

BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

21 January 2020

SUPPLEMENTARY INFORMATION

Item:01 Access road off Halsall Close, Gorses Quarry, Bury Application No. 64022

Increase in width of existing access track (incorporating a bridleway)

Publicity

Letters of objection received from 73 Milbourne Road, 17 Chestnut Drive and James Daly MP

- Why does the application not include and ignore the widening works carried out to the bridleway adjacent to the field in the ownership of Walmersley Golf Club?
- As you are well aware this verge which contained hedges, bushes and trees has been excavated by people who do not own this land.
- The bridleway/access road in this location has never run the full width of the perimeter wall. I back this claim up with evidence:
 1. Bury council definitive maps clearly show verges between the bridleway and the perimeter. The verge has now disappeared as it has been excavated by cowboys who have also undercut the foundation of the dry stone wall and undermined the structural integrity of this wall.
 2. There are no stone setts local to the perimeter/dry stone wall, just the 2 stone setts as described in bury councils description of bridleway 24bur. Therefore this concludes the fact that the Bridleway/access road has never been as wide as the stone wall.
 3. As previously sent to the council, Google street view images showing exactly how this lane looked liked previous to it's destruction and what it looks like now. There is no way the work carried out is an improvement.
- That part of the bridleway should be put to how it was or improved as the applicant does not own this and it is in the public interest to reinstate this.
- What are Bury Council enforcement are doing about the applicant at Further Davies Farm who hasn't applied for planning permission for a massive double extensions built ?
- Concerned the application is progressing in favour of the developer despite many objections and a whole community being outraged and upset.
- Access along it is only allowed for the people who live at what was a small farm dwelling and which is now a massive over developed cottage with several large outer buildings and an excessively large parking area.
- There has been commercial activity there for the last few years with illegal and heavy traffic flow on the bridleway.
- The developer also admits to having plans for another commercial enterprise at the quarry itself (which he owns) but these are being kept secret from us for now and the Council is being led to believe that the widening of the bridleway is purely for domestic purposes.
- The mitigation/restoration documents now fail to include almost half of the severely damaged area that has been excavated. They seem to have cropped this off when new documents were added in December.
- The lower part of the track has suffered the worse of the flooding due to the amount of vegetation which has been removed. The bridleway has doubled in width in this area and trees, hedges and wildlife devastated by the process.
- The affects the Council's engineers drainage report
- Why has this been allowed to go to the Planning Committee and wonder if it is an oversight and needs more attention.
- There is a massive mound of earth which has been dumped from the excavation which hasn't been mentioned (which cold possibly be used as part of the restoration) so could be put back where it came from.

- I can see that the way forward with this application is to have a restoration/mitigation plan but plead with the council to make sure it is adequate and supervised as well as mandatory and enforceable.
- Sadly, much wildlife will have perished indirectly due to the loss of habitat and directly due to the use of heavy plant machinery used in the widening process.

Response to objections

- In response to point 1 - Bury Council's Definitive Rights of Way Map does not provide widths of footpaths or bridleways and does not include descriptions of the surface/characteristics of a route. The Definitive Map uses lines to indicate the location and direction of routes. That information is drawn on a base map provided by Ordnance Survey (OS). OS create maps showing what is physically in place at the time of a survey. The OS map is not a legal record relating to highways, including public rights of way.
- In response to point 2 and 3 - The width of the bridleway is not recorded in the Definitive Statement. The lack of details regarding widths is a common occurrence and in such cases, the width of a route should be determined by looking at what is present on site. The best indication to the width of a route is usually the presence of a boundary wall or fence, unless it can be argued that the structure was not built with reference to the boundary with the right of way. In this case, it is reasonable to conclude that the wall provides the boundary to the track/bridleway.
- The removal of the verge planting to the lower end of the track is not 'development' by virtue of Section 55 of the Town and Country Planning Act 1990 which defines development as *'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'*. The removal of grass verge and vegetation does therefore not require planning permission and this removal has not, in effect, widened the access track/bridleway.
- The area where the embankment has been excavated, and which is the subject of this application, did not benefit from a boundary wall and it is reasonable to conclude that the embankment marked the limit of the width of the access track. The works carried out to the embankment within the application site are engineering operations and did require planning permission.
- This application is not in connection to any proposals for development at Gorses quarry or any other properties. The application is for the track widening works only.
- The application is for mitigation and restoration works, and conditions have been recommended to ensure the scheme would be delivered.

Objection received from D Bentley - Ecologist - Summarised as follows:

- Project is befuddled and beset by incompetence
- Rachel Hacking Ecology Report of 14 Nov 2019 makes no mention of the "Plateau area" that is referred to in Penny Bennet's reports. The "Plateau area" lies within the SBI and was created from the disposal of materials taken from the bridleway fringe. How can a responsible ecologist not understand what the landscape architect is proposing and where? The ecological report needs to match the Landscape Architect's report .
- The landscape report needs to match the ecology report.
- What is happening with the invasive species?
- The re-profiling of the bank is an open invitation for more damage at the quarry.
- The plateau area is not in the red edge - this has been ignored.
- The revised plans propose less than previously proposed: No habitat modification to encourage heather by much-needed limited birch clearance.

- There is no understanding that the materials taken away have been dumped inside the quarry. The application makes no mention of hedgehogs.
- The project makes no attempt to restore damaged areas along the southern end of the lane.

Response to objection.

- As stated in the Committee Report, the works to the quarry are the subject of a separate enforcement action.
- Therefore the proposed remediation works relate only to the works to the track.
- All issues have been addressed in the proposed ecology report and suitable conditions included to ensure delivery of the scheme.
- A condition to include treatment for invasive species has been recommended.
- All other issues have been covered in the main report.

Item:02 Site at corner of Spring Lane & Bury Road, Radcliffe, Manchester, M26 2QX Application No. 64518

Erection of three storey block of 15 no. apartments with car parking, bin storage and cycle storage with vehicular/pedestrian access from Pine Street

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access improvements, car parking, a construction traffic management plan, and turning facilities.

Publicity - As the applicant, Bolton at Home, is unable to attend the committee meeting, the following comments have been provided:

- We agree that the right of access is not a planning consideration and the Land Registry title plan shows highlighted in yellow the formal access that the Social Club have, which is from Pine Street and not from Spring Lane. We have met with the Club on a couple of occasions to clarify this and look to try and work with them to find a practical solution for all.
- We would also like to confirm that the 15 x 1 bed apartments proposed are self-contained. This will not be a HMO and that subject to approval, we will look to work with Bury Council to fulfil the 50% nominations agreement for allocations.

Conditions - The agent has agreed with pre-start conditions.

Issues - The applicant has submitted a viability appraisal where a case has been presented that any commuted sum would render the development unviable. The viability appraisal has been assessed and accepted and it is recommended that the commuted sum for recreation should be waived on this occasion. It should be noted that this recommendation should not sent a precedent and all future applications should be assessed on their own merits. On this basis, a condition has been included to personalise the permission to the applicant.

Conditions - Therefore conditions 9 and 10 should be amended and conditions 12 - 14 should be added in relation to affordable housing, access improvements and turning facilities:

9. The car parking indicated on a revision of approved plan reference 19011-101 Revision A required to address the previous condition shall be surfaced, demarcated

and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

10. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Access point for construction traffic from Pine Street, including measures/controls to prohibit construction traffic from utilising the section of Pine Street to the east of the site;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access; Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- 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 plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

12. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for

affordable housing provision.

13. Notwithstanding the details indicated on approved plan reference 19011-101 Revision A, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to, and agreed with, the Local Planning Authority:

- Dilapidation survey, to a scope to be agreed, of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development;
- Revised car park layout to relocate spaces 7 & 8 within the curtilage of the site clear of the agreed 6m highway improvement line measured from the easterly kerblines of Bury Road;
- Swept path analysis of the proposed access onto Pine Street, to be a minimum of 5.5m in width, to ensure that no vehicle over-run will occur at the kerb radii;
- Following on from the above, formation of the proposed access onto Pine Street to a specification to be agreed, incorporating the reinstatement of the redundant footway crossing adjacent footway levels, reconstruction of the southerly Pine Street footway abutting the site, provision of dropped crossing facilities for pedestrians and all necessary highway/highway drainage remedial works required as a result of the construction of, and statutory undertakers connections to, the proposed development;
- Provision of a 4.5m x 60m visibility splay to the left at the junction of Pine Street with Bury Road on land within the applicant's control, with no obstructions above the height of 0.6m with the splay;
- Provision of a street lighting assessment of Pine Street and the junction with Bury Road in view of the intensification of use proposed, and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway;
- A scheme for the review of the existing waiting restrictions on Pine Street/Bury Road abutting the site, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation;
- Bin storage arrangements accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being occupied.

Reason. To ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety pursuant to the following Unitary Development Plan Policies:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

14. The turning facilities indicated on approved plan reference 19011-101 Revision A shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

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

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Item:03 Euro House, 30-32 Walmersley Road, Bury, BL9 6DP Application No. 64707

Change of use from shop (Class A1) to Restaurant (Class A3) with flue and 4 no. air conditioning units at rear; New shop front

Traffic

No objections subject to condition to secure appropriate servicing and bin storage/collection.

Revised location plan.

The revised location plan (P213-100/A) includes land outlined in blue (dotted), indicating ownership by the applicant. This indicates access can be gained from the rear bin storage and service area to Walmersley Road.

Item:04 16 Westbury Close, Bury, BL8 2LW Application No. 64766

Front porch extension and dormer extension at front

Nothing further to report.

Item:05 Land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury Application No. 64790

Proposal A - A series of sheet piled walls and concrete walls across 4 sites

Proposal B - Erection of an embankment and retaining wall at land to west of Metrolink line at Warth Road

Publicity

Comments have been received from 42 Buttermere Road, Burnley, which have raised the following issues:

- It would appear that the report was written prior to our meeting with the EA and yourself.
- Although we accept that at very high river volumes, we would be flooded anyway, it was at the lower volumes with the new flood defences in place where our own earth defences would be topped, causing significant damage to our plant, structures and business.
- I am surprised that the information in relation to flood risk has not been updated in the committee report. The EA has made no effort to minimise the impact upon our business and no alternative arrangements have been made.
- I would guess that it is a serious offence to mislead the planning committee. Please update the report or a legal challenge may be necessary.
- This can be avoided if you add a condition requiring the defences located upstream of the hydropower plant are changed so that they could withstand the increased river height caused by the new scheme. We accept that protecting the scheme from downstream backup is problematic.
- I would refer to you to the NPPF, which states that there should be no increased risk of flood elsewhere. If the Council makes a perverse decision contrary to national policy, a legal challenge may be appropriate.
- We are not seeking to stop the proposal but it needs to be amended to put in place measures to protect the screw.

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to a dilapidation survey and a construction traffic management plan.

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

Environment Agency - No objections, subject to the inclusion of a condition relating to the environmental/habitat creation and informatives.

Pre-start Conditions - The agent has agreed with pre-start conditions.

Response to objectors

- The committee report was written after the meeting, which took place on 2 December between the Local Planning Authority, EA and the objector.
- At that meeting, the EA offered works and payments as compensation. See further comments from the EA below.
- It should be noted that the flood defences upstream (Component 6, Lower Hinds on land to the west of Warth Road) of the hydropower plant are recommended for refusal.
- The planning section of the EA have assessed the proposal, including the FRA and have specific regard to the need to prevent an increase to flood risk on site and downstream. The EA have no objections to the proposal, subject to the inclusion of condition relating to environmental/habitat creation.

The EA has provided the following response to the comments relating to planting, fishing and compensatory package for the hydropower plant:

A review of the proposed construction methods and working corridors has enabled tree removal numbers to be significantly reduced across Phase 2, in turn reducing the potential ecological impacts. We are working to identify suitable locations for additional tree planting which will provide habitat for species who inhabit the river corridor, such as the land at Lower Hinds associated with Component 6 (Site 5). The river bank is encouraged to naturalise on completion, with trees located within the banks retained, where possible, to prevent changes to the existing hydrological regime. Access will be maintained at locations on Component 45 (application 64789 - land to the south of Keswick Drive) and Component 38 (Sites 2 and 3) to ensure the existing access utilised by the angling club is maintained to the water's edge.

The current situation with compensation for the hydropower company is as follows:

- At the meeting on 2nd December, we offered to install erosion protection to deal with existing and potential future overland flows from Hutchinson's Goit and to strengthen the existing embankment upstream of the site.
- Subsequently, the applicant has asked that the bank be raised to offset the increase in current 1 in 100 flood levels due to the scheme. We are willing to do this also.
- In terms of compensation for loss or damage due to flooding, we are able to compensate on a case-by-case basis for any losses incurred because of increased levels due to the scheme. We are however, unable to compensate "up front" for losses which have not yet been incurred.
- Should the owners sell the site, we would expect that any new owners would accept the risks as they stand at that time.
- Final details are still to be agreed so some aspects may change

Conditions

Therefore conditions 10 - 14 should be added in relation to a dilapidation survey, a construction traffic management plan, contaminated land and environmental/habitat

creation:

10. Proposal A - Notwithstanding the details indicated on the approved plans, no development shall commence unless and until a dilapidation survey of the footways and carriageways leading to and abutting the proposed site accesses in the event that subsequent remedial works are required following construction of the development along with full details of proposals to connect the new structure to/form new joints onto Hardy's Gate Bridge have been submitted to and approved in writing by the Local Planning Authority. Any required remedial works and details subsequently approved shall be implemented to an agreed programme.

Reason. To ensure good highway design and to maintain the integrity of the adopted highway/highway structure pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

11. Proposal A - The site access arrangements, measures and facilities detailed in the approved 'Traffic Management Plan - Radcliffe & Redvales FRMS Phase 2' along with measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the sites and measures to minimise dust nuisance caused by the operations, shall be adhered to throughout the construction period.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

12. Proposal A - Within 3 years of commencement of construction of the development hereby approved, a detailed environmental masterplan for the provision and management of environmental/Water Framework Directive (WFD) habitat creation along River Irwell waterbody (Irwell (Rossendale STW to Roch) (GB112069064620)) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

- Detailed masterplan committing to delivery of a suite of appropriate WFD mitigation measures within the River Irwell waterbody.
- An updated WFD proforma to provide evidence that mitigation has been achieved.
- Details of any new priority habitat created on site.
- Detail extent and type of new soft landscaping including planting schedule based on locally provenanced and native species.
- Details of maintenance regimes.
- Details of how restored riparian sites will be managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason. To identify risks associated with proposed scheme in relation to meeting future WFD objectives. To identify any necessary mitigation that should be implemented to ensure the proposals do not compromise meeting WFD objectives for River Irwell waterbody. To avoid any environmental deterioration risk to the River Irwell WFD waterbody and key ecological network, ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the River Irwell waterbody's ecological potential and ability to provide a high quality and multifunctional green infrastructure asset in long term, pursuant to Policy EN6/3 -

Features of Ecological Value of the Bury Unitary Development Plan and Section 15 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework.

13. **Proposal A** - No development shall commence unless and until:-

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

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

14. **Proposal A** - Following the provisions of Condition 13 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

Item:06 Land adjacent to 152 Butterstile Lane, Prestwich, Manchester, M25 9TJ

Application No. 64902

Erection of attached 2 storey building comprising of ground floor retail unit with 1no. flat above

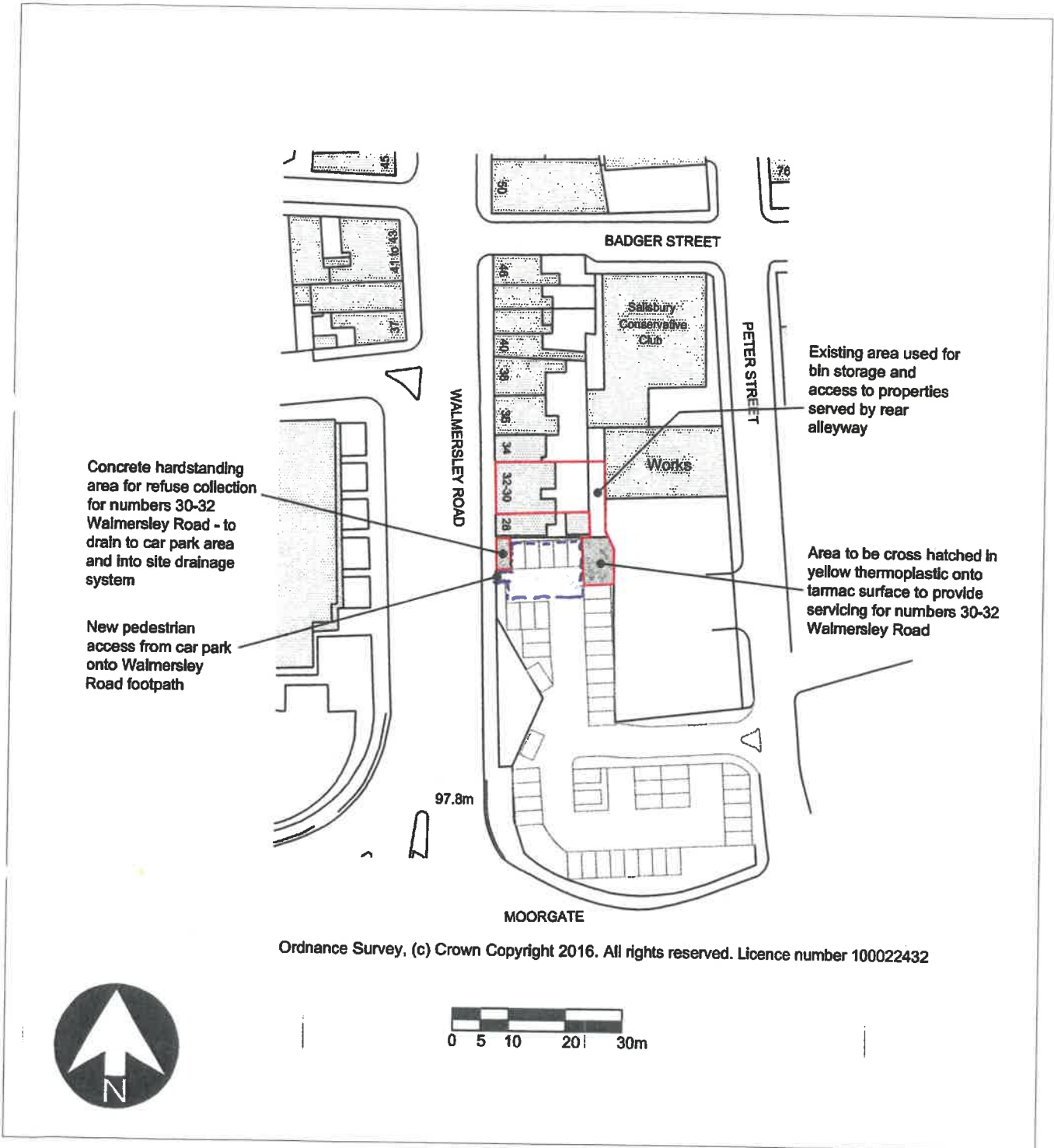
Nothing further to report.

6x707 Item 3



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project
Proposed change of use, Euro House, Walmersley Road, Bury.

client
PREL limited

scale - 1:1000
 size - A4
 date - Nov.19
 drawn - NL

drawing No rev
P213-100/A

