

Ward: Bury West - Elton

Item 07

Applicant: Bellway Homes Ltd (Manchester Division)

Location: Former Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1NG

Proposal: Site wide preparatory works, comprising the full demolition of the vacant industrial building and ancillary structures, and remediation and earthworks in connection with the future residential redevelopment of the site which has been granted outline planning permission.

Application Ref: 66366/Full

Target Date: 12/04/2021

Recommendation: Approve with Conditions

Description

The application site measures 2.6 hectares and contains a large factory building of 8,000 square metres. The building is located on the eastern half of the site and was in use until 31 March 2019. The building is constructed from red brick and is single storey on the whole.

The western part of the site is allocated as employment land in the Bury UDP. It comprises an unmanaged habitat of grassland scrub mosaic, woodland and heath habitats. None of the trees in this area are subject to a Tree Preservation Order.

The whole site is accessed from Walshaw Road via 2 accesses, which leads to a car park. There is a bridleway along the southern boundary of the site.

There are residential properties to all boundaries with Leigh Lane forming the boundary to the south. On the opposite side of Walshaw Road, there are school playing fields to the northeast.

Outline consent was granted for the demolition of the existing building and the erection of up to 108 dwellings. The means of access to the site was included and all other matters (appearance, landscaping, layout and scale) would be dealt with at the reserved matters stage. The internal road layout would be addressed at the same time as the layout of the site. Access to the site would be taken from Walshaw Road via a new access, which would be located centrally and in a similar position to the existing access. The applicant sought to utilise vacant building credit to off set the amount of affordable housing to be provided during the outline application.

An application to vary the condition relating to affordable housing to allow the applicant to apply Vacant Building Credit was allowed on appeal in September 2020.

The applicant seeks permission to undertake site wide preparatory works, including the full demolition of the existing building and structures on site, the remediation and earthworks in connection with the residential development, which has been granted outline consent.

Demolition and enabling works form a part of the outline planning permission and therefore cannot be commenced pursuant to this permission until the relevant pre-commencement conditions have been discharged. The applicant has submitted this full application separately for the demolition and enabling works to address the health and safety risks and security costs associated with the site, which has been the subject of trespassing in recent weeks.

Stage 1 - Demolition

The proposed demolition works comprise of the following:

- Mechanical demolition of all buildings on the site to ground floor slab level.
- Breaking out slabs and foundations structure. These materials along with the above ground brick hardcore are to be incorporated into the overall processing and crushing undertaken as per the works detailed within the remediation strategy.

Stage 2 - Remediation and earthworks

The proposed remediation and earthworks will comprise of the following as detailed within the submitted Remediation Strategy:

- Clearance of trees, bushes and vegetation from the proposed development area necessary to facilitate the works.
- Breaking out and crushing all slabs, relic foundations and external hardstanding / former car parking areas to a 6F2 grade product suitable for re-use. Control measures will be in place to ensure there are no dust, odour or noise nuisance impacts.
- Earthworks to prepare development platforms.
- Excavation, delineation and treatment and / or off-site disposal of grossly contaminated soils / hotspots.
- Installation of temporary haul roads.
- Geotechnical and chemical testing for validation purposes.

The site would be accessed from the existing accesses on Walshaw Road.

Relevant Planning History

36157 - Factory extension (Class B2) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 21 March 2000.

36980 - Factory extension (Class B2) (Revised scheme) at Andrew Textile Industries, Walshaw Road, Bury. Approved with conditions - 18 October 2000

64128 - Outline application for demolition of all existing buildings and erection of up to 108 no. dwellings with new vehicle and pedestrian access, landscaping and associated works and details of access (matters of layout, scale, appearance and landscaping are reserved) at site of Andrew Textile Industries Ltd, Walshaw Road, Bury. Approved with conditions - 31 July 2019

64720 - Variation of condition no. 17 (affordable housing provision to include vacant building credit) of planning permission ref. 64128 at Andrew Textile Industries, Walshaw Road, Bury. Refused - 22 November 2019. Allowed on appeal - 8 September 2020.

66389 - Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 97 dwellings and associated works including the demolition of existing buildings, the layout out of roads, parking, footways and landscaping at former site of Andrew Textile Industries, Walshaw Road, Bury. Received - 16 April 2021.

Surrounding area

55312 - Residential development comprising of 111 dwellings, access and associated works at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 26 February 2013.

58284 - Non material amendment following grant of planning permission 55312 for conversion of integral garages to living accommodation at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved - 14 January 2015

58285 - Substitution of house types to plots 74, 75, 78, 90 and repositioning of plots 76, 77, 88 and 89 (retrospective) at Former Elton Cop Dye Works, Walshaw Road, Bury. Approved with conditions - 12 February 2015.

Publicity

The neighbouring properties were notified by means of a letter on 13 January 2021 and a

press notice was published in the Bury Times on 21 January 2021. Site notices were posted on 21 January 2021.

10 letters have been received from the occupiers of 5 Bourton Close, 2, 11, 21, 25, 131 Cotswold Crescent, 42, 59, 63 Elton Fold Chase, 33 Moreton Drive, which have raised the following issues:

- In 'The Arboricultural Impact Assessment' paragraph 5.5, it states that no hedges were found on the site. There is a hedge at the boundary to my garden, which abuts the site. It should not be removed nor should the roots be disturbed in any way.
- From the plans, it appears that the intention is to cut away the banking that lies beyond my hedge boundary. If that is the case (the banking is 3-4m in height) there is the likelihood that the roots of the hedge will be disturbed. If the banking is removed, is it not possible that my garden will suffer from some subsidence?
- The whole designated area is full of wildlife. If this development goes ahead, with the wholesale destruction of the trees in particular, the habitats necessary to many of these animals will be destroyed. The birds that are found in that area include jays, thrushes, sparrows, coal tits, crows, blue tits, woodpigeons, collared doves and sparrowhawk.
- Hedgehogs are resident in the area. They come into our gardens, but they live in the hedgerows, among the undergrowth etc. As a species they are threatened and this development is a further erosion of their habitats.
- In the Bellway Construction Environmental Management Plan, Section 1, it shows the proposed start date of May 2021. But the planning documents state no removal of natural habitat throughout the spring and summer months. I object to the start date.
- Due to the close proximity of the factory buildings I need reassurance that the demolition will take place carefully, especially in regard to the many asbestos roofs.
- My back garden is quite short in length as is many other gardens on Elton Fold Chase. Mine being only 22.5 feet long. The fence in my garden has actually been fixed to the factory wall by the fencing company employed by our builders Persimmon. Therefore it will need to be unattached with great care taken before that wall is pulled down.
- The land in this area is mostly heavy clay, making drainage very slow and prone to flooding. The back garden flooded until Persimmon connected the drain to the factory drain. I would expect your demolition/ground workers to ensure this connection is either not broken or is capped off to prevent future flooding.
- We were shocked to read that all but seven trees (T4, 5xG6 and T11) on the proposed development are to be felled. In particular an Oak tree - No T5 - which is over 40 years old, in good condition and is on the boundary of the development. It is graded as A2 which means "Visual importance as arboricultural or landscape features". However trees to be saved T4 (poplar) and T11 (sycamore) are a B2 meaning "making little visual contribution to wider locality".
- I am writing in the hope that you would reconsider the destruction of all but 7 trees.
- Our house backs onto the site with a fence in place, we have trees that come right up to the fence and also a 12/15 ft drop behind, our worry is that taking away the trees will compromise our fence it and could very well collapse. We were assured right at the beginning that a tree corridor would surround the site, but obviously not.
- It is shocking that only around 7 trees will be saved from the area (and I believe they are felling the tree that was planted in someone's memory who lost her life in the factory formerly on site) and it is concerning that this work could cause structural problems to all the established gardens and buildings backing on to the development. We regularly have birds such as robins visiting our garden and I note these haven't been considered.
- I am very concerned as to how close the boundary fences will be to our property as we regularly have to do maintenance to our fence to prevent ivy growing through
- I am writing to object to this application on the basis that practically every tree on site will be removed during the development. Whilst the application makes reference to ways in which this will be compensated by new planting, this will do nothing to remedy the fact that the natural habitat of the numerous species of birds and other wildlife currently using this area will be destroyed. Planting a few species bought commercially en masse as an afterthought will be of little ecological value, and in no way represents an adequate, like for like replacement.

- The application gives no reasoned explanation as to why the existing boundary of trees and shrubs cannot be maintained.
- It is not clear from the plan what the blue areas at the back of existing homes, which the development's boundaries seem to cut across.
- Noise and air pollution.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objections in principle. Further comments to be reported in the Supplementary Report.

Drainage Section - No response.

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

Environmental Health - Pollution Control - No response.

Public Rights of Way Officer - No response.

Waste Management - No response.

Environment Agency - No objections, subject to the inclusion of conditions relating to contaminated land.

United Utilities - No response.

The Coal Authority - No response.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats.

GM Archaeological Advisory Service - No archaeological implications - no objections to the scheme.

Transport for Greater Manchester - No response.

Pre-start Conditions - Awaiting confirmation that the applicant agrees with the pre-start conditions

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

Issues and Analysis

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

Principle - The application relates to a site which contains an industrial building, associated car park and land containing trees, which is allocated for employment use. Outline consent has been granted for up to 108 dwellings on the site, which is vital for the Borough to meet local housing needs and to meet the Housing Delivery Test set out by the Government in the NPPF.

It is therefore considered that the proposed development would be acceptable and would

comply with the principles of the NPPF to expedite allocated sites for residential development.

Enabling works -

Contaminated land - The works as part of phases 1 and 2 would essentially comprise above ground clearance and preparation works. Works below ground would come forward as part of phase 2 and include works for the removal of foundations of the former buildings and trial holes.

A Remediation Strategy has been submitted and the Contaminated Land Section are satisfied with the findings and the proposed works. A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, would be secured via condition.

Invasive species - A invasive species report has been submitted as part of the application and identified a small area of invasive species. The report confirms that the invasive species would be dealt with by hand pulling and excavation. GM Ecology Unit have no objections and agree with the method statement.

Impact upon residential amenity - The extent of the works would be contained within the boundary of the site itself. Any disturbance to those living nearby would likely be from the activity of demolishing the remaining building and noise from the machinery used in the carrying out of the enabling works.

The Contractor's Site Management Plan states that working hours on site would be from 8.00 to 18.00 Monday to Friday and 8.00 to 14.00 on a Saturday.

It is important to note that on-site development works are subject to the Environmental Pollution Act and Control of Noise Regulations, which requires operators to focus activities on sites to reasonable working hours from 8am to 6pm Mondays to Fridays and 9am to 2pm on Saturdays. As such, the proposals would be in line with those regulations.

Under emergency legislation, the Government has facilitated Local Planning Authorities to extend construction working hours until 9pm Monday to Saturday, unless there would be a compelling reason not to do so.

The applicant would be expected to work reasonably and sympathetically within these new regulations and seek to minimise any nuisances or disturbances to local residents should works be extended into these later hours.

The works would be for a temporary period only and upheaval in the locality would be short term.

It is therefore considered that whilst acknowledging there would be disruptions to the locality, the benefits of the proposed development to enable the site to be brought forward as a future housing development is considered to be an exceptional circumstance in supporting the principles of the application. Therefore, the proposed development would be in accordance with Policies of the Bury Unitary Development Plan.

Trees - The outline application confirmed that the removal of trees would be required to facilitate the development, but the detailed layout was not known at that time. The report stated:

It should be noted that the proposed site plan is illustrative and more removals may be required once the detailed layout is known. However, the landscaping scheme has not been set and additional tree planting in gardens, areas of open space and along the road sides would be provided.

The tree survey submitted with the application identified 13 individual trees and 8 groups of

trees on site. The proposed development would result in the removal of all trees, except 2 individual trees and a group of trees. The two individual trees would be located in the north west and south east corner of the site and the group of trees would be in the south western corner.

It should be noted that all of the trees to be removed are category B or C, with the exception of 5 category A trees. As such, the vast majority of the trees to be removed are of low or moderate value. A reserved matters application has been submitted and identifies 71 trees to be planted within the site and further ecological enhancements will take place off site. Further responses are being sought on this matter and will be reported in the Supplementary Report.

Ecology - A bat survey was submitted with the application and further daytime survey was undertaken and submitted. The trees on site have negligible bat roosting potential. The potential roost features in the building were inspected more closely by using ladders, cherry pickers and endoscopes. The report states that the risk is less than low but acknowledge that there are bats in close proximity. GM Ecology Unit agree with the findings of the report and have no objections, subject to the inclusion of a condition relating to an emergence survey should demolition be delayed. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Highways - The proposed development would utilise the existing accesses to the site. Any site developments of this nature will result in disruptions from noise and activity on the site. There would also be traffic, particularly by larger heavy type goods vehicles which would be needed for deliveries of machinery and materials to the site.

There would be adequate space within the site for the compound and associated parking. The applicant would be required to carry out the works responsibly and in compliance with the construction traffic management plan and reduce, as far as is reasonably possible, the disruption local residents would experience. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered BHM153 DP01 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 the policies of the Bury Unitary Development Plan listed.
3. 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.

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

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

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

5. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ 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.

6. If the demolition hereby approved does not commence before 30th April 2021, an emergence survey will be carried out immediately prior to demolition and the findings submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

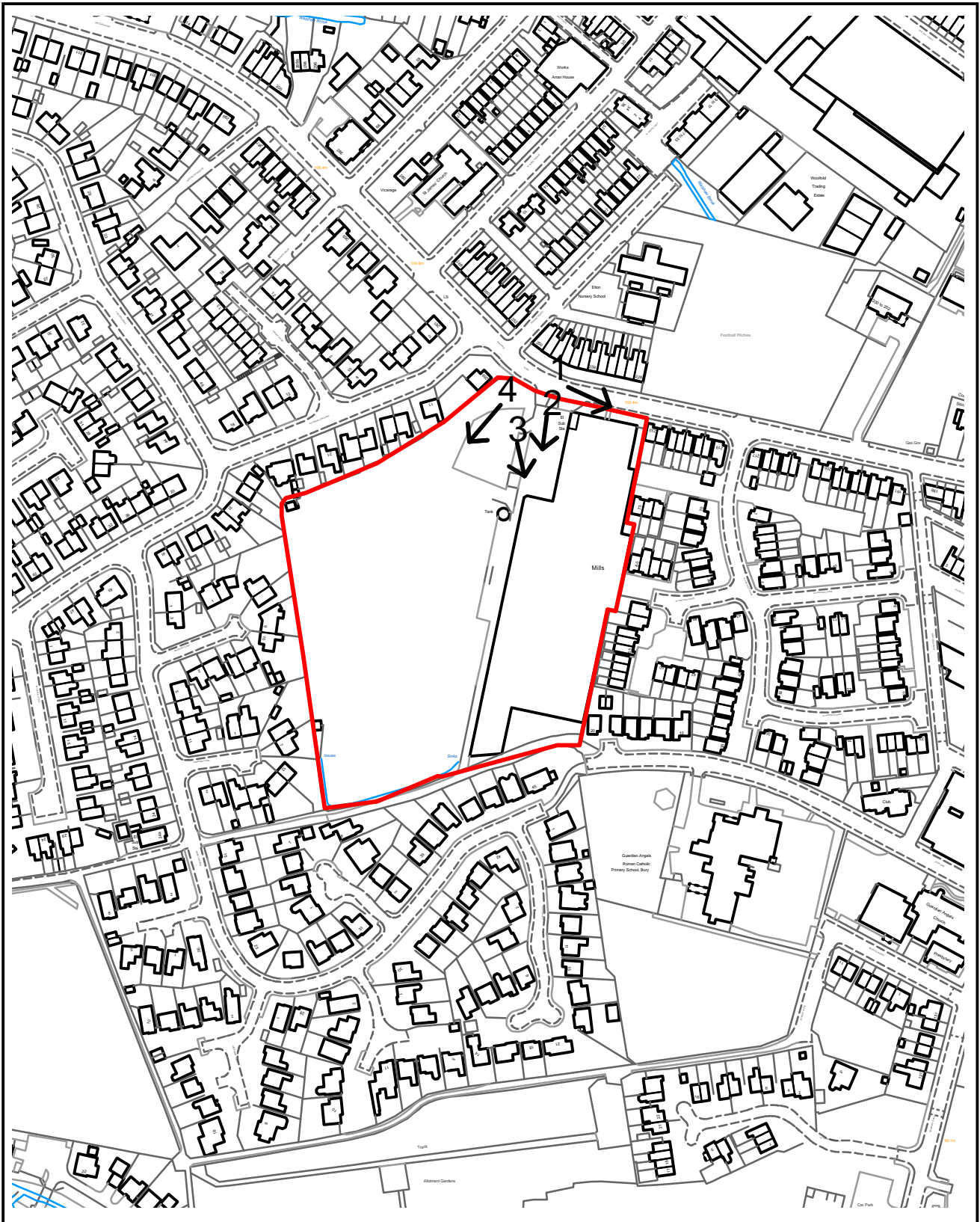
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

7. The development hereby approved shall be carried out in accordance with the Invasive Non-Native Species Management Plan.

Reason. To ensure the removal of non-native invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 66366



ADDRESS: Former Site of Andrew Textile Industries Ltd
Walshaw Road



Planning, Environmental and Regulatory Services

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66366

Photo 1



Photo 2

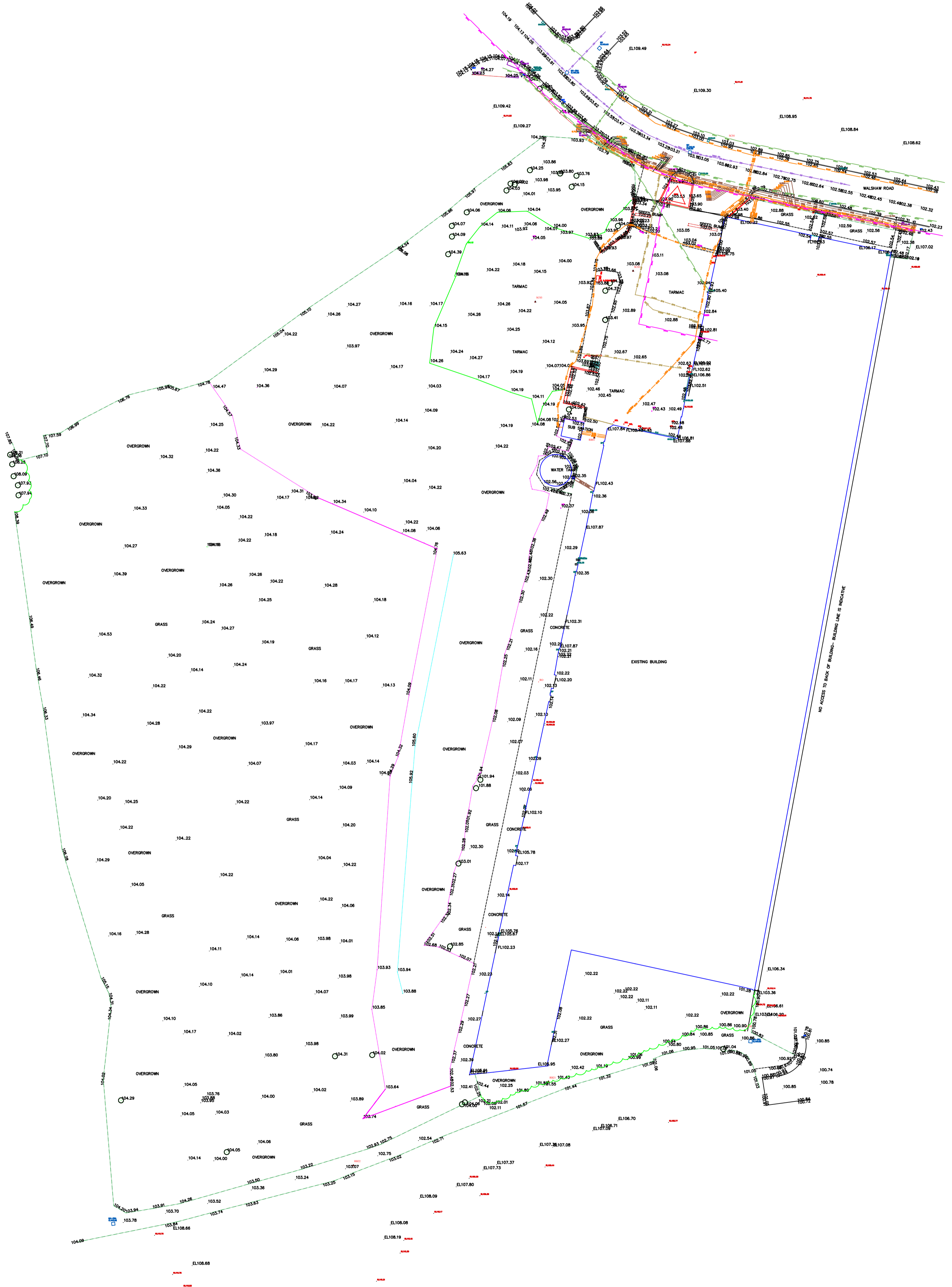


Photo 3

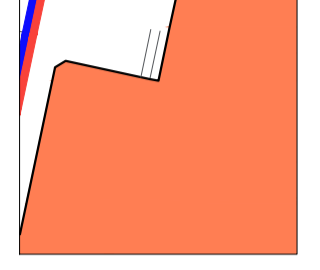
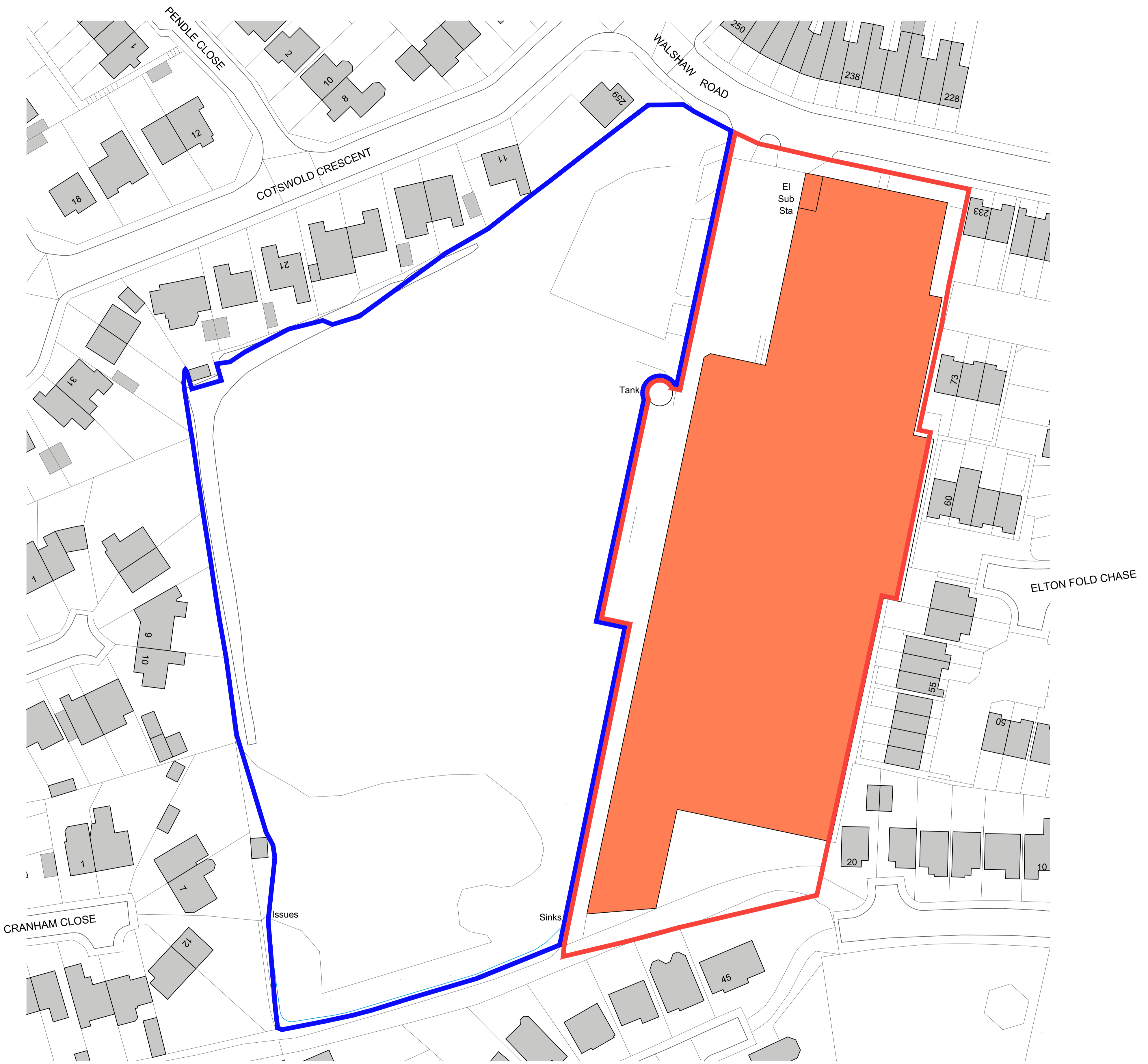
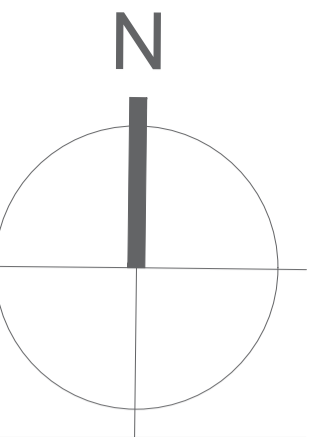


Photo 4





Disclaimer:
Do not scale from this drawing.
All contractors must visit the site and be responsible for taking and checking dimensions.
All construction information should be taken from figured dimensions only.
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
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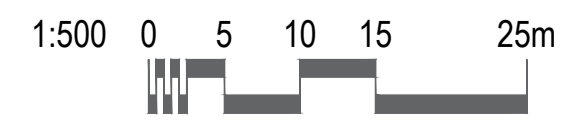


EXISTING BUILDINGS TO BE DEMOLISHED

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WALSHAW ROAD - BURY

DEMOLITION PLAN



A 10.12.20 1ST ISSUE		MP
Rev:	Date	Description
Client		
Bellway		
Project		
Walshaw Road Bury		
Drawing Title		
DEMOLITION PLAN		
Drawn by	MP	Checked by - Date DEC 2020
Status	PRELIMINARY	Scale @ A1 1:500
Job no.	BHM153	Rev. A
Dwg no.	DP01	
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