It is considered that the use of the floodlights and all weather pitch until 2200hrs would not have a significant adverse impact upon the amenity of the surrounding residents. Therefore, the proposed development would be in accordance with Policies H3/2, EN7, EN7/2 and RT3/5 of the adopted Unitary Development Plan.

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 would not have a significant adverse impact upon the amenity of the neighbouring residents.

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 Location plan, 8954/35/A 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. 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.
4. 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.
5. 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.
6. The floodlights to the all weather pitches shall not be illuminated later than 2200 hours on any day.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policy(ies) of the Bury Unitary Development Plan:
Policy H3/2 - Existing incompatible uses
Policy EN7 - Pollution Control
Policy RT3/5 - Noise sport
7. 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.
8. Notwithstanding the provisions of plan number 4391. 36. rev. B, the siting of the steel storage containers shall be agreed in writing with the Local Planning Authority and shall remain in such an agreed position unless an appropriate planning permission is granted for their siting elsewhere or otherwise removed in accordance with condition 7 of this planning permission.
Reason: - In the visual and residential interests of the site and pursuant to UDP Policy RT1/2/13 - Improvement of Recreation Facilities - Brooklands, Prestwich.

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

Ward: Prestwich - Sedgley

Item 07

Applicant: The Rico Group Ltd

Location: RICO HOUSE, GEORGE STREET, PRESTWICH, M25 9WS

Proposal: CAR PARK AT FRONT TO FORM 10 NO. PARKING SPACES

Application Ref: 51058/Full

Target Date: 28/04/2009

Recommendation: Approve with Conditions

Description

The application site consists of an existing office block, which is located centrally within the site. There is a grassed area to the front of the building and the existing car park is located to the south of the building. The car park is accessed by off George Street. The application site is located within an employment generating area and there is a history of parking issues within this area.

On the opposite side of George Street, there are residential properties, which are at a higher level than the application site. The majority of the dwellings have parking facilities and therefore, the majority park on George Street. There is an overflow car park, which is owned by the hotel, which is located to the west of the site. The land to the south and east forms part of the Mountheath Industrial Estate.

The applicant seeks permission for the formation of a 10 space car park at the front of the site. A new access would be formed off George Street to the east of the building and the existing access point onto George Street would be used as the exit point. A one way system would be put into place and signage would be installed. The existing access onto George Street would provide access into and out of the existing car park and an exit route for vehicles from the new car park.

Relevant Planning History

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

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

Publicity

The neighbouring properties were notified by means of a letter on 6 March 2009. One letter has been received from the occupiers of 18 George Street, which has raised the following issues:

- It is difficult to negotiate the junction of George Street and Bury New Road at rush hour.
- The proposal would slow down traffic on an already congested road
- The impact of the proposal on pedestrian safety
- Extra spaces were used previously to the rear of the existing car park.
- All of the trees have been cut down.

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Team – No objections, subject to the inclusion of a condition relating to the provision of signage.

Drainage Team – No objections

Environmental Health – Contaminated land – No objections, subject to the inclusion of a condition relating to contaminated land

GM Police Architectural Liaison – No objections.

BADDAC – Welcome the provision of disabled parking bays.

Unitary Development Plan and Policies

EC3/1 Measures to Improve Industrial Areas

EN7 Pollution Control

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

Issues and Analysis

Highways issues - Policy EC3/1 states that the Council will be especially concerned with improving older industrial premises and will encourage where appropriate measures to improve access, servicing and car parking arrangements amongst others.

The proposed development would form a 10 space car park at the front of an existing office building. There would be no increase in the floorspace of the office building and as a result there would be no intensification of the use of the building. The Design & Access Statement refers to an existing problem with parking in the area, as residents and visitors have to park on street. The applicant has looked at rationalising the existing layout of the car park at the rear to accommodate more spaces. However, this has not been possible due to the position of the access to the car park, the emergency exits from the building and access for delivery vehicles. Therefore, it is considered that the proposed development would create additional car parking spaces, which would alleviate the pressure on on-street parking, which would be of benefit to the amenity of the local residents. Therefore, the proposed development would improve access and parking arrangements and would be in accordance with Policy EC3/1 of the adopted Unitary Development Plan.

The proposed car park would utilise the existing access off George Street and a second access would be created to the east of the building. It is considered that there would be adequate visibility at the new access point and the existing access point. The highways team has no objections, subject to the inclusion of a condition requiring signage for the one way system to be put into place.

SPD11 states that the maximum parking standards for an office use (B1) consist of 1 space per 35 square metres, 2 disabled bays and cycle parking. There is 1111 square metres of floorspace within the existing office building and therefore, there should be a maximum of 32 spaces, 2 disabled bays and cycle parking. The proposed development would result in 36 spaces and 2 disabled bays.

The provision of two disabled bays in close proximity to the main entrance of the building is welcomed. There are double yellow lines along the southern edge of George Street and therefore conflict arises between visitors to Rico House and local residents with regard to parking on street. It is considered that the proposed development would alleviate the pressure to park on the road, which would maintain the free flow of traffic. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT2/4 of the adopted Unitary Plan and would not conflict with the aims of SPD11.

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 would be acceptable in principle and would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would not be detrimental to 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 drawings numbered Location plan, Existing car park layout, RCO/00/340/01 A 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. The development hereby approved shall not be brought into use unless and until the car park informatory signs in accordance with Diagrams 833 -836 of The Traffic Signs Regulations and General Directions 2002 indicated on the approved plans have been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety pursuant to Policy HT2/4 of the Bury Unitary Development Plan.

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

Ward: Radcliffe - East

Item 08

Applicant: Property Alliance Group Ltd

Location: LAND DUMERS LANE AND MORRIS STREET, RADCLIFFE

Proposal: OUTLINE - MIXED USE DEVELOPMENT OF UPTO 215 DWELLINGS AND 12734 SQ M OF EMPLOYMENT FLOORSPACE (USE CLASS B1 AND B8) TOGETHER WITH RIVERSIDE PARK INCLUDING ASSOCIATED LAND RAISING, NEW ACCESSES, LANDSCAPING AND FLOOD MITIGATION MEASURES

Application Ref: 50887/Outline Planning
Permission

Target Date: 21/04/2009

Recommendation: Minded to Approve

The application is recommended to be Minded to Approve subject to the completion and signing of a s106 planning agreement that would specify the phasing, delivery and implementation of the employment provision within the site against the delivery of the residential element contained within the proposals pursuant to UDP Policy EC2/1. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

The site that is the subject of the application comprises an area of 10.5ha situated on the south-easterly side of Dumers Lane in Radcliffe and constitutes part of a wider area of predominantly employment uses in the Dumers Lane Area. The north easterly, south easterly and southerly boundary of the land is formed by the River Irwell and its embankments and there is a river meander surrounding a large portion of the land. Terraced houses are adjacent to the site on the north-westerly side. There is a back street here adjoining the site boundary, with the rear of houses on the opposite side. Morris Street, with terraced houses on both sides, is a cul-de-sac off Dumers Lane and terminates just within the site. To the south west of Morris Street there is a 0.2ha square unused open area within the site. Beyond this to the south west there is an electricity sub-station and a small industrial estate.

Land on the opposite side of the River Irwell includes the large Blackford Bridge Sewage Works to the south. On the opposite side of Dumers Lane to the north and north west of the application site are significant areas of industrial and office developments sitting within the wider area of employment uses. To the west of the application site lies an area of residential uses.

The site is currently in industrial use and prior to its closure, was primarily occupied by the Hall's confectionery works together with other industrial users, including a joinery workshop. The former industrial users have vacated their premises some time ago and for a period it was being used for an unauthorised activity, involving the importation and deposit of waste materials. This use subsequently ceased leaving the site entirely vacant. The industrial buildings are concentrated on the central and southerly sections with the north easterly portion largely open. A 0.2ha area near to Morris Street was originally a bowling green but has been disused for some years.

Vehicular access is at two locations. There is a main entrance on Dumers Lane next to the northernmost point on the site, adjacent to Hardy's Gate Bridge where Dumers Lane crosses the River Irwell. Morris Street provides vehicular access into the southerly part of the site.

The application is for outline planning permission for a mixed development including residential, employment (Classes B1 and B8) and a riverside park including associated land raising, creation of new accesses and landscaping with all matters of detail to be reserved for subsequent approval. The illustrative masterplan shows the employment element as involving conventional area of industrial units on the north-easterly portion of the site, a block of two storey offices near the bridge on Dumers Lane and a separate much smaller innovation centre development at the southwesterly end off Morris Street. The central portion of the site is shown as being for residential development, mostly houses but with two blocks of three storey flats included and some more flats within the general housing layout. All of the current buildings would be removed. However, the application does stipulate the number of dwellings as approximately 215) and specifies the total employment use floorspace as about 12,734sq m.

The supporting documents accompanying the application include the following:

- Planning Supporting Statement
- Design and Access Statement
- Supporting statement concerning employment land and viability issues
- Transport Assessment
- Crime Impact Statement
- Flood Risk Assessment
- Ecological Position Statement
- Breeding Birds Statement
- Bat Survey
- Noise Assessment
- Consultations Assessment Report
- Geo-environmental Desk Study
- Site Investigation/Geo-environmental Assessment and Outline Remedial Plan

Relevant Planning History

31609/95 - 12 Dwellings on land rear of 1-12 Morris Street. Refused on 16th April 1996 for reasons that there would be overdevelopment of the site, conflict with UDP Deposit Plan policies EC2/1 - Employment Generating Areas, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, RT1/1 - Protection of Recreation Provision in the Urban Area and RT2/2 - Recreation Provision in New Housing Development, unacceptable loss of a boundary hedge, the applicant does not control and is unlikely to achieve control of a required visibility splay on Dumers Lane and the access design is substandard.

33354/95 - Outline for residential development on land at the rear of 2-21 Morris Street. Refused on 16th October 1997 for the reason of conflict with UDP policies EC2/1 - Employment Generating Areas and H1/2 - Further Housing Development. The subsequent appeal was dismissed.

33719/97 - Outline for Class B1 (Business) use on land at the rear of 2-12 Morris Street, Radcliffe. Approved on 18th March 1998.

33744/97 - Outline for residential development on land rear of 2-12 Morris street. Refused on 5th February 1998 for the same reasons as 33354/95 above.

48909 - Change of use of land to demolition contractor's yard. Application withdrawn.

48578 - Outline for mixed use development consisting of 8500m2 of employment floorspace (Classes B1 & B8), 310 dwellings and riverside park, including creation of new accesses and landscaping. Refused on 19th December 2007 for reasons including loss of employment land and land allocated for Business (B1), General Industrial (B2) and Warehousing (B8) uses to non-employment uses, release of the site would add to the oversupply of housing, insufficient information provided to demonstrate that the development would not be at an undue risk from flooding and to enable the impact on the surrounding highway network to be properly assessed.

Publicity

The application was publicised in the Bury Times on 22 January 2009. A site notice was posted on the site on the site on 22 January 2009. Letters were sent to 578 properties on 22 January 2009. A full list of addresses can be found within the working file. As a result of this publicity, 8 representations have been received - 2 comments for further information, 4 objections and 2 letters of support.

Seaham Estates Ltd and Cantt Pak Ltd (nearby employers) - support the principal of the proposed development located off Dumers Lane due to the established mixed use nature of the area which provides both employment opportunities and residential units. However, there are concerns insofar as:

Flood Risk Assessment

- Bury MBC has commissioned a Flood Risk Assessment level 2 to update the sub regional level 1 SFRA which will supersede all existing flood mapping information available to Bury MBC. The level2 SFRA will provide Bury Council with a borough wide assessment and enable them to fully assess planning applications on a strategic level.
- The issue with submitting a flood risk assessment at this time is that Bury Council has no point of reference in assessing the overall impact of the development and the cumulative impact of other developments in the Core Strategy.
- It is our contention that the assessment of the planning application by the Council on grounds that the planning application has been submitted prematurely. Bury Council as yet have not received the outcome of an independent level2 SFRA and as such the councils position in terms of flood risk for the application site is subject to change.
- Layout and curtilages – The proposed layout is acknowledged as being a reserved matter but the layout does not reflect good integration with the existing properties. The layout appears to turn its back to the wider area, appears disconnected and segregated.
- The first floor properties whilst adding interest appear to provide for a 'cramped development'. The overall layout is generally acceptable but the indicated three storey units do not show a successful integration into the site.
- Traffic Assessment – as the numbers of residential properties are still subject to outline consideration, the overall parking requirements should also be subject to further consideration. There is a general concern about the overdevelopment of the site in relation to the residential element of the development and therefore those properties that would share parking facilities should be highlighted.

Thumbs Up

- They oppose the development. Why should the development of the site include non-employment uses? Presumably when the site was purchased, the developer knew that the difficulties of the site were reflected in the price paid for the site.
- There have been many sites recently been granted permission for 'mixed use'. It is difficult to see where there is a need within the Borough for a further 215 dwellings.
- Existing adopted employment policy is being eroded by permitting mixed use developments. The ratio of housing land to industrial land is 3.65 to 1, which is not consistent with the UDP.
- Traffic pressures upon Dumers Lane is significant and certainly Morris Street should not be a principal means of access to the site. Further traffic concerns would arise from the development of some 215 dwellings.
- Thumbs Up have a pumping station which has been affected detrimentally from additional burdens placed upon it and the sewerage system from recent residential developments in close proximity.

12 Morris Street - wished to know what was intended to be built behind their property and they do not want any development to affect their property unduly.

516 Manchester Road - The development would add to the already busy surrounding highway network.

238 Dumers Lane, 10 Morris Street - The site needs to be developed to remove the total dereliction that is currently there. The riverside walkway would be a benefit to the area.

Objectors have been informed of the date of the Planning Control Committee date.

Consultations

Highways Team - No objections subject to conditions relating to the access into the site. Conditions are suggested for any future reserved matters application relating to the access into the site.

Drainage Team - Recommend a condition requiring details of foul and surface water drainage to be submitted and approved prior to development commencing.

Environmental Health (Contaminated Land) - Recommend land contamination conditions and refer to the need to secure the eradication of Japanese knotweed present within part of the site and to ensure appropriate remediation of the site from past industrial workings.

Environmental Health (Pollution Control) - No response.

Projects and Wildlife Officer - No objections subject to the acceptance of the results relating to otters. A report has been submitted to deal with this issue and Members shall be updated on the progress of this.

Environment Agency - No objections in principle. They recommend conditions to ensure that flood risk mitigations are incorporated requiring prior approval for the following:

- Existing and proposed finished floor levels.
- A scheme to re-section the river bank.
- A scheme to improve the existing surface water disposal system.
- A detailed scheme for the creation of a new two stage channel along the River Irwell.
- A landscape management scheme.
- A detailed method statement for the removal/eradication of Japanese knotweed and giant hogweed.
- Measures to mitigate against land contamination.
- Part of the new flood channel habitat creation scheme and new riparian habitat should be actively designed for otters.
- The Agency wishes to be involved in the design of the new habitat creation scheme adjoining the river.

GMP Architectural Liaison - No objections but have some concerns as follows:

- The courtyard parking is gated and well overlooked by the dwellings of the car owners and that apartments should have secure car parks immediately next to the blocks.
- Cul-de-sacs should be designed to give the impression of being private space and not to be 'leaky'.
- Roads and footpaths should be designed and located to ensure that they do not become little used.
- Dwellings backing onto the rear alleys of the adjacent Victorian properties need to have particularly secure walls/fences.
- The materials of construction should be robust with defensible space all around each property with optimisation of natural surveillance.
- Apartments should be set in secure grounds.

National Grid Transco - No response received.

Waste Management - Have commented that further consultation will be required for the provision of waste management facilities to include the Borough's recycling services. The Design and Access Statement makes no reference as to how waste management provision would be built within the development.

United Utilities - Object to the residential element on the grounds that the site could be subject to disturbances from the close proximity of Bury Sewage Works which is 24 hour operational site that could in turn cause noise and traffic disturbances. The site must be drained on a separate system with foul drainage connected into the foul sewer. Surface water should discharge to the water course and may require the consent of the Environment Agency.

GMPTE - The pedestrian environment both within the site and between it and the nearby bus stops should be designed to be as safe and as convenient so as not to discourage people from accessing the site on foot/by public transport. Welcome the inclusion of a Framework Travel Plan with the application and Interim Travel Plans (work based and

residential) should be submitted at the reserved matters stage.

Greater Manchester Ecology Unit - There is a need for full details of measures to protect otters, a European Protected Species, which should be submitted prior to the application being determined. A finalised report has been received, which has incorporated both the Council's and GMEU's comments and their response will be reported in due course.

Greater Manchester Archaeological Unit - The site retains an archaeological interest but there is no reason why a planning condition could not be imposed to undertake archaeological investigations.

BADDAC - Would expect to see a commitment to provide Lifetime Homes throughout this major development. All employment use buildings are expected to be fully accessible and good quality disabled access to be provided to the recreational area adjacent to the river. Concern that the Design and Access Statement only provides a commitment to meeting the minimum access requirements of Part M of the Building Regulations.

Unitary Development Plan and Policies

EC1	Employment Land Provision
EC1/1	Land for Business (B1) (B2) (B8)
EC2	Existing Industrial Areas and Premises
EC2/1	Employment Generating Areas
EC5/3	Other Office Locations
EC6/1	New Business, Industrial and Commercial
H1	Housing Land Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/6	Public Art
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN9	Landscape
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2	New Provision for Recreation in the Urban Area
RT2/1	Provision of New Recreation Sites
RT2/2	Recreation Provision in New Housing Development
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD4	DC Policy Guidance Note 4: Percent for Art
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD7	DC Policy Guidance Note 7 - Managing the Supply of Housing
RSS 13	Regional Spatial Strategy for the North West
PPG	Central Government Guidance
PPG	Central Government Guidance
PPS9	PPS9 Biodiversity and Geological Conservation
PPG13	PPG13 - Transport
PPG	Central Government Guidance

Issues and Analysis

Employment Land - In recognition of the industrial use of the site and its function within the wider concentration of employment uses in the Dumers Lane area, the site falls within an Employment Generating Area (EGA) as identified under UDP Policy EC2/1. In particular, the Dumers Lane EGA is specifically recognised as being suitable for Business (B1),

General Industrial (B2) and Warehousing (B8) Uses under EC2/1/9. In addition, 2.74 hectares of the site is specifically allocated for B1, B2 and B8 development under UDP Policy EC1/1 (Proposal EC1/1/19).

The proposal involves a mixed-use scheme including 12,734 sq.m. of B1 and B8 development and 215 dwellings. In the context of Policies EC2/1 and EC1/1, the employment element of the mixed use proposal is clearly in accordance with both policies. However, it is the introduction of residential uses into the EGA that is not, on the face of it, strictly in accordance with employment policy and requires greater debate.

In terms of EGA policy, EC2/1 specifies that in the defined EGAs, development will only be allowed for the uses specified (i.e. B1, B2 and B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from the area's value as an EGA. The degree of residential use involved in the proposal cannot be construed to be 'limited development' in the context of Policy EC2/1. The issue is, therefore, whether the proposal would substantially detract from the area's value for generating employment.

It is accepted that the nature of the site and the degree of remediation required to bring the site forward for development is such that the redevelopment of the entire site for employment uses will not be a viable proposition and that there is a need to include some element of other uses (i.e. residential in this instance) to cross-subsidise the development of part of the site for employment purposes. The mixture of uses on the previously refused application was considered to be disproportionately in favour of residential use. However, since then, the applicant has been prepared to negotiate on the proportion of the site to be developed for employment uses and the result of this negotiation has been a significant increase in employment use, a decrease in residential use and this is reflected in this current application. This re-negotiated position still demonstrates an economical viability of the site whilst maintaining compliance with employment objectives of the land allocation on this site.

Given the constraints on the site, the proportionate split of residential and employment uses is considered to represent an acceptable compromise that will result in a satisfactory level of employment floorspace. On this basis, the revised proportional split of the site and the amount of employment floorspace proposed, is not considered to substantially detract from the area's value for generating employment and is not, therefore, considered to conflict with Policy EC2/1.

The acceptability of the proposal is strictly on the basis that the proportional split of the site remains and on 12,734 sq.m. of employment use coming forward for development. The applicant has responded to this requirement by offering to enter into a legal planning agreement to deliver the industrial development on a phased basis. The phasing proposes that after the initial site remediation and increase in levels of the site, the provision of services and traffic signalisation would involve the delivery of housing in 4 parts, with the employment delivered in three tranches in between the residential phases. The timing and delivery would need to form part of a s106 legal agreement and the applicant is willing to enter into this. The details of the agreement are under negotiation and an update on this shall be presented to Members. The agreement will specify the proportions of the site to be allocated to both residential and employment uses and will specify a requirement to deliver employment development in conjunction with progress on the residential element of the scheme.

The Indicative Masterplan – The application is submitted for outline planning permission with all matters of detail to be reserved for subsequent approval. However, in the application the parameters are being put forward indicating the areas for residential, employment and open space with the approximate number of residential units and amount of Class B1 and B2 employment floorspace shown. The proposal is supported by a Design and Access Statement and Proposed Indicative Master Plan showing these intended zones for the specified uses with a sketch layout of roads and buildings, including access points.

The information provided is an indicative illustration only and if outline planning permission is granted it would be at the reserved matters stage that proper consideration would be given to issues such as the extent to which the development would be integrated with the existing neighbourhood, the main access arrangements, the highway pattern within the development, the relationship of the built form to the riverside setting, the built appearance of the development, the inter-relationship between buildings both within the scheme and with existing development, details of landscaping including the extent and treatment to buffer areas, public open space provision, including the treatment to the riverside area, crime impact mitigation and inclusive design.

Flood Risk – The application has been submitted with a flood risk assessment as the site lies within a known flood plain. The scheme proposes that the site would be raised so that itself it would not flood. Materials for this in part would be derived from the demolition materials of the existing buildings. In total some 90,000 cubic metres of fill would be required. However, the flood risk assessment must deal with the flood capacity of the site itself without further worsening the impacts of flooding elsewhere beyond the site. In order to remove the site from the floodplain the imported material would be remodelled and reshaped to create a platform with a lowered shelf. The shelf would be approximately 25m wide and would be landscaped to provide a parkland area.

The scheme would incorporate two lowered roads within the scheme to deal with overland waterflow in the event of flooding and these roads would act as a flow channel to convey floodwaters back to the River Irwell.

A 2-stage channel would be created and sized around the development to accommodate the 100 year flood event, which in addition to the land raising, would remove the proposed site from the flood zone. Hydrological and hydraulic modelling has sought to demonstrate that, as a result of these measures, the site would remain dry in the 100 year plus climate change flood event. The site would therefore be raised to lie within, at a minimum, within flood zone 2.

This work would greatly reduce the flood impact beyond the site itself, according to the flood risk assessment, and would minimise the numbers of properties at risk both within and outside the development site boundary.

The proposals are seeking to change the levels of the site to being level with Dumers Lane at the northerly entrance into the site (68m AOD). In some areas this would result in an increase of land levels by upto 2.0m. This generally would only create issues where development would come close to existing buildings principally along Morris Street and to the rear of Dumers Lane. The layout of the development is not fixed by the proposals in this outline stage of the application. However, the aspect relationships between the properties to be built against those existing would be crucial to consider at a later stage.

The Environment Agency have been a significant consultee given the relationship of the site to the river and the proposals to the floodplain. The proposals would ensure that the residential element of the site would not be at risk of islanding following redevelopment. However, the Environment Agency have suggested that it would be prudent to have emergency evacuation procedures relating to the innovation area indicated to the westerly side of Morris Street as this area is vulnerable from possible flood warnings further upstream.

In terms of the comments raised by Seaham Cantt and Pak Ltd, it is correct that PPS 25 does require that LPA's undertake a Strategic Flood Risk Assessment (SFRA) for their allocations/DPDs, however without the site being tested through the DPD process and within the SFRA the Environment Agency have to consider a proposal at a site specific level.

Weetwood on behalf of the developer has undertaken a lot of modelling work for this site as part of the flood risk assessment and has demonstrated that flood risk can be adequately

mitigated without having effects elsewhere. Therefore based on the outcome of this work the Environment Agency fail to see how submitting this application prematurely to the SFRA would have any effects on the outcome and their finalised response from the Environment Agency is that the proposals are acceptable subject to conditional approval.

Housing Policy – The restriction on housing development in SDP7, which was one of the reasons for the refusal of the previous application, no longer applies. The housing element of the proposal needs to be considered against Policy H1/2 and L4 of the RSS for the Borough to make provision of 500 dwellings per year. This is previously developed land and, if the residential element is acceptable under Policy EC2/1, then there is no conflict with H1/2 or L4.

The residential density achieved in the Proposed Indicative Masterplan should achieve the PPS3 objective of an efficient use of land (30+ dwellings/hectare). The applicant claims compliance and this needs to be verified.

There would need to be a 25% proportion of affordable housing to achieve the objectives of Policy H4/1 and SBD5. The applicant has confirmed that the development would be consistent with the policy and any consent would need to be subject to an appropriate condition.

The application has been submitted in outline and the housing layout shown is in a indicative form only. Consideration of the details would be at the reserved matters stage.

Public Art – The development is in outline and as such the provision for public art, linked to the development costs cannot be formalised at this time. As such it is considered that the provision for art, pursuant to UDP Policy EN1/6 and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art, be conditioned.

Recreation Policy - There is a need for a suitably located and usable area for recreational purposes to serve the housing development. The housing layout currently indicated does not provide for recreational amenity space. However, the submitted Indicative Masterplan shows that the riverside area would be treated and laid out to provide an opportunity for public access, amenity recreation area, habitat creation and flood relief works. This linear area (riverside park) would be provided for the benefit of residents and the wider area. However, as the application is currently in outline and the finalised details would need to form part of a reserved matters for the landscape of the site. On this basis, a sensible rationale can be achieved to ensure compliance with UDP Policy RT2/2.

Sustainable Development – The proposals have been submitted with a renewable energy assessment report, which provides for different approaches to achieve an on site reduction of energy usage by 10% through on site renewables and low carbon technologies. The report confirms the applicant's wishes to address this issue at the earliest stage to ensure proper integration into the development. The document considers that the following would assist to achieve/contribute to the sites sustainability:

- Solar hot water collectors
- Photovoltaic systems
- Biomass
- Wind power
- Ground and air source heat pumps
- Combined heat and power

In addition to these BREEAM (Building Research Establishment, Environmental Assessment Methodology) provides a means testing base for development proposals and supporting assessments would be required to be submitted for the development by planning condition and the details be implemented to ensure compliance with the BREEAM approach and the applicants objectives.

Crime and Design – The application has been submitted with a Crime Impact Assessment,

produced by Greater Manchester Police. The report acknowledges that the application is outline and cannot provide a detailed response at this stage. It does, however, provide positive and contentious points that would need to be included within any subsequent reserved matters application. Essentially the report finds no points of principle against the development of the site for residential/business mix. It is suggested that the issues referred to could, through the addition of a condition, carry through into the reserved matters stage as a design guide.

Traffic/Access Issues - The application is accompanied with a Transport Assessment, which has carefully assessed the likely demands placed upon the surrounding infrastructure from the quantum of development proposed within the scheme. The proposals indicate that the development would utilise an existing access to the site directly from Dumers Lane. Other connections are shown utilising the existing street network such as Morris Street, however as the means of access is a reserved matter, this proposition could change when considered in detail at a later stage. The Council has also consulted Greater Manchester Transportation Unit. It is considered that the surrounding infrastructure is capable of accommodating the development demands. The Highways Team have responded back with no objections to the proposals subject to the addition of planning conditions relating to the need to finalise access details. In addition to this, a planning condition is also suggested that no development commences unless and until full details of improvements to Quality Bus Corridor standards of the four bus stops and shelters on Dumers Lane adjacent to the site have been submitted to and approved by the Local Planning Authority. On this basis, the development in transportation and access terms is considered to be acceptable.

Ecology - Bats - A number of bat surveys have been carried out associated with both this and the previous application, noting that foraging and commuting occurs along the river as would be expected and that the buildings were of low value, with one roost found in building B4a in 2006. The recommendations of this survey have all now been carried out other than the resurvey of building B4a as this has now been demolished. Some buildings do however remain on site and though no evidence of bats was found in these in 2006.

Further surveys were carried out in 2008 in line with the recommendations of the 2006 report; however the report implies that the one dusk emergence that occurred was targeted at an area of trees rather than the buildings. However though all the buildings other than the one with roost were recorded as having a low potential and a resurvey is now required given the time lapse and the fact that the building they where the roost was discovered appear to be of similar construction ie prefabricated and would no doubt been regarded as being of low potential too. A condition should be imposed to require this work to be done, which reflects the Council's ecologists views.

Wildlife Corridor - The proposed 40m approximately wide strip of ecological mitigation/flood zone is sufficient in to satisfy UDP policy EN6/4 in principle. Indicative species mix for this zone shown are generally common species that are found locally. There are slight concerns relating to species such as betony, great burnet and quaking grass as they are absent/rare in the Borough and as part of any reserved matters relating to the landscaping of the site the Local Planning Authority would require that all species/seed be of native provenance.

Nesting Birds - There are trees within the site and although not subject to a Tree Preservation Order, nor of any significance botanically, provision should be made such that nesting birds are not affected, through the imposition of a planning condition.

Kingfisher and Sand Martins - Both species are known to breed in the banks of the Irwell in this area. As the proposals have a direct impact upon the bank of the River Irwell, a planning condition should be imposed to control the timing of the works to the river bank and flood channel.

Otters - Otter were found to be using the length of river below. It is therefore recommended

that a planning condition be imposed to ensure that the Working Protocol contained within the Otter Method Statement April 2009 Ref. 090181 is implemented

Flood Channel Management - The Ecological Position Statement bullet points a number of issues relating to the after maintenance of the Flood channel habitats under para 3.34. A condition relating to how these will be implemented is required to ensure that the longevity and effectiveness of this area is successful.

Response to objectors - The outline nature of the development is such that many of the issues raised would be subject to scrutiny at reserved matters stage. The objections to the issues relating to the mixed use development of the site, flooding and traffic are described in full in the report above.

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 would still enable the employment benefits of the site to be provided under the provisions of the Employment Generating Use allocation of the site, whilst providing a mixed use development on the site. The delivery of the employment uses in a staged manner in relation to the housing proposals, would ensure that the development of the site remains economically viable and would be delivered through a Planning Obligation. The development would incorporate provisions to ensure that flooding is appropriately mitigated and would comply with Unitary Development Plan Policies and there are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

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

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.
3. This decision relates to drawings numbered 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.
4. No development, building work or demolition shall take place unless and until a desk study, scoping report for a watching brief and a program of archaeological works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved scoping report unless otherwise agreed in writing by the Local Planning Authority.

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

5. The development hereby permitted shall not be commenced unless and until details of the proposed finished floor and surrounding ground levels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the scheme or any other period as may be subsequently agreed, in writing, by the Local Planning Authority.

Reason - The reduce the risk of flooding to the proposed development and future occupants pursuant to PPS25 - Development and Flood Risk.

6. The development hereby permitted shall not be commenced until such time as a scheme to re-section the river bank has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the works to show that development levels will not be raised before completion of the two stage channel. Ramp access points to the lower "berm" level for machinery will also be required at the upstream and downstream ends of the re-profiles bank.

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

Reason - To mitigate the impact of the proposed development on flood risk to the site and elsewhere pursuant to PPS 25 - Development and Flood Risk.

7. The development hereby permitted shall not commence unless and until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

Reason. To reduce the increased risk of flooding and pursuant to PPS25 - Development and Flood Risk.

8. No development shall take place until a detailed scheme for the creation of a new two stage channel along the River Irwell is submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason. To reduce the increased risk of flooding and pursuant to PPS25 - Development and Flood Risk and to ensure protection and enhancement of the River Irwell wildlife corridor pursuant to PPS9 - Biodiversity and Geological Conservation.

9. Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all areas within and adjoining the new riverside park (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- details of maintenance regimes
- details of any new wetland/terrestrial habitats created

- details and location of new cycleways/paths in the riverside park.
- details of treatment of site boundaries and/or buffers around riverside park
- details of extent and type of new planting (i.e., full planting schedule, and preferable use of locally provenanced stock)

Reason. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to PPS9 - Biodiversity and Geological Conservation.

10. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed and Giant hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed and Giant hogweed during any operations such as river bankside lowering, mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

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

11. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

12. Following the provisions of Condition 11 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

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

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

14. 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

15. Ground gas and/or contamination remedial measures shall be incorporated into the proposed development that are commensurate with those currently found within the existing property. These new measures shall be carried out without compromising the effectiveness of any existing remedial measures. Any variation or modification of existing or proposed remedial measures shall be submitted to, and approved in writing by the Local Planning Authority prior to development commencing, and;
- A Remediation Verification Report for the new remedial measures, including any modification of existing measures, shall be submitted to and approved in writing by the Local Planning Authority prior to first use or occupation unless otherwise agreed in writing.

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

16. Following the provisions of Condition 11 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
- A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

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

17. Prior to the demolition of the building(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. A programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and 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 and PPS7 – Nature Conservation.

18. The development hereby approved shall include an element of public art that

would be sufficient to be in accordance with Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art. The details for the art proposals shall be submitted as part of the reserved matters for the landscaping of the site, or other reserved matter as agreed in writing by the Local Planning Authority. The approved proposals shall be implemented within 12 months of the date that the site is first occupied unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the development would contribute to satisfying the need for public art pursuant Bury Unitary Development Plan Policy EN1/6 - Public Art and the associated Development Control Policy Guidance Note 4 Per Cent for Public Art.

19. The development hereby approved shall include an element of recreational provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy RT2/2 - Recreation Provision In New Residential Development and the associated Development Control Policy Guidance Note 1 Recreational Provision in New Housing Development
20. The development hereby approved shall include provision that would be sufficient to be in accordance with Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments. The approved details shall be submitted as part of the first reserved matters application relating to the housing proposals within the site and the approved provision shall be implemented prior to the first occupation of the residential element of the site or as otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the development would contribute to satisfying the need for recreation provision pursuant to Bury Unitary Development Plan Policy H4.1 - Affordable Housing and the associated Development Control Policy Guidance Note 5 - Affordable Housing Provision In New Residential Developments.
21. The development shall be carried out in accordance with BREEAM (Building Research Establishment, Environmental Assessment Methodology) sustainability standards and/or the North West Sustainability Checklist for Developments. This should achieve a rating of very good/good practice and deploy low and zero carbon technologies (LZC's) to achieve a 10% improvement over the Target Emission Rate (TER) for Carbon Dioxide as defined by 2006 Building Regulation Standards unless otherwise agreed in writing with the Local Planning Authority. No development shall be carried out unless and until an appropriate assessment has been submitted to the Local Planning Authority and has been approved and the development shall not be carried out other than in accordance with the approved assessment.
Reason - To meet the requirements of PPS1 (Climate Change Supplement, 2007) and RSS for the North West - Policies DP9, EM18 and SPD 16 (Design and Layout of New Development).
22. There shall be no direct means of vehicular access between the site and Dumers Lane other than the emergency access(es) and proposed signalised junction at Dumers Lane/York Street/site access, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure good highway design in the interests of highway safety pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.

23. The development hereby approved shall not be commenced unless and until full details of improvements to Quality Bus Corridor standards of the four bus stops and shelters on Dumers Lane adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The improvement works subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use or first occupied, unless otherwise agreed in writing with the Local Planning Authority.
Reason - In the interests of bus passenger safety and in order to deliver sustainable transport objectives in accordance with PPG13 - Transport.
24. On or as part of the first reserved matters application, residential and commercial (including full details of proposed shower, changing, locker facilities and staff cycle parking facilities) Interim Travel Plans and shall be submitted to and approved in writing by the Local Planning Authority.
Reason - To deliver sustainable transport objectives in accordance with PPG13 - Transport.
25. Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
Reason - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy EC6/1 - Assessing New Business, Industrial and Commercial Development and H2/2 - The Layout of New Residential Development.
26. No demolition shall take place unless and until a survey of the building(S) for bats has been carried out between May and August, and the results of the survey have been submitted to and approved by the Local Planning Authority. No development shall take place until details of the recommendations outlined within the Ecological Position Statement Ref. 090182 April 2009 Paragraphs 3.28 to 3.31 regarding bats have been provided and approved in writing by the Local Planning Authority and the approved details shall be implemented as part of development of the site.
Reason - The site has a record of bats in the vicinity and also forms part of a Wildlife Link and Corridor pursuant to UDP Policy EN6/4 and also PPS9 - Biodiversity and Geological Conservation.
27. No works of development shall take place until a detailed habitat enhancement plan produced for that land for the enhancement of the Flood Channel Habitats including zonation of habitats, provenance of plants and seed, and species mix has been approved in writing by the Local Planning Authority as part of the reserved matters application for the landscaping of the site. The approved details shall be implemented within the first available planting season following the creation of the flood channel unless otherwise agreed in writing with the Local Planning Authority.
Reason - The development forms part of a Wildlife Link and Corridor pursuant to UDP Policy EN6/4 and also PPS9 - Biodiversity and Geological Conservation.
28. Prior to the removal of the tree(s) permitted by this approval, a survey shall be conducted, and the survey results established as to whether the affected trees are

utilised by birds, bats or owls. 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.

29. Prior to any earthworks along the river bank a survey for kingfisher and sand martin shall occur and a report submitted to the Local Planning Authority to indicate the findings. No river bank reprofiling should occur between 1st March and 31st August unless agreed in writing by the Local Planning Authority.

Reason - In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

30. All works shall be carried out in line with the Otter Method Statement reference 090181, April 2009 unless otherwise agreed in writing. If further signs of otter are found, the Local Planning Authority should be informed and working protocols should be re-assessed to include appropriate necessary measures, measures submitted and approved in writing by the Local Planning Authority.

Reason - In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

31. No development shall occur unless and until a scheme for the after maintenance for the Flood channel habitats is in place and implemented in line with para. 3.34 of the Ecological Position Statement Ref. 090182 April 2009 and agreed in writing by the Local Planning Authority.

Reason - To ensure that the flood channel landscaping and mitigation measures secure the long term objectives pursuant to PPS9 - Biodiversity and Geological Conservation.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 09

Applicant: Peel Investments (North) Ltd

Location: FLETCHER BANK QUARRY MANCHESTER ROAD RAMSBOTTOM

Proposal: DETERMINATION OF CONDITIONS FOR MINERAL/MINING SITE

Application Ref: 36288/Full

Target Date: 12/09/2005

Recommendation: Approve with Conditions

Description

Fletcher Bank Quarry occupies an area of approximately 65 hectares on the easterly side of the A56 Manchester Road. The quarry area is bisected into two almost equal parts by the north south line of the Borough boundary with Rossendale Borough Council. The westerly half of the site within Bury falls within the Green Belt. The northern part of the quarry includes the main quarry void, which has been excavated to a maximum depth of around 175m AOD and is being used for the deposit of quarry waste. Quarry operations are currently being undertaken along the eastern edge of the quarry along a face, which is around 60-70m high. This working area is mostly within Rossendale where Lancashire County Council is the Minerals Planning Authority.

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 includes an existing concrete products building and stocking area, site offices and quarry plant, the majority of which fall within Bury.

The site lies to the south of the village of Shuttleworth, situated on the A56 and is mostly surrounded by agricultural fields and isolated properties. Agricultural fields dominate areas to the south and east of the site with isolated dwellings beyond. Land to the east within Rossendale slopes down to Harden Clough and includes Harden Moor, Cross Bank Brook Biological Heritage Site (BHS) and areas of Common Land. The main settlement of Ramsbottom lies over 1km to the west of the quarry. Development in Ramsbottom extends eastwards towards the M66 and beyond to the A56 at Fletcher Bank.

The application has been made under the Environment Act 1995 for the review of conditions attached to old mining permissions. Section 96 and schedules 13 and 14 of the Act provide for the initial review and updating of old mining permissions granted between 30th July 1948 and 22nd February 1982 and the periodic review of all mineral planning permissions thereafter as a means of protecting the environment and amenity, and to provide equal treatment between sites and mineral operators.

The application for review was initially made in 2000. At the time it was submitted there was no requirement to submit an Environmental Statement (ES). However, it was subsequently established that there was a requirement to submit an ES. Consequently the application was held in abeyance pending the submission of the ES and following its submission in July 2005 the application was considered to be valid.

The existing old mining permissions provide, in part, for the extraction of minerals for the period up to 2042. The phasing of the quarry has followed a working programme approved in 1976, which showed four broad phases, working from the block making plant northwards along the west side of the quarry and then running clockwise around the northern end of the quarry before turning south to work the reserves along the east of the site.

The remaining stone would continue to be extracted along the eastern flank in a southerly direction with different rock types extracted from different levels within the quarry in a staggered moving face until all the stone is removed to the base of the Fletcher Bank Grit. This would produce up to 4 million cubic metres of stone and mudstone and 1 million cubic metres of mineral waste (approximately 10 million tonnes of stone and overburden). The total amount of stone worked for the concrete works, for dimension stone and the sand classifier is currently in the region of 410,000 to 630,000 tonnes per year, which equates to reserves for approximately 20 years. As works progress further south the sand classifier and settlement lagoons would have to be relocated to the north of the site adjacent to the area for proposed aggregate recycling.

The quarry workings are currently being progressively restored with mineral waste, shale and waste from the block making plant towards levels denoted within the working programme approved in 1976 (planning permission C/00456/74) and as shown on the submitted plans for the purposes of this application. General waste, including waste paper and wood from the factory, has been tipped into an area towards the south of the site under the provisions of a Waste Management Licence whilst belt press waste continues to be tipped in the northern void.

The proposal would include the construction of a screening bund along the northern boundary to mitigate views into the quarry from the north followed by infilling of the quarry floor from the north in layers up to the level of the present block plant at 200m AOD. It should be noted that the applicant now has planning permission to infill the northern part of the quarry with non-hazardous construction, demolition and excavation waste under the provisions of planning permission ref.43048. The final restoration profile would represent a bowl-like feature within the quarry with slope faces down to 200m AOD. The restored areas would be returned to grassland and woodland.

It is the applicant's views that the old mining permissions allow for the importation of waste material to restore the site and that rights to import and tip waste are provided for under the General Permitted Development Order 1995, Schedule 2, Part 8, Class D. The applicant maintains the opinion that the proposed final levels could be achieved through the importation of waste along with the waste that would be generated on-site.

The development is a Schedule 2 Project under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the applicant has submitted an Environmental Statement (ES) and Non-Technical Summary. The Environmental Statement provides details of the site history and the proposed development before examining the impacts associated with the proposal. It assesses potential impacts in respect of geology, programme of working, waste disposal, landscape and visual impact, ecology, noise, blasting and vibration, air quality and highways matters.

The application includes a proposed schedule of 17 conditions regarding time limits, access and traffic, working programme, soil removal and storage, hours of operation, dust, noise, blasting and vibration, ground water and surface water protection and restoration and aftercare.

The Minerals Planning Authority can either approve the applicant's proposed schedule of conditions as submitted or impose their own set of conditions. The conditions imposed by the MPA should meet all the tests of planning conditions and should not restrict working rights nor prejudice adversely, or to an unreasonable degree, the economic viability of operating the site or asset value of the site. If the application is granted on terms different from those set out in the application, the applicant has a right of appeal to the Secretary of State and if his working rights are restricted he may be entitled to compensation. It is not open to the MPA to refuse a valid application.

It is open for to any person who is an owner or tenant of any part of the site or who has an interest in any relevant mineral in the site to apply for the determination of new conditions. The relevant Act provides that each eligible person may only make one application for

determination of conditions. In this case there are two separate ownerships with Peel Investments (North) Ltd owning the northerly half of the site and Marshalls Mono the southerly half. Each of these companies has made a separate application. In this situation the legislation requires that the planning authority must treat both applications as a single application served on the date on which the latest application was made. The latest of the applications is ref.36311 submitted by Marshalls Mono Ltd and this is, therefore, deemed to be the relevant application.

The proposals straddle the local authority boundary and the two identical applications submitted to Lancashire County Council for the easterly section of the development have been determined as a single application with a new set of conditions set down by that Minerals Planning Authority different from those put forward in the applications. The two Local Minerals Authorities have been in liaison concerning the applications, including the carrying out of statutory consultations. It is important that any decision by Bury needs to be consistent with that made by Lancashire County Council. There should be no conflict between the conditions set down by each Local Minerals Authority.

Relevant Planning History

Fletcher Bank Quarry has, in part, been subject to mineral extraction since the 19th Century. There were originally two sites, Fletcher Bank Quarry and Bank Lane Quarry. The quarry was granted planning permission to continue working stone in 1949 and over the following decades a number of permissions have been granted for quarry extensions. The following list includes the relevant planning permissions for the purposes of the review of mineral planning permissions under the Environment Act 1995 and which are the subject of this report.

Relevant Permissions

Ref. 13/4/16b — For a small area of quarry working to the north west of the site within Greater Manchester (Bank Lane). Approved in December 1949

Ref. 13/4/17 — For an area of land in the south eastern corner of the site, which is now occupied by the block plant works and falls entirely within Bury MBC. Approved in June 1949.

Ref. 13/4/1762 — For an extension to Bank Lane Quarry located to the north of the site. Approved in May 1964. This area has been worked.

Ref. 13/4/2524 — To extend the quarry by approximately 51 acres (21ha) covering land either side of the local authority boundary. The application was dealt with in two parts and determined on the 8 November 1967. An area of 25 acres was given conditional consent whilst that to the extreme east and north of Rainford Lane was refused (non conformity with the Ramsbottom Plan). Quarrying operations are currently being undertaken in this area.

Ref. 13/4/2613 — For an extension of 9 acres to the east of the site to provide stone and overburden for use as fill on the Edenfield By-pass. Approved on 7th May 1968. This extension was a reduced area of that which was part refused under application 13/4/2524. The site is entirely within Rossendale. Quarrying operations are currently being undertaken in this area, which includes remaining permitted reserves.

Ref. C/00456/74 - For a 32 acres extension involving the joining of Fletcher Bank and Bank Lane quarries whilst rationalising the working scheme for the entire site. Approved on 25th August 1976. Approximately 60% of the area involved is within Bury MBC.

Additional Planning History Information

A number of planning permissions have been granted since 1981 that do not form part of the review. These are:

Planning application C/14788/83 approved on 10 August 1984 for mineral extraction, restoration and landscaping of an area of 2 hectares located to the north east of the site.

34752/98 - 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. Refused on 7 March 2002,

36935/00 - The erection of 10,500 sq m building for use as a Materials Recycling Facility (MRF) at Fletcher Bank Quarry. 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 ref. 41599/03 for a new concrete products unit to replace the existing, Approved on 11 February 2004.

Planning application 43048 for a quarry extension, construction demolition and excavation waste landfill, construction and demolition waste recycling facility and green waste composting operations was approved on 21st December 2006.

Publicity

400 properties were notified on 13th March 2000 and re-notified on 28th July 2005 following the receipt of the Environmental Statement. They include the following:

Greenhill Farm, Bamford Road

1 – 9 Bank Street

53 – 391, 6 – 516, Harbenware Ltd., Evans Engineering Services, Garic Plant Hire, Pack Horse Hotel, The Duckworth Arms, Moorfield, Stubble Bank, Hillcrest, St. John's Church, Whalley Windows, Ramsbottom Plant Hire, St John Sunday School, Eagle & Child P.H Ramsbottom Against Landfill C/o Shuttleworth Post Office, Whalley Road.

161 – 171 and 160 – 192 Peel Brow.

1 – 15 Park Avenue.

1 -13 and 2 - 8 Richard Street

2 – 12 Shipperbottom Lane

1 – 4 South Street

1 – 5 and The Institute, Spring Street

Grimecote Cottage, Rochdale Road

1 Rock Street

6 – 9, Former Bank Lane Baptist Church, St John Vicarage, Well Bank, Woodhill Bank, Spring Street

Bassfield, Bassfield South, Walmersley Road

1 – 11 and 2 – 46 Cheshire Court

26 and 28 Church Lane

1 and 11 – 15 Edith Street

1 and 3 Hollins Lane

5 James Street

119 – 341, 22 – 42, Campbell Driver Partnership, Hinchcliffes Haulage, Park Congregational, Park Farm Garden Centre, The Red Hall Restaurant, Park Farm, Park House, Parkwood Farm, Shipperbottom Cottage, Shipperbottom Farm, Westgate, Higher Gollinrod, The Manse, Manchester Road

Bast House, Bast House Farm, Gollinrod Farm, Top of the Hoof off Manchester Road

2 – 8 Henry Street

2, 5 – 7, Bank House Farm, Higher Fold Lane

Twine Valley Farm, off Bye Road

Springside Cottage, Millet Street

1, Millhouse Street
1, New Street
397 and 400 Bass Lane
71 – 99 and 76 – 84 Bury New Road
Bleakholt Animal Sanctuary, Top o'th Lea Farm, Bent House Farm, Dry Gap Farm, Pike Farm, Bury Old Road
2 – 58, 37A – 51 Bye Road
2, Cragside, Heatherslade, Rockcliffe, Greenacre Close
Public Interest Lawyer, Centre Court, 1301 Stafford Road
Red Rose Forest, Country Forest Centre, Dock Office
Biffa Waste.

Site notices were posted in April 2000 and a press notice was published in the Bury Times on 14th April 2000. Following the receipt of the Environmental Statement a notice was published in the Bury Times on 7th July 2005 and a site notice displayed at that time.

30 objections have been received from properties in Whalley Road, Bank Street, South Street, Edith Street, Bury New Road, Cheshire Court, Bye Road, Greenacres Close, Richard Street, The objections include letters from Ramsbottom Against Landfill, c/o Shuttleworth Post Office, 121 Whalley Road and The Rambler's Association, 114 Peel Brow. The main concerns include the following:

- The A56 already takes a disproportionate amount of HGV's and other large vehicles and is not suitable for the increased volume of traffic it carries now.
- The drivers of trucks are often inconsiderate when driving along the A56 and this includes speeding.
- Pollution could occur due to run off from the quarry.
- Sand/dirt affects the condition of cars and houses on the A56 with concerns about this pollution causing health problems such as dust allergy or asthma symptoms.
- Loose rock falling off vehicles is a health and safety hazard.
- Noise pollution is being caused by reversing alarms and large vehicles on the 56 from about 5am.
- Concern about the structural impact of blasting with cracks in plaster having occurred.
- The scar of the quarry is a blot on the landscape of Ramsbottom.
- How would rights of way be affected?
- The application lacks information on traffic generation, the amount of waste generated/imported, the effects of blasting and the achievement of Health and Safety requirements.
- The base map is out of date.
- There is conflict with the information supplied with the Biffa application.
- Landfilling with unspecified waste is unacceptable from an environmental standpoint.
- The proposals Green Belt and Special Landscape (Policy EN9/1) allocations.
- The impact of the development, particularly the landfill element, cannot be scientifically predicted.
- There could be leachates of a very hazardous type because of natural and un-natural seepage caused by blasting in the quarry.
- The application seems to involve an even larger excavation into which to deposit household and industrial waste.
- There would be damage to Ramsbottom's reputation as a tourist centre and high quality specialist shopping town.
- Objects to any additional blasting.
- Traffic calming measures are needed on Whalley Road.

Rochdale, Bury Ramblers Association has expressed the concern that there was no information available on the environmental aspects of the plan and no information on the type of waste to be imported into the quarry. This comment was received prior to the receipt

of the Environmental Statement.

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Section - Highways conditions should reflect those attached to planning permission ref. 43048 for a quarry extension, landfill by construction and demolition waste and green waste composting operations (verbal).

Environmental Health – More information is required.

The Coal Authority – Coal is believed to exist at or close to the surface that may have been worked at some time in the past. Their records show the site is not within the zone of likely physical influence on the surface of past underground workings and is not affected by proposals for future mining activity. However, reserves of coal in the locality could be worked at some time in the future subject to feasibility, licenses and planning consent.

Health and Safety Executive – Unable to comment as the development does not appear to meet agreed consultation criteria.

Norweb – The applicants should ensure liaison with them if intending to work on land in the area of their equipment.

United Utilities – No objections in principle. No blasting works or piling must be carried out within 300m of their water mains.

Natural England - No observations received.

Lancashire Wildlife Trust – Following infilling and restoration the site offers a number of opportunities to provide some positive gain for wildlife, recreation, education and interpretation. Strongly recommend that appropriate end uses for this site be determined to assist in the delivery of planning strategies concerning heritage and biodiversity including an approved management plan.

The Countryside Agency – No comments.

Ministry of Agriculture, Fisheries and Food – Request a further consultation when an Environmental Statement is available.

The Ramblers Association – No observations received.

The Highways Agency – Further information needs to be obtained concerning current or proposed traffic movements to or from the quarry to enable the Agency to make a formal response.

GM Archaeological Unit – Their Sires and Monuments Record shows no known features of archaeological interest on the site.

GM Ecology Unit –

- Further detail should be provided by the applicant to justify tipping rights across the site under the provisions of Part 8 of the Town and Country Planning (General Permitted Development) Order 1995.
- It would be beneficial to request further borehole logs and detailed geological maps in order to properly evaluate the site geology.
- Recommend consulting the Environment Agency regarding hydro-geological matters and potential impact on controlled waters.
- Further details of mineral volumes, waste mineral volumes and detailed cross sections should be provided as part of the application.
- A programme of vibration monitoring should be undertaken throughout the life of the quarry.
- Further geotechnical appraisal should be required to properly evaluate slope stability issues.
- Potential noise and dust impacts should be adequately controlled.

Greater Manchester Ecological Unit - The ES does not include a full breeding bird survey, which is concerning as there are reports of peregrine falcons at the site. This species is protected under the Wildlife and Countryside Act 1981. Surveys should be undertaken to assess the presence/absence of this species and this should inform appropriate mitigation works.

There appears to be some uncertainty over the detail of the final restoration proposals. Clarification should be required and detailed conditions be applied to any permission to require restoration for the benefits of nature conservation.

Proposed ecological mitigation measures within the ecological section of the ES should be subject of conditions in any permission.

Environment Agency - The written statement indicates that groundwater flow in the quarry is north westerly towards the Irwell valley. Licences to abstract water from springs have been issued for several sites in the vicinity of the quarry. However, these are in a NNE, NE, E, SE or S direction and should not, therefore, be at risk from quarry workings. Spring water supplies to private properties are held by Rossendale BC's Environmental Health Department.

Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works within 8 metres of the top of the bank of the main river — Cross Bank Brook.

The existing WML for the disposal of factory waste is quite restrictive in waste types and area. It would need to be modified if other waste types are proposed. The waste types would almost certainly have to be inert, non-biodegradable wastes.

Lancashire County Council – Determined the planning applications for the review of conditions covering the area that falls within Rossendale BC. These were approved conditionally on 1st November 2007.

Rossendale Borough Council – No observations received.

Red Rose Forest – Restoration should be to the original (pre-quarrying) contours including re-establishing the old field pattern, including the use of stonewalling. A methodology should be established to determine the pre-quarrying levels. Bury Old Road should be restored with good quality surfacing. The applicant ought to offer support to the Local Authority in improving other rights of way in the immediate vicinity. Small areas of rock exposure should be left where they show interesting geological strata suitable for education and interpretation or for rock climbing.

Unitary Development Plan and Policies

EN6	Conservation of the Natural Environment
EN3/2	Development Affecting Archaeological Sites
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/5	Mineral Extraction and Other Dev in the Green Belt
MW2	Environmental Considerations for Mineral Workings
MW2/1	Assessing Mineral Extraction Proposals
MW2/3	Development Control Conditions (Minerals)
MW2/4	Longstanding Planning Permissions
MW2/8	Materials for Restoration
MW2/9	Standards of Restoration (Minerals)

Issues and Analysis

Scheme of Working - The applicant proposes to continue to quarry the site in a clockwise direction in accordance with the provisions of the old mining permissions. The site would be progressively restored with waste materials along the northern and eastern sections of the site. The deposit of waste within the quarry void would be used to establish a landform, which is more consistent with local topography and would provide a level surface within the quarry floor at the north. The Health and Safety Executive would regulate working practices under the provisions of the Quarry Regulations 1999.

The applicant is of the view that the old mining permissions allow for the importation of waste material to restore the site and that rights to import and tip waste are provided for under the General Permitted Development Order 1995, Schedule 2, Part 8, Class D.

The applicant maintains the opinion that the proposed final levels could be achieved through the importation of waste along with the waste that would be generated on-site. However,

officers of Lancashire County Council have advised the applicant that they do not share the view that waste can be imported to the site under the existing planning permissions or under permitted development rights.

Following the approval of planning application ref.43048 on 21 December 2006 the applicant now has planning permission to landfill the existing quarry void at the north of the site with approximately 1.2 million cubic metres of imported non-hazardous, non-putrescible and non-biodegradable construction, demolition and excavation wastes to create a level surface at 200m AOD. An engineered landfill is to be constructed in accordance with the provisions of a PPC Permit issued by the Environment Agency.

Given the provisions of planning permission ref. 43048, the applicant has calculated that the proposed final restoration levels across the remainder of the site could be achieved without the need to import waste materials. The site could be restored with mineral waste and on-site block plant factory waste, thus overcoming a long standing disagreement. Consequently, it is now recommended that a condition be imposed to restrict the importation of materials with the exception of soil making materials for restoration, The proposed scheme of working this is, therefore, considered to be acceptable.

Noise - The ES includes a noise assessment for the quarry operations which is common to this application and that considered by Lancashire County Council. The part of the development within Lancashire is some distance from sensitive residential properties. The daytime noise climate at residential properties to the west of the site, within Bury is dominated by traffic noise from the A56.

The noise assessment includes 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 attenuation through absorption and distance. The noise calculations indicate that all operations would be within criteria derived from MPG11. In the period since the submission of the application, MPG11 has been replaced by Annex 2 of MPS 2, which sets out policies and considerations in relation to the environmental effects of minerals extraction whilst maintaining the main principles of noise control outlined in MPG11. Nevertheless, it is recommended that a condition be imposed to control noise to the levels identified in the ES at noise sensitive properties. The levels proposed would also be generally consistent with those set out within planning permission ref. 43048, which encompasses land within this application area.

Blasting - In response to the consultation on the application as initially submitted in 2000, United Utilities raised no objection in principle to the proposals subject to a requirement that no blasting works or piling should be carried out within 30m of UU water mains. However, further to representations made by UU in connection with planning application 43048, they are now satisfied subject to the installation of a permanent vibration monitor in a borehole close to the Haweswater Aqueduct to ensure that vibration levels would not exceed 5mm.

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. Consequently, the applicant maintains that a blasting limit of 12.5mm/s would be more appropriate in accordance with guidance detailed in MPG9 and MPG14. Given that the guidance is of a generic nature and that the precise levels of peak particle velocity that would be acceptable would depend on 'local circumstances' and reference is made to controlling impacts on 'vibration sensitive buildings', it is considered that the recommended levels requested by United Utilities should be imposed by way of condition to ensure that no element of risk would be presented to this important water supply facility.

Highways Matters - The applicant proposes to continue to utilise the existing access into and out of the site from the A56, south of Shuttleworth village and within the administrative area of Bury. The access is well established and the only alternative is an inferior roadway on the A56 to the north close to the junction with Bye Road that is not now normally utilised

but remains as a facility.

The application involves no changes to the access situation with predicted traffic movements anticipated to accord with the estimates for the current activity given with the more recent application ref. 43048 for a quarry extension, fill and green waste composting at 216 HGV's per day (432 movements). This would increase to 316 HGV's per day (432 movements) in association with this scheme. In addition, the number of light vehicles accessing the quarry per day is estimated at 171 (342 movements) increasing to 177 (354 movements) with the approved scheme.

In order to ensure continuing road safety satisfactory visibility splays at both of the Manchester Road site entrances should be safeguarded by a condition. Condition should also ensure that there are adequate wheel cleaning facilities available, the internal roads are kept clear of debris and that vehicles transporting finer materials are securely sheeted.

Ecology and Landscape - The site lies within one of the Special Landscape Areas identified under Policy EN9/1. The policy requires that within these areas any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. The site is an established quarry, which is a prominent feature of the local landscape. There are settlements of Ramsbottom and Shuttleworth to the west and north of the site in the valley bottom and agricultural fields, moorland and isolated dwellings and farmhouses in the east and south on higher ground. The visual impacts of the proposed scheme of working would be no more intrusive than the current quarrying activity and, in the long term, there would be benefits resulting from the restoration of the site.

In terms of the Green Belt location Policy OL1/5 requires that the development would maintain high environmental standards and that the site is well restored. Appropriate conditions are needed to ensure that this would be the case.

Habitat re-creation should aim to establish native plant communities appropriate to the natural area. The applicant has provided outline details of restoration proposals to include areas of woodland planting and grassland, which is acceptable in principle. However, it is recommended that detailed restoration proposals, including species types and NVC community types for the habitats to be recreated and methods of planting, be required as part of a condition for a scheme and programme for the final restoration of the site. The creation of such habitats would benefit species such as peregrine falcons, brown hare, lapwing, skylark and twite.

It is evident that a badger set is present within the existing quarry. New sets could be excavated at any time and, therefore, it is recommended that the applicant be made aware that should a badger set be encountered during the development then Natural England must be consulted and a licence may be required if works are to be undertaken in the vicinity of any set.

It has also been stated that Peregrine Falcons have been identified at the site and it has been recommended that surveys should be undertaken to determine their presence/absence and appropriate mitigation measures put in place. Given that the site is an active quarry with operations likely to continue for some considerable time, this is considered unreasonable. Peregrine Falcons are protected and it is the operator's responsibility to ensure the birds are not adversely affected. However, it is considered reasonable to require the applicant to provide details of the retention of areas of appropriate habitat as part of a recommended condition for details of final restoration. Additionally, as is the case with badgers and other protected species it is recommended that the applicant be advised to contact Natural England should Peregrine Falcons be identified in close proximity to active workings. An appropriate informative should be included with the decision notice.

The impact of the quarry on the visual amenities of the area would not be any greater to that already caused by the existing quarrying operations. Subject to conditions regarding the restoration and aftercare of the site, the proposals are considered acceptable and in

accordance with policies EN9/1 and OL1/5.

Archaeology - The worked area of the present quarry does not contain any significant archaeological remains. There is, however, a record of a Bronze Age burial in the area, marked by a cairn, which was excavated in the 1960s. This indicates human activity in the area during prehistory and there may be further remains that are concealed below the ground within areas of the site still to be excavated. Accordingly, a condition is recommended to require details of a scheme and programme of archaeological investigation during further development of the site. This would ensure compliance with Policy EN3/2 that secures protection during development for archaeological remains.

Summary of reasons for Recommendation

The scheme for the review of conditions should be granted by the inclusion of the Council's own conditions having regard to the policies and proposals listed and the reason(s) for this decision can be summarised as follows:-

The conditions being imposed would secure a satisfactory degree of control over site operations to safeguard residential amenity, hours of working, highway concerns, control of noise, dust and blasting, the safeguarding of watercourses and drainage, the safeguarding of any archaeological remains, the retention of existing soils and overburden and to ensure restoration, aftercare and monitoring.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The mining operations authorised by this permission shall cease not later than 21 February 2042. The site shall be restored in accordance with the conditions of this permission and shall be finally restored by 21 February 2043.
Reason. 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 pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
2. The development and restoration shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The application and supporting document received 29 February 2000.
 - b) Submitted Plans:
 - Drawing no. FBQ/2000/01 — Location Plan
 - Drawing no FBQ/2000/02A — Peels Ownership Plan
 - Drawing no. FBQ/2000/02B — Marshalls Ownership Plan
 - Drawing no. FBQ/2000/02 — Location Plan
 - Drawing no. FBQ/2000105 — Working Program
 - Drawing no. FBQ/2000/06 — Base of Gritstone
 - Drawing no. FBQ/2000/07 — Phase 1 —7 Infilling
 - Drawing no. FBQ2007/04A, Rev 00 — ROMP Plan, Existing Quarry Model as per March 2004 (including section chainage)
 - Drawing no. FBQ/2007/04B, Rev B — Reserve Sections and Low Level Restoration
 - Drawing no. Dli 31 38-FBQ-REST, Rev A — Restoration Masterplan — ROMP Submission.
 - c) All schemes and programmes approved in accordance with this permission.

Reason. For the avoidance of doubt and to enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

3. A copy of this permission and the documents referred to in Condition 2 shall be available for inspection at the site office at all times throughout the development.
Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
4. A topographical survey 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 have been carried out within the two months preceding 31 December and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and be contoured at 1 metre intervals, relating to ordnance datum, over all the land where mining operations have taken place and/or wastes have been deposited.
Reason. To enable the Local Planning Authority to monitor the site to ensure compliance with the planning permission pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
5. Topsoils, subsoils and waste materials arising from the winning and working and processing of minerals under this permission shall only be deposited within approved restoration and landscaping works.
Reason. To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowner and land users and to ensure satisfactory restoration and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
6. No materials, with the exception of soil making material to be used for restoration purposes, shall be brought to the site from elsewhere for the purposes of this permission. No such material shall be removed from the site once it has been deposited in the quarry area.
Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
7. No mineral working or restoration shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1600 hours on Saturdays

No mineral working or restoration shall take place at any time on Sundays or Public Holidays. This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

8. Within 6 months from the date of this decision details of the design, specification and location of wheel cleaning facilities shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within 3 months from the date of their approval.
Reason. In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
9. The wheel cleaning facilities approved under Condition 8 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
10. 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
11. 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

12. 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 that specification at all times throughout the development.
Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.
13. Noise emitted from the site shall not exceed the following levels when measured adjacent to the nearest boundary of the properties at the following locations at a point closest to the noise source:
- a) Shipper Bottom Farm (NGR. 801 165) 55dBLAeq (1 hour) (free field)
 - b) Greenacre Close (NGR. 801 171) 55dBLAeq (1 hour) (free field)
 - c) Bye Road (NGR. 801 175) 5ldBLAeq (1 hour) (free field)
 - d) Green Hill (NGR. 808 175) 45dBLAeq (1 hour) (free field)
 - e) Moorside Farm (NGR, 813 173) 45dBLAeq (1 hour) (free field)
- Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.
14. The noise limits set out in Condition 13 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 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the locations identified in Condition 13 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: To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
15. Measures shall 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 conditions.
Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

16. Within 6 months from the date of this decision a scheme and programme shall be submitted to the Local Planning Authority, for approval in writing, which demonstrates that ground vibration from blasting shall not exceed a peak particle velocity of 5mm/second in any plane at the closest point of the Haweswater Aqueduct to the blast. The scheme and programme shall include details of blast monitoring and the monitoring details shall be made available to the Local Planning Authority on request.

Reason: To protect the structural integrity of the Haweswater Aqueduct.

17. The use of explosives, except in emergencies, shall only take place between the hours of 1000 to 1730 hours, Mondays to Fridays (except Public Holidays) and 1000 to 1600 hours on Saturdays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.

18. The vibrations from 95% of all blasts in any calendar month shall not exceed 6mm/sec peak particle velocity or 9mm/second peak particle velocity for 5% of the time in any plane at the properties identified in this condition when measured at a point closest to the blast shot-holes.

- a) Shipper Farm Bottom (NGR. 801 165)
- b) Greenacres Close (NGR. 801 171)
- c) Bye Road (NGR. 801 175)
- d) Green Hill (NGR. 808 175)
- e) Moorside Farm (NGR. 813 173)

The ground vibrations and air over pressure from blasts shall be recorded at the property(s) identified above which is (are) closest to the location of the blast, at a point closest to the blast or at any other location agreed in writing with the Local Planning Authority.

As well as the ground vibration levels, records shall be taken of the maximum instantaneous charge, total charge weight, the blast location, the number of holes, the hole diameter and depth, the face height, the type of detonator, the burden and hole spacing, and the weather conditions. A copy of the measurements recorded shall be retained for a period of 12 months and shall be submitted on request to the Local Planning Authority.

Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users and to enable the Local Planning Authority to monitor the operations to ensure compliance with this permission pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.

19. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason. To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing

Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/2 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

20. 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 safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/2 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

21. 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 pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

22. From the date of this permission, no excavation shall take place within unexcavated areas of the site until a scheme and programme of archaeological investigation and mitigation has been submitted to, and approved in writing, by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN3/1 – Impact of Development on Archaeological Sites and EN3/2 – Development Affecting Archaeological Sites of the Bury Unitary Development Plan.

23. All available topsoil, subsoil and peat shall be stripped from any part of the site before that part is excavated or is traversed by heavy goods vehicles, plant or machinery, or before roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control

Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

24. No topsoil, subsoil or overburden removed from the area of the quarry extension shall be sold or otherwise removed from the site without the prior written approval of the Local Planning Authority.

Reason. To ensure satisfactory restoration of the site and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

25. By 31 December 2020 or within 12 months of the cessation of mining 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 final configuration and level of the excavated areas and determination of the angles of slope;
- c) The final face profiles giving maximum face heights, minimum bench widths and maximum face gradients, including details of retention of rock outcrops for potential rock climbing use and rock ledges suitable for breeding birds including peregrine falcons;
- d) The re-spreading of any available topsoils, sub-soils and soil making materials and seeding specification;
- e) Works for the treatment of the quarry floor and quarry faces so as to leave the quarry in a safe and stable condition;
- f) The treatment of silt traps, lagoons and water areas;
- g) Hydrological and drainage information to demonstrate the level of water that will remain or accumulate in the quarry floor and proposed surface water attenuation lagoon;
- h) Details of fencing to the boundary of the site and landscaped areas;
- i) Details of native tree/shrub planting habitat creation, with particular regard to the creation of habitat suitable for brown hare, peregrine falcon, lapwing, skylark, twite and grassland seed specification/cultivation methods;
- j) 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 and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment, EN6/3 – Features of Ecological Value, EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

26. A monitoring report shall be submitted to the Local Planning Authority annually by 1 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 mineral extraction;
- b) Measures taken to implement the landscaping, progressive restoration and habitat creation;

c) Intended operations for the next 12 months:

d) During the aftercare period the measures taken to implement the aftercare provisions.

Reason. To ensure that the site is returned to a beneficial afteruse and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

27. Within six months of there being a temporary cessation of mining operations, as defined in this permission, a scheme and programme for interim restoration measures for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall provide for the following:

a) Details for the retention or removal of all plant, machinery, buildings and structures and foundations including internal haul roads, access roads and hard standing areas;

b) The levels of the site including bench heights and face positions;

c) The interim treatment and landscaping of the quarry benches and faces:

d) Details for the means of controlling any water that will form in the base of the quarry;

e) Provision for the submission of an annual review of the interim restoration measures that have taken place.

Reason. To secure the interim restoration of the site in the event that there is a temporary cessation of mineral working in accordance with an approved scheme and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

28. Within 3 months of the certification in writing by the Local Planning Authority of the completion of restoration, 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 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 conjunction 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 and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

29. Visibility splays measuring 4.5metres x 90 metres shall be provided at the junction

of both site entrances with Manchester Road to the written satisfaction of the Local Planning Authority and shall subsequently be maintained free of obstruction above the height of 0.6 metres.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 10

Applicant: Marshalls Mono Ltd

Location: FLETCHER BANK QUARRY MANCHESTER ROAD RAMSBOTTOM

Proposal: APPLICATION FOR DETERMINATION OF CONDITIONS FOR A MINERAL /
MINING SITE UNDER THE ENVIRONMENTAL ACT 1995

Application Ref: 36331/Full

Target Date: 12/09/2005

Recommendation: Approve with Conditions

Description

This planning application is identical to the application for determination of conditions for mineral/mining site (application reference 36228). The regulations stipulate that each landowner must submit an application for the works. Therefore, as there are two landowners, two planning applications have been submitted. The issues are discussed in full in the report attached to application reference 36228.

Summary of reasons for Recommendation

The scheme for the review of conditions should be granted by the inclusion of the Council's own conditions having regard to the policies and proposals listed and the reason(s) for this decision can be summarised as follows:-

The conditions being imposed would secure a satisfactory degree of control over site operations to safeguard residential amenity, hours of working, highway concerns, control of noise, dust and blasting, the safeguarding of watercourses and drainage, the safeguarding of any archaeological remains, the retention of existing soils and overburden and to ensure restoration, aftercare and monitoring.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The mining operations authorised by this permission shall cease not later than 21 February 2042. The site shall be restored in accordance with the conditions of this permission and shall be finally restored by 21 February 2043.
Reason. 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 pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
2. The development and restoration shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The application and supporting document received 29 February 2000.
 - b) Submitted Plans:
Drawing no. FBQ/2000/01 — Location Plan

Drawing no FBQ/2000/02A — Peels Ownership Plan
Drawing no. FBQ/2000/02B — Marshalls Ownership Plan
Drawing no. FBQ/2000/02 — Location Plan
Drawing no. FBQ/2000105 — Working Program
Drawing no. FBQ/2000/06 — Base of Gritstone
Drawing no. FBQ/2000/07 — Phase 1 —7 Infilling
Drawing no. FBQ2007/04A, Rev 00 — ROMP Plan, Existing Quarry Model as per March 2004 (including section chainage)
Drawing no. FBQ/2007/04B, Rev B — Reserve Sections and Low Level Restoration
Drawing no. Dli 31 38-FBQ-REST, Rev A — Restoration Masterplan — ROMP Submission.

c) All schemes and programmes approved in accordance with this permission.

Reason. For the avoidance of doubt and to enable the Local Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

3. A copy of this permission and the documents referred to in Condition 2 shall be available for inspection at the site office at all times throughout the development.
Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

4. A topographical survey 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 have been carried out within the two months preceding 31 December and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and be contoured at 1 metre intervals, relating to ordnance datum, over all the land where mining operations have taken place and/or wastes have been deposited.
Reason. To enable the Local Planning Authority to monitor the site to ensure compliance with the planning permission pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

5. Topsoils, subsoils and waste materials arising from the winning and working and processing of minerals under this permission shall only be deposited within approved restoration and landscaping works.
Reason. To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowner and land users and to ensure satisfactory restoration and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

6. No materials, with the exception of soil making material to be used for restoration

purposes, shall be brought to the site from elsewhere for the purposes of this permission. No such material shall be removed from the site once it has been deposited in the quarry area.

Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

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

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1600 hours on Saturdays

No mineral working or restoration shall take place at any time on Sundays or Public Holidays. This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

8. Within 6 months from the date of this decision details of the design, specification and location of wheel cleaning facilities shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented in full within 3 months from the date of their approval.

Reason. In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

9. The wheel cleaning facilities approved under Condition 8 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

10. 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral

Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

11. 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 to safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

12. 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 that specification at all times throughout the development.
Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.

13. Noise emitted from the site shall not exceed the following levels when measured adjacent to the nearest boundary of the properties at the following locations at a point closest to the noise source:
 - a) Shipper Bottom Farm (NGR. 801 165) 55dB LAeq (1 hour) (free field)
 - b) Greenacre Close (NGR. 801 171) 55dB LAeq (1 hour) (free field)
 - c) Bye Road (NGR. 801 175) 5dB LAeq (1 hour) (free field)
 - d) Green Hill (NGR. 808 175) 45dB LAeq (1 hour) (free field)
 - e) Moorside Farm (NGR, 813 173) 45dB LAeq (1 hour) (free field)Reason. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.

14. The noise limits set out in Condition 13 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 dB LAeq (1 hour) (free field), as defined in this permission, as measured from any of the locations identified in Condition 13 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. To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.

15. Measures shall 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 conditions.
Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
16. Within 6 months from the date of this decision a scheme and programme shall be submitted to the Local Planning Authority, for approval in writing, which demonstrates that ground vibration from blasting shall not exceed a peak particle velocity of 5mm/second in any plane at the closest point of the Haweswater Aqueduct to the blast. The scheme and programme shall include details of blast monitoring and the monitoring details shall be made available to the Local Planning Authority on request.
Reason: To protect the structural integrity of the Haweswater Aqueduct.
17. The use of explosives, except in emergencies, shall only take place between the hours of 1000 to 1730 hours, Mondays to Fridays (except Public Holidays) and 1000 to 1600 hours on Saturdays.
Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.
18. The vibrations from 95% of all blasts in any calendar month shall not exceed 6mm/sec peak particle velocity or 9mm/second peak particle velocity for 5% of the time in any plane at the properties identified in this condition when measured at a point closest to the blast shot-holes.
- a) Shipper Farm Bottom (NGR. 801 165)
 - b) Greenacres Close (NGR. 801 171)
 - c) Bye Road (NGR. 801 175)
 - d) Green Hill (NGR. 808 175)
 - e) Moorside Farm (NGR. 813 173)

The ground vibrations and air over pressure from blasts shall be recorded at the property(s) identified above which is (are) closest to the location of the blast, at a point closest to the blast or at any other location agreed in writing with the Local Planning Authority.

As well as the ground vibration levels, records shall be taken of the maximum instantaneous charge, total charge weight, the blast location, the number of holes, the hole diameter and depth, the face height, the type of detonator, the burden and hole spacing, and the weather conditions. A copy of the measurements recorded shall be retained for a period of 12 months and shall be submitted on request to the Local Planning Authority.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to enable the Local Planning Authority to monitor the operations to ensure compliance with this permission pursuant to

policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/2 – Noise Pollution of the Bury Unitary Development Plan.

19. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.
Reason. To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/2 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

20. 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 safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/2 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

21. 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 pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions and EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

22. From the date of this permission, no excavation shall take place within unexcavated areas of the site until a scheme and programme of archaeological investigation and mitigation has been submitted to, and approved in writing, by the Local Planning Authority.
Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN3/1 – Impact of Development on

Archaeological Sites and EN3/2 – Development Affecting Archaeological Sites of the Bury Unitary Development Plan.

23. All available topsoil, subsoil and peat shall be stripped from any part of the site before that part is excavated or is traversed by heavy goods vehicles, plant or machinery, or before roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site.
Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
24. No topsoil, subsoil or overburden removed from the area of the quarry extension shall be sold or otherwise removed from the site without the prior written approval of the Local Planning Authority.
Reason: To ensure satisfactory restoration of the site and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals) and MW2/4 – Longstanding Planning Permissions of the Bury Unitary Development Plan.
25. By 31 December 2020 or within 12 months of the cessation of mining 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 final configuration and level of the excavated areas and determination of the angles of slope;
 - c) The final face profiles giving maximum face heights, minimum bench widths and maximum face gradients, including details of retention of rock outcrops for potential rock climbing use and rock ledges suitable for breeding birds including peregrine falcons;
 - d) The re-spreading of any available topsoils, sub-soils and soil making materials and seeding specification;
 - e) Works for the treatment of the quarry floor and quarry faces so as to leave the quarry in a safe and stable condition;
 - f) The treatment of silt traps, lagoons and water areas;
 - g) Hydrological and drainage information to demonstrate the level of water that will remain or accumulate in the quarry floor and proposed surface water attenuation lagoon;
 - h) Details of fencing to the boundary of the site and landscaped areas;
 - i) Details of native tree/shrub planting habitat creation, with particular regard to the creation of habitat suitable for brown hare, peregrine falcon, lapwing, skylark, twite and grassland seed specification/cultivation methods;
 - j) 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 and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 –

Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment, EN6/3 – Features of Ecological Value, EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

26. A monitoring report shall be submitted to the Local Planning Authority annually by 1 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 mineral extraction;
- b) Measures taken to implement the landscaping, progressive restoration and habitat creation;
- c) Intended operations for the next 12 months;
- d) During the aftercare period the measures taken to implement the aftercare provisions.

Reason. To ensure that the site is returned to a beneficial afteruse and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

27. Within six months of there being a temporary cessation of mining operations, as defined in this permission, a scheme and programme for interim restoration measures for the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall provide for the following:

- a) Details for the retention or removal of all plant, machinery, buildings and structures and foundations including internal haul roads, access roads and hard standing areas;
- b) The levels of the site including bench heights and face positions;
- c) The interim treatment and landscaping of the quarry benches and faces;
- d) Details for the means of controlling any water that will form in the base of the quarry;
- e) Provision for the submission of an annual review of the interim restoration measures that have taken place.

Reason. To secure the interim restoration of the site in the event that there is a temporary cessation of mineral working in accordance with an approved scheme and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN7/3 – Water Pollution, EN7/4 – Groundwater Protection and EN7/5 – Waste Water Management of the Bury Unitary Development Plan.

28. Within 3 months of the certification in writing by the Local Planning Authority of the completion of restoration, 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 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 conjunction 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 and pursuant to policies MW2 – Environmental Considerations for Mineral Workings MW2/1 – Assessing Mineral Extraction Proposals, MW2/2 – Planning Applications for Mineral Workings, MW2/3 – Development Control Conditions (Minerals), MW2/4 – Longstanding Planning Permissions, EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan.

29. Visibility splays measuring 4.5metres x 90 metres shall be provided at the junction of both site entrances with Manchester Road to the written satisfaction of the Local Planning Authority and shall subsequently be maintained free of obstruction above the height of 0.6 metres.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

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

Ward: Radcliffe - West

Item 11

Applicant: American + Efird (GB) Ltd

Location: BANKSIDE MILLS, CHAPELFIELD, RADCLIFFE, MANCHESTER M26 1JF

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT 14 HOUSES INCLUDING THE MEANS OF ACCESS TO THE SITE

Application Ref: 50782/Outline Planning
Permission

Target Date: 24/04/2009

Recommendation: Approve with Conditions

Description

The application site is located off Stand Lane and consists of a mill building. The mill building was previously used manufacturing industrial cotton thread. However, the manufacturing process has ceased at the premises and the site is currently used for storage with ancillary offices. The application site slopes from east to west and from south to north.

There are residential properties to the north of the site and there are still properties under construction. Stand golf course is located to the west of the site with a public right of way heading away from the site to the north west. There are further residential properties to the east and south of the application site.

The applicant seeks outline consent for the residential development (14 dwellings) and the means of access to the site from Chapelfield. The appearance, layout, scale and landscaping of the site are reserved matters.

The access road would be located centrally within the site and the indicative layout shows residential properties on either side of the road. The indicative layout indicates that the 14 properties would be a mixture of two storey (2 bedroom) and three storey dwellings (three bedroom) dwellings. The three storey dwellings would have an integral garage.

Relevant Planning History

Adjacent site

41836 – Outline: residential development – 49 No. dwellings at Chapelfield Mill, Stand Lane, Radcliffe. Withdrawn – 9 March 2004

43762 – Residential development of 130 dwellings at Chapelfield Mill, Stand Lane, Radcliffe. Approved with conditions – 22 September 2005

45767 – Variation of approved access & entrance layout previously granted under planning application reference 43762 with amendment to plots 1 to 4 and 121 to 130 to include substitution of 2 apartment blocks for 1 apartment block at Chapelfield Mill, Stand Lane, Radcliffe. Approved with conditions – 17 February 2006

46423 – Variation to layout and unit types previously granted under planning applications 43762 & 45767 for 130 dwellings/apartments at Chapelfield Mill, Stand Lane, Radcliffe. Approved with conditions – 29 August 2005

Publicity

The neighbouring properties were notified by means of a letter on 26 January and a press notice was published in the Bury Times on 5 February. Site notices were posted on 4 February 2009. Four letters have been received from the occupiers of No. 9, 25, 33 Stonemere Drive & one is anonymous. The letters have raised the following issues:

- Support the principle of residential development
- Concern relating the land edged in blue and what this land would be used for, as youths congregate on it at present
- Seek assurance from the developer that the existing properties will not be damaged during construction
- Impact of noise upon proposed occupiers from New Bay public house on Stand Lane
- Loss of amenity by virtue of loss of light and privacy
- Concern regarding the height of the proposed three storey dwellings
- Concern relating the drainage
- Impact of the proposal upon property values
- Loss of view from existing residential properties
- Lack of provision of parking for visitors
- Impact of the proposal on highway safety
- No need for further residential development in the area
- Site could be better used as recreational space

The objectors have been notified of Planning Control Committee.

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to the provision of visibility splays, parking and turning facilities

Drainage Team – No objections

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

Public Rights of Way Officer – The public right of way, which runs along the south west edge of the site would not be affected by the proposal

Wildlife Officer – No objections, subject to the inclusion of a note regarding bats

GM Police Architectural Liaison –

United Utilities -

Fire Officer – No objections, subject to no dwellings being located in excess of 165 metres from the nearest fire hydrant and no dwelling should be in excess of 250 metres from a cul-de-sac. Where this cannot be satisfied, a suitable located emergency access road should be provided or dwellings in excess of the 250 metre distance could be fitted with a suitable domestic type sprinkler system.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD6	DC Policy Guidance Note 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises

Issues and Analysis

Principle – The proposed development would result in the loss of an employment site for residential use.

The application site is currently in use for employment purposes. The building was previously used for manufacturing industrial cotton thread, but is now used for storages and

associated offices. An Employment Land Review has been undertaken, which used a detailed set of criteria to determine the suitability of the existing employment sites and to establish the future requirements for employment land. The detailed criteria assessed the site in land use terms including access arrangements, surrounding land uses and access to shops and services.

The result of this assessment shows that the application site is no longer suitable from a land use perspective for continued employment use and this site has been identified as one that could be released for other uses. Therefore, the proposed development would not conflict with the aims of Policy EC2/2 of the adopted Unitary Development Plan.

Policy H1/2 states that the Council would have regard to various factors when assessing a proposal for housing development, including the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The proposed development would be located within a predominantly residential area and as such, it is considered that there would be adequate infrastructure and would not conflict with the surrounding uses.

Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year. The application site is currently occupied by a mill building and it is considered to be previously developed land. As a result, it is considered that the proposed development would not conflict with the surrounding land uses. Therefore, it is considered that the proposal is acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and Policy L4 of the Regional Spatial Strategy.

Design & impact upon the surrounding area – The layout plan for the proposed development is indicative although the means of access to the site is fixed. The design and appearance of the proposed dwellings would be the subject of a future application.

The indicative site plan indicates that 14 properties could be accommodated on the site and that the relationship between the proposed dwellings and the existing dwellings on Stonemere Drive would be gable to gable. It is considered that the proposed development could be satisfactorily accommodated on the site and would be in accordance with Policies H2/1 and H2/2 of the adopted Unitary Development Plan.

The proposed dwellings would be a mixture of two and three storey properties. It is considered that this would be acceptable and in keeping with the area as the surrounding dwellings and blocks of flats are a mixture of two, three and four storey properties. An objection has been raised regarding the potential for loss of light and the maximum height of the dwellings would be controlled by a condition. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents and would be in accordance with Policies H2/2 and EN1/2 of the adopted Unitary Development Plan.

Pollution issues – The existing mill is located within a residential area and was used previously to manufacture industrial cotton and is currently used for storage and ancillary offices. It is considered that the redevelopment of the application site for residential use would significantly reduce the noise levels and potential for disturbance to the existing residents. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents in terms of noise and would be in accordance with Policies EN7/2 of the adopted Unitary Development Plan.

Protected species – A bat survey was submitted as part of the application, which states that no signs of bats were found during the survey of the building and that the building has very low potential for use by roosting bats. The Wildlife officer has no objections to the proposal. Therefore, it is considered that the proposed development would not have an

adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Parking and access – The site would be accessed from Chapelfield and the proposed road would be located centrally within the site. It is considered that there would be adequate visibility splays onto Chapelfield. The turning head indicated on the site plan is considered to be adequate and the highways team has no objections to the proposal, subject to the inclusion of conditions relating to the provision of visibility splays and turning heads and parking. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policies HT2/4 of the adopted Unitary Development Plan.

SPD11 states that in a high access area, there should be a maximum provision of 1.5 spaces per two bedroom dwellings and 2 spaces per three bedroom dwellings. Therefore, the proposed development should be providing a maximum of 25 parking spaces.

The site plans shows that each dwelling would have a private driveway, where one car could be accommodated and it is envisaged that the three storey properties would have an integral garage. Therefore, the proposed development would create 22 spaces. It is considered that the parking provision would be acceptable as the site has good access to public transport. Therefore, it is considered that the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Response to objectors

- The issues of loss of amenity, the height of the dwellings, parking provision and the impact of the proposal on highway safety are covered above.
- Policy L4 of the Regional Spatial Strategy states that there is a need for new residential development within the borough of Bury and the proposed development would comply with this policy.
- The application site would be some 85 metres away from the New Bay public house. It is considered that as there would be existing residential dwellings between the proposed dwellings and the pub that there would not be a significant adverse impact upon amenity.
- The proposed development would connect to the mains sewer. It is considered that this would be adequate and the drainage team has no objections to the proposal.
- It is considered that the residential scheme to the north of the site provided public open space in accordance with Policy RT2/2. It is considered that the principle of residential development would be acceptable on the site, subject to the provision of public open space in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1.
- The issues of damage to the existing properties, value of properties and loss of view are not material planning considerations and therefore, cannot be taken into consideration.

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 acceptable in principle and would not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development would not be unduly prominent in the locality and would not be detrimental to highway safety.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Applications for approval of reserved matters must be made not later than:

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

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

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

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

3. This decision relates to drawings numbered 567-01 A, 567-02, 567-03 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

4. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

8. The reserved matters application shall make provision for recreational facilities for the prospective residents in accordance with Policy RT2/2 - Recreation Provision in New Housing Development, of the Bury Unitary Development Plan and Development Control Policy Guidance Note 1 - Recreation provision in New Housing Development. The recreational facilities shall be implemented prior to the occupation of the dwellings hereby approved.

Reason. In order to satisfy the recreational needs of the prospective residents of the properties in accordance with Policy RT2/2 of the Unitary Development Plan.

9. Visibility splays measuring 2.4 metres by 25 metres shall be provided at the junction of the site access with Chapelfield 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.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 12

Applicant: Tonwell Builders Ltd

Location: 68 WHALLEY ROAD, SHUTTLEWORTH, RAMSBOTTOM, BURY BL0 0DE

Proposal: CHANGE OF USE OF BUILDING TO DWELLING (CLASS C3); REPLACEMENT OF WALLS AND NEW WINDOWS

Application Ref: 51095/Full

Target Date: 08/05/2009

Recommendation: Approve with Conditions

Description

The application site is a 2 storey commercial premise surrounded by residential properties fronting Whalley Road which used for storage in connection with the applicant's building business. The front elevation facing Whalley Road is clad in timber weather boarding with a natural slate roof and the north elevation is screened by a stone wall and slopes up towards the front of No 70 Whalley Road, with the rear roof being replaced with plastic covered steel sheeting.

Adjacent properties are No 66 which is an attached 3 storey stone built property whose rear garden is elevated above the site; No 70 Whalley Road is set back substantially from the main road with the steps leading to this house adjacent to the side of the application site; directly opposite are residential houses. The site is located in Shuttleworth Village which is within the Green Belt.

The application seeks a change of use of the building to dwelling (Class C3). This will include both external and internal alterations which are:

- replacement of the timber front wall with a coursed stone wall
- new windows in the front, side and rear elevations
- replacing rear roof with slate
- new pedestrian access from Whalley Road
- new bin store and patio area
- various internal alterations

Relevant Planning History

None

Publicity

Letters sent to Nos 66, 67, 69, 70, 71, 72, 73, 74, 76, 78 Whalley Road; 1, Nero Street; Rockcliffe, Green Acre Close.

Two letters of objection received from No 66 Whalley Road and 1 Nero Street with the following comments:

- the development would cause excessive noise and disruption
- parking at present is inadequate
- the proposed window on the rear elevation would overlook their garden
- value of property would be reduced

The objectors have been informed of the Planning Control Committee.

Consultations

Highways Team - no comments received to date

Drainage Team - no objections

Waste Management Team - no comments received

Environmental Health Contaminated Land Team - no comments to make

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
OL1	Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
H2/2	The Layout of New Residential Development
SPD11	Parking Standards in Bury

Issues and Analysis

Principle - Unitary Development Plan Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt and supporting document Development Control Policy Guidance Note 9 - Conversion of Buildings in the Green Belt seeks to ensure that proposals do not have a materially greater impact than the present use on the openness of the Green Belt and included land; that extension of re-used building does not conflict with the openness of the Green Belt; that buildings are of permanent and substantial construction capable of conversion; the form, bulk, design are in keeping with their surroundings; there is suitable access and traffic measures; necessary services can be accommodated; and satisfactory measures are in place to prevent damage to habitats. Of equal importance is OL1/3 - Infilling in Existing Villages in the Green Belt allows for limited infill in named villages provided it is in scale with the village and would not adversely affect its character or surroundings.

There would be no extensions to the existing property and given its position within a row of other residential properties the change of use would not have a detrimental impact on the openness of the Green Belt. In terms of suitability of conversion, the building appears to be in good condition and of solid construction, which would include the retention of the existing slate roof. There is a structural survey to confirm the building would be suitable for conversion. Additionally, UDP Policy OL1/3 allows a certain amount of infill in villages such as Shuttleworth, providing it would not result in an extension to the village. The existing building is located within the village envelope of Shuttleworth between residential properties on a main road and a new build property would not impact on the openness of the Green Belt. As such, a new residential property in this position would be acceptable in principle. The proposal is considered to be acceptable and would comply with OL1/4, OL1/3 and DCPG Note 9.

Residential amenity - This area of Whalley Road is predominantly residential in character and the change of use to residential would have less general impact on amenity of nearby residents than the continual existing use for storage and light distribution.

There is a habitable room window proposed at ground and first floor level which would be directly opposite Nos 67 and 69 Whalley Road. The council would normally seek a separation distance of 20m between habitable room windows of two properties. In this instance it is considered acceptable given the adjacent property No 66 is also flush to the public highway with habitable room windows on the front elevation with a similar separation distance. In addition there is a busy main road in between the properties which gives a wider sense of space and distance and an existing 1st floor window. As such, it is considered the position of the windows would not significantly harm the privacy or overlook into Nos 67 and 69 Whalley Road and would be acceptable.

The proposed ground floor window on the side elevation would face the steps leading up to No 70 and also be partly obscured by the side boundary wall to the site. The first floor side window is annotated on plan as an escape window which whilst again it would not impact on the residential amenity of the next door property in terms of overlooking, would be conditioned obscure glazed.

The objector has raised concerns that the window on the rear elevation would overlook their private amenity area. The window would be 1.9m above floor level and therefore it would be difficult to view out from this window. In addition, the plans annotate it would be obscure glazed and a condition would be attached to any planning approval.

Visual amenity - The existing building is out of character, due to its timber cladding, within the general street scene which is characterised by residential stone built houses. The

horizontal boarding on the front and side elevations would be replaced with new stonework and the sheet roof on the rear elevation would match the existing slate roof. The existing stone wall to the front elevation would be retained which is in keeping with the boundary wall to the frontages of Nos 70-76 Whalley Road. The proposed elevational changes would enhance the existing building and integrate into the surrounding environment without detriment to its position within the Green belt. As such, it would comply with EN1/2 - Townscape and Built Design and OL1/4 - Conversion and Re-use of Buildings in the Green Belt.

Parking - Development Control Policy Guidance Note 11 - Parking in Bury requires a maximum of 2 spaces for a 2 bedroomed residential property. There is existing on street parking in front of the properties for cars and the site has a frontage of 8.5m in length which is sufficient to park a car and which is considered to be sufficient given the standards are maximum requirements. A residential use is also likely to create less traffic than the present commercial (B1 or B8) use. It would comply with UDP Policy H2/2 - The Layout of New Residential Development and Development Control Policy Guidance Note 11.

Bin storage - a bin store area would be provided within the proposed garden area to the north of the building and within the curtilage of the site and as such would comply with UDP Policy H2/2 - The Layout of New Residential Development.

Objections - the objections in relation to parking and position of the window in the rear elevation have been covered in the above report. Noise during any development works, and loss of value to the property are not material planning considerations.

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 not harm the openness of the Green Belt nor the character of the surrounding area. It will not affect the amenities of surrounding residents nor adversely impact on highway safety issues.
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 13/3/09 and the development shall not be carried out except in accordance with the drawings hereby approved as amended by conditions 3, 4, 5, 6, 7 and 8 below.
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 specification for cleaning stonework of the existing wall fronting Whalley Road must be approved in writing by the Local Planning Authority before work commences. A sample area of one square metre shall be cleaned for approval in writing by the Local Planning Authority before comprehensive cleaning takes place. Once the works have been agreed then the remaining wall shall be cleaned within 3 months of the final approval in writing.
Reason. In order to preserve the character of the village and to accord with Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
4. The new stone used on the external elevations (including window and door surrounds) shall be local natural stone. A 1m square panel shall be constructed on

site showing the colour, texture, block size and coursing stone to be used for approval by the LPA. This shall be approved in writing by the Local Planning Authority before work commences on site and only this approved material and method of finish shall be used in the construction of the new walls.

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.

5. The new roof covering of the rear section of the roof shall be natural slate to match with the front section of the roof, samples of the material shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works on site and shall be then used in the construction of the new section of roof.
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.
6. The new windows in the front, side and rear elevations to which this consent relates shall be set back 75mm from the external wall face.
Reason. In order to preserve the character of the surrounding area.
7. The position of any external replacement or rainwater/soil pipes shall be approved in writing by the Local Planning Authority prior to commencement of works on site and then shall be used in the construction of the development unless otherwise approved in writing by the Local Planning Authority.
Reason. To ensure a satisfactory appearance to the development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
8. Before the first occupation of the development hereby permitted the windows on the ground floor rear elevation and first floor side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Development Control Policy Guidance Note 6 - Alterations and Extensions to Residential Properties.

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

Ward: Ramsbottom + Tottington - Tottington

Item 13

Applicant: Mr Alex Hooley

Location: LAND TO SIDE OF 29 SUNNY BOWER STREET, TOTTINGTON, BL8 3HL

Proposal: 1 NO. DETACHED DWELLING

Application Ref: 51120/Full

Target Date: 14/05/2009

Recommendation: Approve with Conditions

Description

The site forms the northern section of the garden of 29 Sunny Bower Street. The mature garden site measures 0.36sqm and has an existing access on to Sunny Bower Street on its western side. The garden area has a number of mature trees close to the western boundary which are subject to tree preservation orders. To the north, across an unmade access road is a row of two storey houses fronting Sunny Bower Street of which the closest house is No.27. This property has five windows in the gable facing the site at a distance of 16.6m. The two windows on the ground floor and the two on the first floor are secondary habitable room windows at a distance of 17m from the proposed two storey gable of the new house. The second floor window in the gable is to an attic room.

To the east is the rear garden of No.12 Richmond Close which has a brick built double garage on the boundary of the site which is comprised of a timber fence at 1.5m and a conifer hedge. There is also a large leylandii on the boundary. The main rear elevation of No.12 is 18m away from the rear elevation of the proposed house. To the west is Sunny Bower Street and large detached houses set back from the road. To the south is the garden of No.29 Sunny Bower Street which has a separate access from Sunny Bower Street adjacent to the access proposed for the new house.

The proposed house would be a detached stone built property with a footprint measuring 11.3m by 7m. The maximum ridge height would be 7.6m with an eaves height of 5.5m. There would be a single storey element with a mono-pitched roof comprising the entrance hall on the northern side attached to the north elevation. The design of the house would be traditional with coarsed stone walls and a slate roof. The windows would have stone cills and heads and there would be stone quoin's on the corners. The stone chimney would run up the eastern elevation.

The main habitable room windows would be situated on the west and south elevations which face the private garden areas at the front and side respectively. The smaller windows on the rear/east elevation adjacent to the boundary with No.12 Richmond Close are a mix of non-habitable room windows and secondary obscure windows.

The access would be via the existing double gates from Sunny Bower street with the new driveway running to the rear boundary to form a parking area adjacent to the northern elevation.

The proposed bin store would be situated in the north east corner of the site, next to the parking area. The majority of the private garden area would be to the front and side of the new house. The garden area would be separate from the garden of No.29 by a 1.8m high timber panelled fence.

Relevant Planning History

None relevant.

Publicity

The following neighbours notified by letter dated 19.03/2009.

Sunny Bank, South View and Nos.25, 27, 31, 52 and 54 Sunny Bower Street.

One letter has been received from the occupier of No.27 Sunny Bower Street on the following ground:

- there would be significant impact on the outlook from his property, in particular the gable end on the north elevation.

The occupier of No.12 Richmond Close expressed an opinion that any building works should not compromise his garage on the boundary.

Both residents who have commented have been informed of the Planning Control Committee.

Consultations

Traffic Section - No comment to date.

Drainage Section - No objection.

Landscape Practice - No comment to date

Waste Management - No comment to date.

Environmental Health - No comment to date.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN8/1 Tree Preservation Orders

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/6 Garden and Backland Development

SPD11 Parking Standards in Bury

Issues and Analysis

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

Policies H2/1, H2/2 and in particular H2/6 relate to the form and layout of residential development and new houses within garden and backland plots. In general proposals within garden plots should have special regard to the concentration of development in the surrounding area, relative density and impact on neighbouring properties, the local environment and access arrangements.

Siting and design - The proposed site is considered to be of sufficient size to accommodate a two bedroom dwelling without appearing to constitute overdevelopment or be out of character within the locality. The traditional design and appearance of the proposed house is considered to be appropriate within the site and would not be out of character with the surrounding area. The natural stone and slate finish is considered to be acceptable.

Residential amenity - The siting and massing of the proposed house would not have a seriously detrimental impact on the adjacent neighbours as the new building is a sufficient distance to the principle elevations of neighbouring houses. There are no habitable room windows overlooking neighbouring property and there is no 'window to window' issues. The residential amenity of the immediate neighbours is not detrimentally affected.

Trees - Notwithstanding the comments of the Landscape Practice, which will be included in the supplementary report, the arboricultural impact study submitted with the application indicates that the two TPO trees (Beech and Sycamore) will not be detrimentally affected by

the proposed house. The only tree that requires felling as a result of the proposal is semi-mature spruce in the centre of the site and this is not protected.

Traffic - There are no concerns regarding access which would be via an existing access onto Sunny Bower Street. The site could accommodate two or three vehicles and this is considered to be sufficient parking on site for a development of this scale. Complies with guidance on parking standards.

Contamination - No comments to date from the Council's Environmental Health section but it is considered that the end use is sensitive and it would be appropriate to attach the standard contaminated land conditions to any approval.

Objection - The proposed two storey gable facing towards the gable windows of No.27 Sunny Bower Street is over 16m away and with trees and shrubs in between, the new house should not have a seriously detrimental impact on the neighbour's amenity. His suggestion that the gable should be changed to a hip is not considered to be particularly enforceable in this circumstance.

The proposal complies with UDP policies and guidance listed.

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 new house is in keeping with the character of the area and would not have a detrimental impact on the amenity of the neighbours. There are no highway safety issues and the existing TPO trees are not affected. 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 AH-00, AH-01, AH-02 and AH-03A 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. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
5. Prior to the development hereby approved commencing:

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

8. Detailed design features shall be incorporated into the proposed building, as shown necessary by the site investigation, to alleviate risks to the written satisfaction of the Local Planning Authority. A comprehensive construction design shall be incorporated to prevent the ingress of landfill gas, to be agreed in writing with the Local Planning Authority before work commences.

Reason To alleviate any possible risk associated with the production of landfill gas in accordance with the recommendations of the Environment Agency pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan.

9. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:2005 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.

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

10. A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

11. No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.

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

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

Ward: Whitefield + Unsworth - Besses

Item 14

Applicant: Godliman & Watson Homes

Location: FORMER ALBERT INN, RIBBLE DRIVE, WHITEFIELD, M45 8NA

Proposal: ERECTION OF 6 RETAIL UNITS WITH 15 FLATS ABOVE; ASSOCIATED ACCESS, PARKING, SERVICING AND LANDSCAPING (REVISED SCHEME)

Application Ref: 50948/Full

Target Date: 06/05/2009

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and DCPGN1 and to secure the provision of affordable housing in accordance with Policy H4/1 of the adopted Unitary Development Plan and SPD5. Should the agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Assistant Director of Planning, Engineering and Transportation Services under delegated powers.

Description

Planning permission was approved for 6 retail units and 15 flats above in September 2008. Following the grant of planning consent in September 2008, a number of revisions have been made to the site layout and access arrangements and a new application has been submitted to formalise these changes.

The former public house was demolished prior to the submission of the planning application and the site currently contains the rubble from the demolition. There are two accesses into the site, which are located to the east and west of the mini roundabout, which forms the junction with Ribble Drive and Mersey Drive.

There are residential dwellings to the east and south and there is an office building to the south of the site. There is an access road to the west and a block of 9 retail units with 14 flats above. To the north of the application site, there is a mini roundabout and beyond that a church and further residential dwellings.

The proposed development would still involve the erection of a single two/three storey building, which would consist of 6 retail units (Classes A1, A2, A3, A4, A5) and 15 flats above. One of the retail units would be an anchor unit and this unit would be Class A1. The remaining retail units would have between 64 and 71 square metres of floorspace and would be allocated for use as a retail unit (A1), financial and professional services (A2), restaurant or cafe (A3), drinking establishments (A4) and hot food takeaway (A5).

The proposed development would utilise the existing access points onto Ribble Drive, with the car park at the front of the site. The car park would consist of 32 parking bays and 4 disabled parking bays, which would serve both the residential and retail units. Private amenity space would be provided at the rear of the building.

The retail units would use the servicing strip to the east of the building and the anchor unit would have its own delivery and refuse storage yard at the rear of the building. Additional bin stores would be provided for the remaining retail units and residential units at the rear of the site.

Relevant Planning History

50058 – Erection of 6 retail units with 15 flats above; associated access, parking, servicing and landscaping at Former Albert Inn, Ribble Drive, Whitefield. Approved with conditions – 9 September 2008

Publicity

The neighbouring properties were notified by means of a letter on 11 February and a press notice was published on 19 February. Site notices were posted on 14 February. A letter has been received from the occupiers of 2 Tweesdale Close, which has raised the following issues:

- Concern that the building is not in keeping with the locality
- Concern regarding anti-social behaviour and what measures are in place to prevent this

The objectors have been notified of the Planning Control Committee.

Consultations

Highways Team – No objections, subject to the inclusion of conditions relating to access improvements, turning and servicing facilities and car parking.

Drainage Team – No objections

Waste Management – No objections

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

Environmental Health – Pollution control – No objections, subject to the inclusion of conditions relating to hours of delivery, sound insulation and noise from ancillary equipment.

Landscape Practice –

GM Police Architectural Liaison – No objections

United Utilities – No response

BADDAC – Welcome the provision of 4 spaces and level access to the retail and residential units. Request that the staircases in the apartments should have level landings and the winding fire escape should have an inner tread of 270mm.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN7	Pollution Control
EN7/2	Noise Pollution
RT2/2	Recreation Provision in New Housing Development
S1/3	Shopping in District Centres
S1/5	Neighbourhood Centres and Local Shops
S2/1	All New Retail Proposals: Assessment Criteria
S3/3	Improvement and Enhancement (All Centres)
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
SPD1	DC Policy Guidance Note 1: Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD11	Parking Standards in Bury

Issues and Analysis

Principle- There are two key issues to consider as part of this application:

- The level of retail provision and its location
- The provision of housing and its location

Retail - The application site is located within a neighbourhood shopping centre and the

application must be assessed against the following policies:

Policy S1/5 states that the Council will seek to retain retailing (Class A1) as the predominant use in small neighbourhood centres and in new or existing shops to cater primarily for the day to day needs of residents and business.

Policy S2/1 states that the Council will support new retail proposals which:

- are within or immediately adjoining the main shopping area of existing centres;
- sustain or enhance the vitality and viability of a centre;
- are accessible by public transport and
- are in conformity with other policies of the plan

The size and location of the proposed retail units has not changed from the previously approved scheme (50058). While all of the proposed units may not be retained in A1 use, it is considered that an A2 or A3 use may provide a necessary service for the day to day needs of residents and businesses. An A4 or A5 use would contribute to the vitality of the centre and would replace the public house. However, it is important that retailing remains the primary use of the centre and therefore, it is considered that subject to the conditional control of the floorspace, the provision of uses A1, A2, A3, A4 and A5 is acceptable within the neighbourhood centre and would make a positive contribution to the vitality and viability of the centre. The proposed development would result in the provision of two blocks of retail units. However, it is considered that the proposed development would provide a service to the local community and would not conflict with the aims of Policy S1/5 of the adopted Unitary Development Plan.

The proposed anchor unit would have a floorspace of 372 square metres which is larger than the 200 square metres of floorspace which is generally recommended in Policy S1/5. However, it is considered that as the proposed development is located within the heart of the estate and the proposed floor space would not be so large as to attract trips from beyond the local area and this was considered acceptable previously.. On balance, it is considered that the increase in floorspace of 172 square metres would not harm the character of the neighbourhood centre and the regenerative benefits of the proposed development would render the increase in floorspace acceptable nor would the proposed development impact upon other existing centres. Therefore, the proposed development would not conflict with the aims of Policy S1/5 and would be in accordance with Policy S2/1 of the adopted Unitary Development Plan.

Housing - The proposed development involves the provision of 15 flats above the retail units, 7 of which would be affordable units.

Policy H1/2 states that the Council will have regard to the need to direct development towards the urban area; the availability of infrastructure; the suitability of the site in land use terms with regard to amenity and the surrounding land uses. Policy L4 of the Regional Spatial Strategy states that the average rate of housing provision is 500 dwellings per year.

The site was formerly occupied by the Albert Inn pub, which has been demolished and is therefore, previously developed land. The site is located within the heart of the estate and there are residential dwellings to the south and east of the site. It is considered that there would be adequate infrastructure available and that the site would be suitable in land use terms. It is considered that residential use is acceptable and this was established by the approval of the previous scheme (50058). As part of the previous application, the applicant agreed to provide 7 affordable units, with a discount of 30% from the market value. The applicant will provide the same provision under the current scheme, which would be in accordance with SPD5. Therefore, it is considered that the proposed development would be in accordance with Policies H1/2 and H4/1 of the adopted Unitary Development Plan and L4 of the Regional Spatial Strategy.

Design of building - Policy S2/1 states that having successfully established the principle of the development, all retail proposals will be considered with regard to their environmental

impact. As a result, the proposal should have regard to

- their surroundings in terms of design, scale, height and bulk and colour of materials;
- the design of the proposal with regard to safety and security for shoppers, workers and visitors;
- the effects on the amenity of the nearby residents or businesses by reason of noise, smell, litter or opening hours;
- access and where appropriate facilities for the mobility impaired and the provision of adequate servicing and car parking.

Policy H2/1 states that all new residential development will be expected to make a positive contribution to the form and quality of the surrounding area and the height and roof type of the adjacent buildings; the impact of the proposal upon residential amenity; the density and character of the surrounding area and the materials to be used in the development will be assessed

Policy H2/2 states that new residential development will be assessed against car parking provision; access for pedestrians and vehicles; landscaping and safety and security.

The design and layout of the proposed building are unchanged from the previous application. The proposed building would have a pitched roof and would be two storeys in height at the rear and three storeys in height at the front in order to lessen the impact upon the occupiers of the residential properties at the rear as much as possible. It is considered that the proposed building would be appropriate in terms of height, form and scale. The proposed building is modern in design and it is considered that the proposed dark grey brick would be in keeping with the surrounding buildings (adjacent block of shops with flats above). The inclusion of the glazed green and buff brick would give definition to the elevations. It is considered that the proposed development would not be unduly prominent within the locality and would be in accordance with Policies H2/1, H2/2, EN1/1 and EN1/2 of the adopted Unitary Development Plan.

The main residents' entrance would be located on the front elevation between units 2 and 3, which ensures that members of the public have access to the proposed flats above. As a result, the proposed development would not become a gated community and would be socially inclusive. Also, the main entrance would allow for the natural surveillance of the entrance by the proposed flats and units. A separate entrance for residents would be provided near the bin store as an alternative. GM Police Architectural Liaison Unit have no objections to the scheme. Therefore, it is considered that the proposed development would be in accordance with Policies H2/2 and EN1/5 of the adopted Unitary Development Plan.

Impact upon surrounding area/residential amenity - There would be over 50 metres between the front elevation of the building and the Church and 45 metres to the front elevation of the dwellings on Ribble Drive. There would be 25 metres between the rear elevation of the proposed building and the blank gable of No. 7 Hindburn Walk and 14.5 metres between the rear elevation and office building to the south. There would be 18.3 metres between the proposed building and the rear elevation of No. 6 Hindburn Walk. However, normally this distance should be 20 metres. The proposed building would be 2 storeys in height on the rear elevation and it is considered that a distance of 18.3 metres is acceptable as No. 6 Hindburn Walk has been built on an angle and does not directly face the rear elevation. Therefore, no main habitable rooms in No. 6 Hindburn Walk are affected by the proposed development.

The proposed windows for the bedrooms in apartments 11 & 15 are ariel windows and therefore, the occupier of the proposed apartments has an outlook north and south but not to the east or west respectively. The proposed ariel windows also allow for better natural surveillance of the entrance and servicing areas. Therefore, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring residents. The proposed development would be in accordance with Policy H2/1 of the adopted Unitary Development Plan and the aspect distances contained in DCPGN6.

Pollution issues - The proposed development would replace a public house with retail units and apartments above. It is considered that the proposed retail units would create less noise and disturbance than the former pub. It is proposed to restrict the hours of delivery from 09:00 until 20:00 in relation to all the units and the hours of opening from 08:00 until 23:00 in relation to any A3, A4 or A5 uses in order to protect the amenity of the neighbouring residents. The Pollution Control team has no objections to the proposal, subject to the conditional control over the hours of operation. Therefore, it is considered that the proposed development would give rise to less disruption than the pub and would be in accordance with Policy EN7/2 of the adopted Unitary Development Plan.

Parking and Access - The proposed development would utilise the existing access points to Ribble Drive, which are located on either side of the mini roundabout. Parking would be provided at the front of the building for both occupiers of the proposed residential units and customers of the retail units. It is considered that there would be adequate visibility splays and the Highways Team has no objections, subject to the inclusion of conditions relating to access improvements, turning and servicing facilities and car parking. Therefore, it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policies HT2/4 and HT4 of the adopted Unitary Development Plan.

Parking standards state that the maximum standards for a retail store states that there should be 1 space per 30 square metres of floorspace and 3 disabled bays. The parking standards state that for residential dwellings in an area of high accessibility there should be 1.5 spaces per unit. This would equate to 47 spaces and 6 disabled spaces.

The application site contains 32 spaces and 4 disabled spaces, which would be a loss of 5 spaces from the previous application, due to the re-organisation of the access to the site. 17 of the 32 spaces would be residents' only parking bays and the remaining 15 spaces and 4 disabled parking bays would be available for use by visitors to the retail units. It is considered that there is an acceptable level of provision as the proposed retail units are designed to offer a service to the local community and many people would live within walking distance of the proposed retail units. The application site is located within a highly accessible area and there are good links to public transport. The highways team has no objections to the proposal and it is considered that the reduction in 4 spaces would not have a significant impact upon highway safety. Therefore, the proposed development would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Disabled access – The entrance to the proposed retail units and the proposed main residents' entrance would be level. It is not the intention of the application to install a lift at this stage. However, the reception area has been designed so that it would be large enough to contain a platform lift, which would provide full access to all the proposed apartments. Therefore, it is considered that the proposed development would be accessible and would be in accordance with Policy HT5/1 of the adopted Unitary Development Plan.

Contribution - A contribution is required for off-site recreation provision of £6,176.40. The commuted sum for recreation provision and the provision of seven affordable units shall be secured through a Section 106 agreement. A draft agreement has been sent to the applicant for their consideration.

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 acceptable in principle and would not have an adverse impact upon the occupiers of the surrounding properties. The proposed development would be acceptable in terms of height, form and scale and would not be unduly prominent in the locality. The proposed development 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 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 KD-G(00)01, KD-G(00)02, KD-G(00)03, KD-G(00)04, KD-G(00)05, KD-G(00)06, KD-G(00)07, KD-G(00)08, KD-G(00)09, KD-G(00)10, KD-G(00)11, KD-G(00)12, KD-G(00)13, KD-G(00)14, KD-G(00)15, KD-G(00)16, KD-G(00)17, KD-G(00)19, KD-G(90)01, KD-G(90)02, KD-G(90)03, KD-Z(90)01, KD-Z(90)01ZS 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/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to 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 actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
5. 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

6. Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
7. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved details shall be implemented as part of the development hereby approved
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.
8. The units hereby permitted shall not be open to customers outside the following times: 08.00 to 23.00 on a daily basis.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan.
9. No deliveries shall be made to the units within the building hereby permitted outside the hours of 08.00 to 19.00 on any day.
Reason. In the interests of residential amenity pursuant to Policy S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan
10. The anchor unit (372 square metres) to which this approval relates shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason. In order to maintain retailing (Class A1) as the predominant use in the Neighbourhood Centre pursuant to Policy S1/5 - Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan
11. Not less than 50% of the floorspace of units 1 to 5 of the development hereby approved shall be allocated to Class A1 use and the area thus allocated shall be indicated on a drawing to be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the building. Thereafter, this percentage split of the use of the ground floorspace shall be maintained, unless otherwise agreed in writing by the Local Planning Authority.
Reason. In order to maintain retailing (Class A1) as the predominant use in the Neighbourhood Centre pursuant to Policy S1/5 - Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan
12. The development hereby approved shall not be brought into use or first occupied unless and until the pedestrian barrier within the proposed 400mm wide hazard strip along the Ribble Drive site boundary indicated on the approved plans has been implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of pedestrian safety
13. The development hereby approved shall not be brought into use or first occupied unless and until the access improvement works, including the reinstatement of the redundant accesses onto Ribble Drive, indicated on the approved plans have been

implemented to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design in the interests of highway safety.

14. The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use or first occupied. The car park/service yard areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

15. 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 development hereby approved being brought into use or first occupied.

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.

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

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations.

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

