

BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

02 September 2014

SUPPLEMENTARY INFORMATION

Item:01 Land at Wellington Street, Bury, BL8 2AX Application No. 57475

New operational training and community safety awareness facility for the fire service including mock houses, tram and train training facilities, fire street, urban search facilities, ship facility and eight floor high rise structure.

Consultations

Coal Authority - In response to an updated coal risk assessment concerning the risks from near surface coal deposits, the Coal Authority has confirmed that they are in agreement with the potential concerns raised in the applicant's risk assessment about stability and recommend that a planning condition is imposed concerning that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and how, if found these can be dealt with to accommodate the proposed development.

Canal and Rivers Trust

The trust sought to attach additional conditions and provisions over and above the conditions contained within the report (9, 10 and 11).

The additional provisions sought to encourage that there should be a s106 agreement obliging GMFRS to transfer the canal and its towpath to Bury Council or to the Canal & River Trust, should funding for restoration become available.

However, the fire service did not agree that this was necessary or relate to the development proposed and thus was not required to make the development acceptable in planning terms. The key factor is that the proposals do not make the asset any worse. The Local Planning Authority agree with this position. However, the use of the conditions described above and the condition below would ensure that the development as proposed would not be detrimental to the asset of the canal and its towpath, can be 'unpicked' without detriment to the fabric and would prevent further permitted development from occurring that could worsen the canal.

On the basis of inclusion of these conditions and the ones contained within this supplementary report, the Trust would have no objections to the proposals.

Manchester Bolton & Bury Canal Society

We are sad that this application largely destroys Bury Council's strategic vision for the larger Bury Riverside area. We are sad that the plan does not include full restoration of the canal, but we appreciate that this proposal does preserve the line of the canal and allows the opportunity to have the canal restored in this area in due course.

If the plan is approved there should be three additional conditions:

- the ship scenario should be made part of a full restoration of the canal from Barlow's Bridge to the northern edge of the site.
- there should be a s106 agreement obliging GMFRS to transfer the canal and its towpath to Bury Council or to the Canal & River Trust, should funding for restoration become available.
- there should be a condition preventing damage to the fabric of the canal.

If the three conditions listed above are included we will reluctantly support this application.

The LPA Response is the same as the commentary above on the Canal and Rivers Trust.

Amended/Additional Conditions

11. Other than the development hereby approved, no further works within the line of the Manchester, Bolton & Bury Canal (including its channel and associated towpath(s)) as indicated in part on Historical Context Drawing 1805.25.(0)215) or alterations to the remaining canal infrastructure including Barlow's Bridge, the canal washwalls and towpath, shall be carried out without the approval of the Local Planning Authority in consultation with the Canal & River Trust.

Reason - To safeguard the heritage value of the Manchester, Bolton & Bury Canal infrastructure and to allow for the restoration of the canal in accordance with Policy RT4/7 of the adopted Bury Unitary Development Plan.

22. The dwellings shown as part of this training facility are not to be used for residential purposes.

Reason - The dwellings are for fire training only and for the avoidance of doubt pursuant Chapter 10 of the National Planning Policy Framework and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk.

23. No development shall take place on or within the application site (including any earthworks) unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust demonstrating how the layout of the development can be revised to allow for the restoration of the Manchester Bolton & Bury Canal. Such scheme shall show details of the methodology and implementation of:-

1. The removal of the water/ship training scenario;
2. The removal of any operational development within the line of the canal corridor subject to this application; and
3. The ability for the application site to remain operational with an open and accessible canal corridor running through the application site.

The methodology shall demonstrate that the proposals will minimise conflict between the Manchester Bolton & Bury Canal's conservation and any aspect of the proposal. The scheme approved under this condition shall then, where restoration of the Manchester Bolton & Bury Canal is being undertaken, be carried out in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason. To minimise conflict between the proposals and the conservation of a heritage asset as defined within Chapter 12 of the NPPF pursuant to para.129 of the NPPF and UDP Policy RT4/7 - The Manchester, Bolton and Bury Canal.

24. Following the completion or substantial completion of the development hereby approved, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order with or without modification), no development of the descriptions below shall take place within the corridor of the canal and its associated footpath without express planning permission first having been obtained for:

- **Schedule 2, Part 9, Class A of the said Order** - The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.
- **Schedule 2, Part 14, Class A of the said Order** - Development by a drainage body in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works.

- **Schedule 2, Part 15 Class A of the said Order.**- Development by the Environment Agency or the Natural Resources Body for Wales for the purposes of their respective functions, consisting of -

 - (a) development not above ground level required in connection with conserving, redistributing or augmenting water resources,
 - (b) development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works,
 - (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation,
 - (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel
 - (e) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders),
 - (f) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.

- **Schedule 2, Part 16, Class A of the said Order** - Development by or on behalf of a sewerage undertaker consisting of—

 - (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;
 - (b) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;
 - (c) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;
 - (d) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders);
 - (e) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building

- **Schedule 2, Part 17, Class E of the said Order)**Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—

 - (a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge,
 - (b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse,
 - (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation,
 - (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,
 - (e) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house,
 - (f) any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders),

- (g) any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.
- **Schedule 2, Part 17, Class F of the said Order)-** Development by a gas transporter required for the purposes of its undertaking consisting of—
 - (a) the laying underground of mains, pipes or other apparatus;
 - (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;
 - (c) the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965 (storage authorisation orders), of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;
 - (d) the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part III of the Act (control over development);
 - (e) the erection on operational land of the gas transporter of a building solely for the protection of plant or machinery;
 - (f) any other development carried out in, on, over or under the operational land of the gas transporter.
- **Schedule 2, Part 17, Class G of the said Order -** Development by statutory undertakers for the generation, transmission or supply of electricity for the purposes of their undertaking consisting of—
 - (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
 - (b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
 - (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
 - (d) the extension or alteration of buildings on operational land
 - (e) the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;
 - (f) any other development carried out in, on, over or under the operational land of the undertaking.
- **Schedule 2, Part 17, Class J of the said Order -** Development required for the purposes of a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011) in connection with the provision of a universal postal service (within the meaning of that Part) consisting of—
 - (a) the installation of posting boxes or self-service machines,
 - (b) any other development carried out in, on, over or under the operational land of the undertaking.
- **Schedule 2, Part 22, Class A of the said Order -** Development on any land

during a period not exceeding 28 consecutive days consisting of—
(g) the drilling of boreholes
(b) the carrying out of seismic surveys; or
(c) the making of other excavations

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

- **Schedule 2, Part 22, Class B of the said Order-** Development on any land consisting of—
(a) the drilling of boreholes
(b) the carrying out of seismic surveys; or
(c) the making of other excavations,

for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.

Reason. To minimise conflict between future proposals and the conservation of a heritage asset (The Manchester, Bolton and Bury Canal) as defined within Chapter 12 of the NPPF pursuant to para.129 of the NPPF and UDP Policy RT4/7 - The Manchester, Bolton and Bury Canal.

25. No development shall commence unless and until:-

- A coal mining legacy Risk Assessment report to assess the actual/potential occurrence of surface coal workings, mine gas and stability risks at the site where new buildings are to be located shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential coal and/or mine gas and/or land stability risks have been identified, detailed site investigation and suitable risk assessment for those buildings shall be submitted to, and approved in writing by the Local Planning Authority;
- Where a remediation/protection measure is/are required, a detailed Remediation Strategy, including a timeframe for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. No deviation shall be made from this Strategy without express written agreement of the Local Planning Authority.

Reason. To secure the safe development of the site in terms of development of a site with a legacy of coal mine workings pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment and Para. 3 of the National Planning Practice Guidance.

Item:02 Land at Kirklees Lodges, Garside Hey Road, Bury, BL8 4LT Application No. 57703

Community asset and education centre for environmental awareness including stables (equine therapy), paddock, car park and education centre/clubhouse

Publicity - Correction - A total of 14 objections (including one from 71 Kingsbury Close), 2 comments and 2 letters of support have been received. The summary of objections, comments and support is complete.

Conditions - revised wording has been received from the Traffic Section relating to conditions 3 and 5.

They will now read:

3. Prior to the commencement of the development a scheme demonstrating the provision of two informal passing places on the unadopted highway between the site and Brandlesholme Old Hall Farm shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development is first brought into use.

5. The car parking and passing place 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 and thereafter maintained at all times

Item:03 Bury Art Museum, Moss Street, Bury, BL9 0DF Application No. 57725
Listed building application for installation of temporary sculpture (12 months) in alcoves at front of sculpture centre and library entrance.

Nothing further to report.

Item:04 Super Deli Kosher Meat and Grocery Shop, 53 Bury New Road, Prestwich, Manchester, M25 9JY Application No. 57767
Erection of a new canopy on front elevation; Creation of 6 no. new car parking spaces; Creation of a new footpath front and side; Cladding over existing roller shutters to be replaced with brick work facade; Replacement roller shutter.

Amended Conditions

The following conditions have been amended to ensure that the proposed works are carried out within a reasonable timescale.

1. The development must be begun not later than one year beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. Notwithstanding the details indicated on the approved plans, within one month of the date of this decision notice, full details of the following shall be submitted to and agreed in writing with the Local Planning Authority.
 1. Works to form the proposed parking bay on Buckingham Road and replacement adopted footway including all necessary alterations to kerblines, highway drainage, street furniture, bollards and associated remedial works.
 2. Proposals to provide rear yard access gates that do not open out into the future adopted highway and desire line of pedestrian using the replacement adopted footway.
 3. Proposals to revoke/amend any existing traffic regulation orders, including all necessary road markings and associated signage.
 4. Works to remove the existing illegal structure and concrete base on the existing adopted highway and all associated temporary remedial works.
 5. Proposals to re-grade the existing paved footway areas on Bury New Road and Buckingham Road from the front/side elevations of the building to the respective kerblines in excess of the limits shown indicatively and incorporating a maximum cross fall of 1 in 40, and all associated remedial works.
 6. Proposals to form the proposed canopy structure on the front elevation of the

building to a specification to be agreed, incorporating a 2.4m minimum underside clearance above the raised pedestrian areas and application for the requisite licence under the Highways Act 1980.

7. Proposals to incorporate adequate facilities for the off-highway storage of shopping trolleys within the curtilage of the premises.
8. Proposals to provide rear yard access gates that do not open out into the future adopted highway and desire line of pedestrian using the replacement adopted footway.

The approved works shall be implemented to an agreed programme, including timescales and to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to the following UDP Policies and guidance: HT2 Highway Network, HT2/3 Improvements to Other Roads, HT2/4 Car Parking and New Development, HT5/1 Access for those with Special Needs and HT6/2 Pedestrian /Vehicular Conflict, SPD11 Parking Standards in Bury.

**Item:05 Land to north of Beech House, Clifton Road, Prestwich, Manchester, M25
3HG Application No. 57784
Erection of garage**

Nothing further to report.