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**MEETING:** Planning Control Committee

**DATE:** 29<sup>th</sup> June 2004

**SUBJECT:** The Rock Triangle Planning Application – 40730/03

**REPORT FROM:** Borough Planning and Economic Development Officer

**CONTACT OFFICER:** Paul Allen  
Planning Policy Manager

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**TYPE OF DECISION:** Committee decision

**REPORT STATUS:** For Publication

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**PURPOSE/SUMMARY:**

Planning application 40730/03, known as 'The Rock Triangle', was minded to be approved by the Planning Control Committee on 15<sup>th</sup> January 2004 subject to reference to Government Office North West and a Section 106 legal agreement. During the negotiations for the Section 106 slight amendments to the previously agreed planning conditions have been proposed. This report is to explain the proposed changes.

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

The Committee is recommended to approve the amendments to the conditions attached to the planning permission 40730/03 for the mixed-use scheme.

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**IMPLICATIONS -**

**Financial Implications and Risk Considerations** N/A

**Corporate Aims/Policy Framework:**

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Do the proposals accord with the Policy Framework? **Yes**

Are there any legal implications? **No**

**Considered by Monitoring Officer: Yes**

The Monitoring Officer is satisfied that this report is consistent with the provisions of the Bury UDP and the underlying legislation and guidance

**Statement by Director of Finance and E-Government: N/A**

**Staffing/ICT/Property: N/A**

**Wards Affected: Redvales**

**Scrutiny Interest: N/A**

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## TRACKING/PROCESS

## DIRECTOR:

|                                      |                               |   |          |
|--------------------------------------|-------------------------------|---|----------|
| Chief Executive/<br>Management Board | Executive<br>Member/<br>Chair | Ward Members  | Partners |
|                                      |                               |   |          |
| Scrutiny Panel                       | Executive                     | Committee   | Council  |
|                                      |                               | <b>Planning Control<br/>29<sup>th</sup> June 2004</b> |          |

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## 1.0 BACKGROUND

Planning application 40730/03, on the site known as 'The Rock Triangle', for a mixed use development comprising of retail, food and drink, leisure, business, residential floorspace with associated access and car parking (Outline) was minded to be approved by the Planning Control Committee on 15<sup>th</sup> January 2004 subject to reference to Government Office North West and a Section 106 legal agreement.

The application was then referred to Government Office and on 6<sup>th</sup> May 2004 a letter was received stating that the Secretary of State did not wish to intervene and that the decision to grant planning permission was to remain with Bury Council.

However, since the Planning Control Committee meeting in January negotiations have been taking place with regard to the Section 106 agreement. During these negotiations slight amendments to the previously agreed planning conditions have been proposed. This report is to explain these changes and for the Planning Committee to formally agree the amended conditions.

## 2.0 AMENDMENTS TO CONDITIONS

Amendments to eight of the original conditions have been proposed (additional words/amendments have been highlighted in bold italic and deletions italic and underlined). The amendments have been made to improve clarity, for the avoidance of doubt, to increase the robustness of the conditions and to remove duplication.

Condition 3: additional words added

The development shall not be carried out otherwise than in accordance with the drawings 99185/109A, M978.100E and M978.101D hereby approved and the schedule of floorspace for the approved buildings ***unless otherwise agreed in writing by the Local Planning Authority.***

|          |                                      |            |     |
|----------|--------------------------------------|------------|-----|
| Block A  | Retail/food and drink/office/leisure | 3790sq.m.  | GIA |
| Block B1 | Retail/food and drink                | 1350sq.m.  | GIA |
| Block B2 | Retail/food and drink                | 4504sq.m.  | GIA |
| Block C1 | Residential                          | 8065sq.m.  | GIA |
| Block C2 | Residential                          | 4274sq.m.  | GIA |
| Block D  | Retail/leisure                       | 3716sq.m.  | GIA |
| Block E1 | Retail                               | 2787sq.m.  | GIA |
| BlockE2  | Retail                               | 3084sq.m.  | GIA |
| Block F  | Retail/leisure                       | 13006sq.m. | GIA |
| Block G  | Retail/food and drink                | 929sq.m.   | GIA |
| Block H  | Retail/food and drink                | 780sq.m.   | GIA |
| Block J  | Retail/food and drink                | 2297sq.m.  | GIA |

Condition 7: to be deleted as this issue is covered by Condition 39.

*Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until the works for the improvement of the access arrangements to The Rock, Rochdale Road and York Street/Rochdale Road junction as referred to in the transport assessment have been approved and completed to the satisfaction of the Local Planning Authority.*

Condition 8: to be deleted as this issue is covered by Condition 40.

*Notwithstanding the submitted plans, before any phase of the development is commenced, details of the internal vehicular access road between The Rock and Rochdale Road shall be submitted to and approved by the Local Planning Authority. The details shall include: road alignment; street furniture and lighting; internal access arrangements; pedestrian footpaths and cycleways; hard surfaces; and landscaping. The internal access road shall be constructed in accordance with the approved scheme and maintained and kept open at all times as a through route between The Rock and Rochdale Road save a maximum one per day calendar year unless otherwise agreed in writing by the Local Planning Authority.*

Condition 11: additional words added (to be renumbered Condition 9 after deletion of conditions above)

On or before submission of the first reserved matters application a strategy for ***pedestrian and*** cycle access and cycle parking shall be submitted to the Local Planning Authority. Before each phase of the development is commenced a detailed scheme for ***pedestrian and*** cycle access and cycle parking for that phase shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Condition 17: to be deleted as this matter is now dealt with by the Section 106 Agreement.

*Before the development of either Block C1 or C2 is brought into use, an approved landscaping scheme for the Memorial Gardens shall be implemented.*

Condition 18: deletion of words (to be numbered Condition 15 after deletion of conditions above)

A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant phase of the development or in accordance with the programme agreed with the Local Planning Authority. *The landscape management plan shall be implemented.* The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority prior to that phase of development being brought into use or in accordance with a programme agreed with the Local Planning Authority. The landscape management plan shall include a schedule of landscape maintenance for a minimum period of five years.

Condition 20: additional words added and some deleted (to be renumbered Condition 17 after deletion of conditions above)

Notwithstanding Condition 3, no more than 15,626 sq m of gross internal area Class A1 retail sales floorspace shall be formed at any time within the buildings hereby permitted to the east of the internal access road, namely Blocks D, E1, E2 and F without the prior written consent of the Local Planning Authority.

Within that 15,626 sq m gross internal floorspace, no food supermarket shall be formed at any time except within Block F and the gross internal area of any food supermarket shall not exceed 4,645 sq m gross internal floorspace at any time without the prior written consent of the Local Planning Authority.

The remaining Class A1 non-food retail sales floorspace (outside the food supermarket, which for the avoidance of doubt shall not be used as a non-

food store unless in accordance with the detail of this condition) shall not be used for the sale of items of **food, drink**, clothing, footwear, books, magazines, records, CDs, videos, DVDs or other recorded media, jewellery, watches, cosmetics, perfume, chemist foods, greeting cards (*in all cases*, other than ancillary sales with the total floorspace to be utilised for such ancillary sales to be no more than 5% of the gross internal floorspace of the individual unit concerned), without the prior written consent of the Local Planning Authority.

Also within that 15,626 sq m total Class A1 floorspace, no single Class A1 retail unit shall be less than 929 sq m gross internal floorspace at any time without the written consent of the Local Planning Authority.

Condition 44: to be deleted as this issue is covered by Condition 11.

Prior to the consideration of reserved matters applications for any part of the development hereby approved, an overall scheme for pedestrian and cycle movement through the whole site shall be submitted to and approved in writing by the Local Planning Authority.

### 3.0 CONCLUSION

Taking into account the proposed amendments outlined in Section 2 of this report it is recommended that planning application 40730/03 be approved subject to the following conditions (the full set of revised conditions is set out below for the sake of completeness) and Section 106 Legal Agreement.

1. Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:-
  - (a) the expiration of five years from the date of permission;or
  - (b) 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 matters to be approved.
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; design and external appearance of the buildings and the landscaping of the site.
3. The development shall not be carried out otherwise than in accordance with the drawings 99185/109A, M978.100E and M978.101D hereby

approved and the schedule of floorspace for the approved buildings, unless otherwise agreed in writing by the Local Planning Authority.

|          |                                      |            |     |
|----------|--------------------------------------|------------|-----|
| Block A  | Retail/food and drink/office/leisure | 3790sq.m.  | GIA |
| Block B1 | Retail/food and drink                | 1350sq.m.  | GIA |
| Block B2 | Retail/food and drink                | 4504sq.m.  | GIA |
| Block C1 | Residential                          | 8065sq.m.  | GIA |
| Block C2 | Residential                          | 4274sq.m.  | GIA |
| Block D  | Retail/leisure                       | 3716sq.m.  | GIA |
| Block E1 | Retail                               | 2787sq.m.  | GIA |
| BlockE2  | Retail                               | 3084sq.m.  | GIA |
| Block F  | Retail/leisure                       | 13006sq.m. | GIA |
| Block G  | Retail/food and drink                | 929sq.m.   | GIA |
| Block H  | Retail/food and drink                | 780sq.m.   | GIA |
| Block J  | Retail/food and drink                | 2297sq.m.  | GIA |

4. On or before submission of the first reserved matters application, a scheme of phasing to include a timetable for development and of construction shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with that scheme unless otherwise agreed in writing by the Local Planning Authority.
5. Before each phase of the development is commenced a design statement for that phase of the development shall be submitted to and approved by the Local Planning Authority. The design statement for each phase of the development shall clearly illustrate how that phase of development relates to development principles established by the Masterplan (ref.: M978.101E) and Design Statement (ref.: The Rock Triangle Design Statement 29th August Revision A) hereby approved.
6. Before each phase of the development hereby permitted is commenced, details of the location of customer and visitor entrances, areas of glazing and shopfront display areas, and the location and design of shutters for that phase shall be submitted to and approved by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall clearly indicate how the entrances and shop fronts to the individual buildings forming that phase relate to the principle pedestrian routes through that phase. The approved details shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the submitted plans, before each phase of the development is commenced, details of the car park for that phase shall be submitted to and approved by the Local Planning Authority. The details shall include: disabled parking spaces; lighting; CCTV; and hard surface treatment. The approved scheme shall be implemented before the car park is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

8. On or before submission of the first reserved matters application a strategy for car park management shall be submitted to the Local Planning Authority. Before each phase of the development is commenced, a scheme for car parking management of the car park for that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details on: signage and road marking; internal circulation; allocation of spaces; pedestrian routes; and hours of operation. The approved scheme shall be implemented before the car park is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
9. On or before submission of the first reserved matters application a strategy for pedestrian and cycle access and cycle parking shall be submitted to the Local Planning Authority. Before each phase of the development is commenced a detailed scheme for pedestrian and cycle access and cycle parking for that phase shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
10. Before development of the multi storey car park is commenced, details of any ventilation (including details of sound attenuation for any necessary mechanical plants and standard of dilution expected) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the multi storey car park is first used and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
11. Notwithstanding the submitted plans, before the development of Blocks D, E1 and E2 are commenced, a scheme to show a footpath link to the site boundary with the Moorgate Retail Park and the Bury Bus Depot shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of footpath widths, hard surfaces, external lighting and street furniture. The approved scheme shall be implemented before Blocks D, E1 and E2 are brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
12. On or before submission of the first reserved matters application a travel plan strategy shall be submitted to the Local Planning Authority. Before each phase of the development is commenced, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of measures relating to walking, cycling, public transport and car parking. The scheme shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved scheme shall be implemented before the phase is brought into use and retained

thereafter unless otherwise agreed in writing by the Local Planning Authority.

13. Before each phase of the development is commenced, a detailed scheme of landscaping shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include; indications of all existing trees and shrubs and details of any to be retained; existing and proposed levels and contours; means of enclosure; car parking layouts; other vehicular and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; boundary treatment; drainage and services; planting plans, specifications and schedules; and location of site cabins and compounds. The scheme shall specifically include proposals for the environmental improvements to Memorial Gardens and that scheme shall provide for a minimum planting zone within the gardens of 4 metres from the boundary to Minden Medical Centre.
14. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to that phase of the development being brought into use or in accordance with a programme agreed with the Local Planning Authority.
15. A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to occupation of the relevant phase of the development or in accordance with the programme agreed with the Local Planning Authority. The approved scheme shall be implemented before the phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority prior to that phase of development being brought into use or in accordance with a programme agreed with the Local Planning Authority. The landscape management plan shall include a schedule of landscape maintenance for a minimum period of five years.
16. Notwithstanding Condition 3, no more than 11,117 sq m of gross internal area Class A1 retail sales floorspace shall be formed at any time within the buildings hereby permitted to the west of the internal access road, namely Blocks A, B1, B2, G, H and J, without the prior written consent of the Local Planning Authority. Within that 11,117 sq m, no more than 1,437 sq m Class A3 food and drink floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority. Also within that 11,117 sq m total Class A floorspace, no single Class A1 retail unit shall exceed 929 sq m gross internal area at any time without the prior written consent of the Local Planning Authority.
17. Notwithstanding Condition 3, no more than 15,626 sq m of gross internal area Class A1 retail sales floorspace shall be formed at any time within the buildings hereby permitted to the east of the internal access road, namely Blocks D, E1, E2 and F without the prior written consent of the Local Planning Authority.



Within that 15,626 sq m gross internal floorspace, no food supermarket shall be formed at any time except within Block F and the gross internal area of any food supermarket shall not exceed 4,645 sq m gross internal floorspace at any time without the prior written consent of the Local Planning Authority.

The remaining Class A1 non-food retail sales floorspace (outside the food supermarket, which for the avoidance of doubt shall not be used as a non-food store unless in accordance with the detail of this condition) shall not be used for the sale of items of food, drink, clothing, footwear, books, magazines, records, CDs, videos, DVDs or other recorded media, jewellery, watches, cosmetics, perfume, chemist foods, greeting cards (other than ancillary sales with the total floorspace to be utilised for such ancillary sales to be no more than 5% of the gross internal floorspace of the individual unit concerned), without the prior written consent of the Local Planning Authority.

Also within that 15,626 sq m total Class A1 floorspace, no single Class A1 retail unit shall be less than 929 sq m gross internal floorspace at any time without the written consent of the Local Planning Authority.

18. Notwithstanding Condition 3, no more than 6967 sq m of gross internal area Class D2 assembly and leisure floorspace shall be formed within the buildings hereby permitted without the prior written consent of the Local Planning Authority.
19. No mezzanine or other internal additional floor shall be inserted into any of the retail units hereby approved (including the mixed use units which include retail as one approved use), on either side of the internal access road hereby approved at any time without the prior written consent of the Local Planning Authority.
20. The use of any Class A3 food and drink unit shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.
21. No demolition or construction work shall take place on the site except between the hours of 8:00am and 6:00pm on Mondays to Fridays and 8:30am and 1:00pm on Saturdays and none shall take place on Sundays and Bank Holidays without the prior written consent of the Local Planning Authority.
22. Before each phase of the development is commenced, details of the design and siting of all hoardings and fencing to be erected around the site during that phase of construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during the period of construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

23. Before each phase of the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover the following matters: 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 of that phase unless otherwise agreed in writing by the Local Planning Authority.
24. The use of any food and drink unit shall not commence until details of a scheme for the control of fumes and odours (and details of sound attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.
25. Before the development of the approved Blocks C1 and/or C2 is commenced, a scheme for protecting residential accommodation from excessive external noise shall be submitted to and approved by the Local Planning Authority and any works which form part of such a scheme shall be completed before that part of the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.
26. Before each phase of development is brought into use, details of the arrangements for storage of refuse and waste for that phase shall be submitted to and approved by the Local Planning Authority. The details shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
27. Before each phase of development is commenced, details of lux levels, direction and screening of any external and street lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. All lighting works shall be carried out in accordance with the approved details.
28. Before any phase of the development is commenced an Access Statement for the overall development hereby approved shall be submitted to and approved by the Local Planning Authority. The Access Statement should explain the design approach for ensuring that the design of the individual buildings, public spaces and pedestrian footpaths forming the development will meet the needs of people with a broad range of disabilities and mobility impairments. The Access Statement should also explain the overall strategy for the siting of disabled parking spaces within the development and the siting of a shopmobility scheme within the development.

29. Before each phase of the development is commenced, a scheme detailing the provision to be made for disabled people to gain access to, and the facilities to be provided to enable disabled people to make use of the buildings within that phase shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented as approved before that phase of the development is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
30. Before development of the relevant phase is commenced a scheme for shopmobility works shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of disabled parking provision and vehicular drop off points necessary for the operation of a shopmobility scheme.
31. No development shall take place within the proposal area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by Bury Planning Authority.
32. No site works/development shall be undertaken until the implementation of an appropriate programme of building recording has been agreed in writing with Bury Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief.
33. Before each phase of the development is commenced, a scheme of remediation of site contamination shall be submitted to and approved by the Local Planning Authority. Any remediation measures shall be implemented in accordance with the approved scheme.
34. Before any phase of development is commenced, a scheme for the provision of close circuit television cameras shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of: camera locations; camera specifications; lighting lux levels; and monitoring. The approved scheme shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
35. Before the development of Blocks C1 and/or Blocks C2 is commenced, a scheme for the provision of affordable housing shall be submitted to and approved by the council.
36. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

37. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
38. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
39. The development hereby approved shall not be brought into use or first occupied unless and until the works for the provision or improvement of the access arrangements to the following junctions, as referred to in the Transport Assessment and supplementary Working Notes, have been approved and completed to the written satisfaction of the local planning authority, unless otherwise agreed in writing by the local planning authority:
- The Rock/Site Access Road;
  - Rochdale Road/Site Access Road;
  - Rochdale Road/York Street/Lord Street;
  - Peel Way/Walmersley Road/Moorgate/The Rock;
  - Rochdale Road/Bond Street/Heywood Street junction.
40. Notwithstanding the submitted plans, before any phase of development is commenced, details of the internal vehicular access road between The Rock and Rochdale Road shall be submitted to and approved by the local planning authority. The details shall include road alignment, street furniture and lighting, internal access arrangements including visibility splays, pedestrian footpaths and cycleways, hard surfaces and landscaping. The internal access road shall be constructed in accordance with the approved scheme.
41. Notwithstanding the details indicated on the submitted plans, no gates to the service yard access shall be erected within 15 metres of the adopted highway.

42. As part of the reserved matters submission, the results of a survey by a suitably qualified person to assess the effect of noise or sensitive uses within the site i.e. Minden Medical Centre and the proposed apartments shall be submitted to the Local Planning Authority. Identified remedial measures, including detailed design features, shall be implemented as part of the relevant phase of the development.

**BRIAN DANIEL  
BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER**

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**List of Background Papers:-**

Officers Report for the 15<sup>th</sup> January 2004 Planning Control Committee Agenda.

**Contact Details:-**

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