

Ward: Bury East

Item 01

Applicant: Highfield Developments (NW) Ltd

Location: FORMER P J POWER SITE, MILLETT STREET, BURY, BL9 0JA

Proposal: DEMOLITION OF OFFICES & SERVICE YARD; ERECTION OF 21 APARTMENTS IN FOUR STOREY BLOCK & NEW OFFICE ACCOMMODATION WITHIN THREE STOREY BLOCK

Application Ref: 45274/Full

Target Date: 27/01/2006

Recommendation: Minded to Approve

Description

The 0.33ha site is located on the western side of Millett Street adjacent to the River Irwell. It was formerly the offices and service yard of PJ Power builders and engineers. The site is occupied by a two storey brick built office/warehouse with an attached canopied area and service yard. The service yard is surrounded by an 1800mm palisade fence. The majority of site is level apart from the steep banking down to the River Irwell which is covered by shrubs and bushes.

There are two storey houses on the opposite side of Millett Street and immediately to the south of the site. To the north is a vehicular repair garage.

The site is within the Bury Town Centre Regeneration Area. The scheme can therefore be viewed as an exception to the recent housing restriction policy.

The proposal has two distinct elements, residential and offices. The 21 apartments would be within a single four storey block with the third floor accommodation in the roof space. The block has a frontage of 53m and a depth of 10m. It would be constructed of brick with stone quoins and a stone course between ground and first floor. Access into the communal parking area would be from a central point along the residential frontage. 26 parking spaces are provided within the forecourt in front of the apartments. The boundary along the front would comprise a 600mm wall. Along the side boundaries there would be a 1.8m timber fence. A post and rail fence (500mm) would be situated at the top of the banking at the rear.

The offices would have a total floor area of 550sq metres and comprise a separate three storey building situated at the northern end of the site, between the apartment block and the existing repair garage on adjacent land. The existing buildings would be demolished. The new building would be of a similar style and finished in similar materials to the adjacent apartment block. There would be a forecourt in front of the office building with spaces for 8 cars. The access would be located at a central point along this part of the frontage. The boundary would comprise a dwarf wall and railings. The boundary with the residential part of the site would comprise a 1.8m timber fence whilst the boundary on the opposite side, adjacent to the commercial repair garage and along the rear would comprise a 1.8m weld mesh fence.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours, site notice and press advert (Bury Times).

Individual objections from Occupiers of 55, 63 and 65 Millett St and a petition against the development signed by occupiers of 20 properties on Millett Street have been refused. Objections are summarised:

- A four storey block will detrimentally affect the amount of light into their property.
- Over dominant on the street scene at four storeys.
- Parking problems will be made worse.
- Additional traffic will cause an increased hazard to residents and children.
- The outdated location plan is misleading.
- The development would be detrimental to wildlife.
- The ground to the rear, closest to the river bank is unstable.

Consultations

Borough Engineer (traffic) - Comments awaited.

Borough Engineer (Drainage) - No objection.

Environmental Health - No objection subject to conditions relating to contamination.

GM Police - No objection subject to enhanced security measures such as fencing, lighting and other layout changes to enable greater natural surveillance.

Environment Agency - No objection.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
EC4/1	Small Businesses
EC5	Offices
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN10/2	Riverside and Canalside Improvement in Urban Areas

Issues and Analysis

Principle. Given that the site is currently in employment use, the proposal is subject to UDP Policy EC2/2. Under this Policy, the Council will seek the retention of such sites unless it can be clearly demonstrated that the land and premises are no longer suited in land use terms to continued employment use. Given that the proposal involves the replacement of the existing offices/warehouse with a sizeable office building with similar employment potential, the principle of a mixed residential/ commercial development is considered to be acceptable.

Layout and Design.

Policy H1/2 - Form of Residential Development indicates that the following factors need to be considered in assessing proposals:

- Height and roof type of adjacent buildings.
- Impact on residential amenity.
- Density and character of surrounding area.
- Position and proximity of surrounding premises.
- Materials to be used.

Policy H2/2 Layout of residential Development highlights the following factors:

- Parking and access (including disabled).
- Density and space about dwellings.

- Landscaping and open space.
- Safety and security.

The height of the development, although four storeys, including roof space, is not significantly higher than the residential properties across Millett St as indicated by the cross section through the site. The cross section indicates that the ridge height of the houses on Millett St is 9.8m compared with 12.6m for the proposed apartment block. The height of No.60 Millett St immediately to the south, being a more modern house, is 7.6m. This difference in height is more significant but considered to be acceptable given the distance between the properties and the general character of the area. The comparison with the adjacent house at No.60 Millett street is shown on the front elevation. The design, with a hipped roof and brick facade is traditional in appearance and not out of keeping the character of the area. The parapet gables set forward give the building a degree of articulation and details such as the stone quoins, window heads and band course. The density of the development equates to approximately 80 dwellings per hectare. This is considered to be appropriate given the location of the site on the edge of Bury Town Centre and close to public transport routes.

In terms of space between surrounding properties, there is a distance of approximately 32m between the front elevation of the new flats and the houses across Millett Street. To the side, there is a gap of 12m between the side wall of the flats at the southern end of the site and the boundary with No.60 Millett Street. Both these distances are acceptable in terms of privacy and residential amenity. There are no windows on the gable of the new apartment block. In terms of Policies H2/1 and H2/2 the scheme is considered to be acceptable.

The proportion of private open space to the rear and areas of landscaping to the front are considered to be acceptable.

The proposed office accommodation is of similar proportions with similar detailing on the main facade to the residential element. It is considered to be in keeping with the character of the area.

Wildlife Corridor. It is not considered that the proposal will adversely affect the existing wildlife corridor along the River Irwell. Indeed the removal of the existing service yard and associated plant and machinery and replacement with an area of private open space is likely to lead to a better local environment and improve the long term future and protection of the wildlife corridor.

Objections. With regard to the objections, it is not considered that the new development would have a seriously adverse impact on light to surrounding premises. The buildings are set well back from Millett St and with a ridge height of 12.5m is not considered to be overdominant on the street scene. The parking provision for the residential element has been increased to almost 125%. This considered to be appropriate in this location, close to the town centre. Additionally the heavy goods vehicles entering and exiting the site as a hire depot would be eliminated. It appears that the embankment may have been infilled in the past however, the stability of the site doesn't appear to be an issue as the actual buildings would be located well away from the top of the existing banking.

Recreational Provision. In line with Unitary Development Plan Policy RT2/2 and associated guidance note No.1 Recreation Provision in New Housing Development, the applicant will be required to contribute by way of a commuted sum to recreation provision within the immediate locality.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

- The loss of employment land is sufficiently offset by the provision of the proposed new office accommodation.
- The layout, scale and design of the proposed residential accommodation is considered to be appropriate in terms of the character of street scene.
- The level of parking provision is considered to be sufficient and there are no serious highway safety concerns.
- The amenity of the local residents is not seriously affected.

There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered S04/417; 02RevC; 03RevA; 04RevA; 05RevA and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan and protect the River Irwell.
5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the buildings are first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
6. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning

Authority prior to the building hereby approved being occupied 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.

7. Prior to the demolition of the building permitted by this approval, a further survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats or owls. If evidence of protected species is found, a programme of mitigation shall be submitted to and approved in writing by the Local Planning authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

8. Prior to the development hereby approved commencing:

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

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

9. Following the provisions of Condition 8 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.

10. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;

The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the

Local Planning Authority prior to any soil or soil forming materials being brought onto site.

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

11. 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 Planning Policy Statement 23 - Planning and Pollution Control.

12. Prior to the commencement of the development, appropriate site investigations, gas monitoring and risk assessment shall be carried out to assess any possible risks associated with the production of landfill gas or ground gas. Where required, detailed design features shall be incorporated into the development, as shown necessary by the site investigation and risk assessment, to alleviate risks to the written satisfaction of the Local Planning Authority, and;

A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.

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

13. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The scheme shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority for approval. The approved scheme shall be implemented prior to the development commencing.

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

14. Before the development is commenced and during the course of construction period, temporary protective metal fencing shall be erected along the River Irwell. Details of the type of fence to be used shall be submitted and approved by the Local Planning Authority prior to erection.

Reason: To protect the River Irwell and encroachment into the protected area.

15. Prior to the occupation of 50% of the residential development the developer shall achieve practical completion and make available for occupation 100% of the proposed B1 employment floorspace on the employment area.

Reason. To secure the completion of the residential development in the interests of amenity and to ensure a satisfactory development.

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

Ward: Bury East

Item 02

Applicant: Thornfield Properties

Location: HORNBY BUILDINGS THE ROCK BURY

Proposal: MIXED USE DEVELOPMENT COMPRISING SHOPPING; FINANCIAL AND PROFESSIONAL SERVICES; FOOD AND DRINK USES WITHIN THE A1, A2, A3, A4 AND A5 USE CLASSES; ASSEMBLY AND LEISURE FACILITIES WITHIN THE D1 AND D2 USE CLASSES; NIGHTCLUB USE ; BUSINESS USES WITHIN THE B1 USE CLASS; AND OTHER ASSOCIATED WORKS AND FACILITIES.

Application Ref: 45426/Full

Target Date: 15/02/2006

Recommendation: Approve with Conditions

Description

This detailed planning application is part of a larger scheme for the Rock Triangle Development (45424) from the same applicant which is also on this agenda for consideration. The application is supported by an Environmental Impact Assessment and other documents.

The site is occupied by 2 large buildings which are to be demolished. Hornby Buildings is a 3 storey 1933 construction with shops on the ground floor which also make use of the first floor. The top floor is mostly disused with boarded up windows. The building is clad in terra cotta tiles. The SolViva night club to the rear of Hornby Buildings is a 1936 former cinema with a hairdressers and a hot food takeaway on the ground floor facing Rochdale Road.

The 2 buildings are separated by a back street. Hornby Buildings fronts onto the pedestrianised section of The Rock. To the south west of the buildings a passage leads to a large service area at the rear of Marks & Spencer. To the south east is a public house separated from the application site by Clerke Street which leads to the Millgate Centre's multi storey car park. To the north east, on the opposite side of Rochdale Road, are buildings that would be demolished as part of the larger development. This scheme also includes proposals to pedestrianise The Rock/Rochdale Road to the east of Hornby Buildings and to upgrade the existing pedestrianised section of The Rock.

It is proposed to erect a new 3 storey building with class A (predominantly retail) uses on the lower floors and a leisure, or possibly business, use on the top floor. Small retail units would be located on the southern side of the building fronting Clerke Street. Larger units would front The Rock with mezzanine floors extending above the smaller units. There would be 2,249 square metres of retail floor space, 2,050 square metres of leisure and 691 square metres of common areas. The building would use a variety of materials but would be mainly glass with varying degrees of opacity and including glass fins to the roof. The front of the building is set at an angle to The Rock to line up with the main mall of the Rock Triangle scheme which has the spire of Bury Parish Church as its focal point.

The application has been submitted with a formal Environmental Impact Assessment together with appendices and a non technical summary. The application is also accompanied by a Planning Statement and a Design Statement.

The Environmental Statement is a lengthy document that sets out the likely environmental effects of the development together with mitigation measures during demolition and construction and when complete. Options considered include leaving the site in its current state and alternative designs. Issues included are a description of the development,, development programme and construction, planning policy context, sustainability, townscape and visual quality, archaeology and built heritage, and cumulative and residual impacts. The conclusions are that there will be temporary and minor adverse impact during construction but a long term beneficial impact on townscape and visual quality with a building of high architectural character which will help to improve Bury Town Centre.

The Planning Statement points out that the development is an integral part of the wider comprehensive development proposals for the area and that the overall masterplan demonstrates how the two site combine to deliver a mixed use extension to the town centre core. The statement assesses relevant national and local planning policy. It is stated that proposals will deliver a landmark building which will enhance this part of the town centre. Hornby Buildings is considered to be an attractive building but it is showing its age and the club is an unremarkable building of no particular architectural importance. It is concluded that the minor disbenefit of losing what is informally regarded as a local landmark building is outweighed by the functional and townscape benefits arising from the scheme.

The Design Statement complements the information within the Environmental Statement and includes some of the information which is with the larger application for The Rock Triangle. The site has been part of the wider consultation process and is included within the revised Development Framework that was adopted by the Council in September 2005. The statement assesses the character of the existing buildings and surrounding area. The redevelopment of the site will create a strong visual and physical link between the town centre and the Rock Triangle. The rationale behind the built form and layout and choice of materials is explained. Other issues addressed include access and movement and sustainability. The statement has been revised to include more information on the proposal.

Relevant Planning History

No relevant applications recorded.

45424 - Current outline application from same applicant for mixed use development on the adjoining Rock Triangle.

Publicity

The scheme has been publicised by the applicants prior to submission as part of the larger scheme and as set out in the Statement of Community Involvement. This is summarised in the report on application 45424.

The application has been advertised on site and in the Bury Times and neighbours have been notified.

An objection has been received on behalf of the proprietor of Cantwell's Jewellers who is concerned that he, and other traders, should be fully compensated financially for the costs of relocation and loss or disruption of business.

The proprietor of 106 The Rock has written twice with objections to both this application and the larger scheme.. He thinks that the Local Authority would not benefit in any way, especially financially, and that the development would be contrary to socialist idealism. The development would not be for the betterment of the town but for the benefit of the developer. He says that there should be no cost to the chargepayer and claims that the Local Authority would lose millions of pounds in income from rents, rates and car parking

fees.. He believes that there has been no serious thought given to accessibility by motor vehicles and that there would be insufficient car parking spaces available, deterring visitors. The temporary accommodation for affected retailers would be unacceptable. There are currently shops vacant and traders have gone bankrupt. The town centre would lose part of its identity and individual character. Hornby Buildings is a structure of both historical and architectural interest, being built to commemorate the coronation of King George VI.

Consultations

Borough Engineer - No objection on drainage grounds subject to notes. No objection on highway grounds subject to recommended conditions.

Borough Environmental Services Officer - Recommend contaminated land condition.

Operational Services Officer - More detail required on bin store facility. This is covered by a recommended condition.

United Utilities - Object unless a 3 inch water main through the site is satisfactorily diverted. The developer has pointed out that the water main would be removed as it serves the existing building which is to be demolished.

Greater Manchester Police - Disappointment is expressed that a "Designing Out Crime" statement has not been submitted and comments are made about detailed design and materials. The applicant has subsequently met representatives from the Police architectural liaison team and agreed to resolve the issues.

Environment Agency - No objection subject to informative notes.

BADDAC - The Access Team have been consulted and have expressed concern that many of the issues that will affect the accessibility of the building for disabled people (e.g. design of doors within glazed shop fronts, access to first floor retail areas, toilet facilities etc.) fall outside the scope of the application and are to be addressed through tenant fit outs which the developer intends to control through a tenant handbook. A condition is recommended requiring a more detailed access statement to ensure the completed building is fully accessible to disabled people.

Unitary Development Plan and Policies

S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
TC1	Town Centres
TC3	Bury Town Centre
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
Area	Central Shopping Area
BY6	
PPG6	PPG 6 - Town Centres and Retail Developments
RSS 13	Regional Spatial Strategy for the North West

Issues and Analysis

Principle of Development.

The proposed development is within the footprint of existing buildings in the town centre. It is within the prime shopping area identified in the Unitary Development Plan and includes a

designated prime shopping frontage onto The Rock. The UDP identifies the specific area for an extension of the existing shopping centre. The principle of redevelopment has been accepted by the Council in its adoption of the revised Development Framework which was adopted in September 2005.

The documents accompanying the application examine the various UDP and other policies and it is accepted that the development is in accordance with these policies. UDP policies encourage proposals to expand and enhance the town centre which increase or improve the range of comparison goods retailing. The proposal will result in the loss of 695 square metres of existing retail floorspace and the subsequent development of 2249 square metres of retail, a net increase of 1554 square metres. The UDP policies reflect Government guidance in PPS6 and RPG13. There is no requirement to demonstrate retail need, nor to consider matters of sequential compliance, nor to consider issues of economic impact on other retail floorspace for an individual scheme of this size but the retail testing exercise has been undertaken in respect of the wider Rock Triangle scheme and is referred to in the report on that application.

Demolition of Existing Buildings.

Hornby Buildings and the former cinema were built in the 1930s and the main elevations to The Rock and Rochdale Road are similar in style with an art deco theme. They are not listed and not within the town centre conservation area. They do have a certain character and charm but Hornby Buildings in particular is in poor condition.

If the buildings are removed it would allow a new building to be designed and sited to ensure that The Rock Triangle site would be linked to The Rock as a true extension to the town centre. The provision of additional retail space and leisure facilities will maximise the use of the site including upper floors.

Design Issues.

Height and massing: The existing block of buildings fronting The Rock adjacent to Hornby Buildings is 3 storey (with 2 storey extensions at either end) as is the block directly facing the proposal across The Rock (both with additional massing storeys created by dormers to the roof scape). The basic massing of the new Hornby Buildings is 4 storey equivalent (two floors of retail and a double height second floor for leisure use) rising to a 5 storey equivalent prow at the eastern end of the building (forming a balcony feature associated with the proposed leisure use). Glass fins are used to form a diagonally rising facade to The Rock in order to provide a visual transition and link between the existing buildings on The Rock end the generally higher massing of the main Rock Triangle development.

The siting of the prominent (5 storey equivalent) balcony feature is intended to create a strong visual reference that will tie the main Rock Triangle development with the existing town centre. In particular the siting of the balcony feature is intended to form a visual landmark at the end of the proposed new pedestrian street within the main development (leading to the department store) in order to encourage pedestrian movement towards the traditional high street The Rock. The balcony feature also forms a landmark to the new pedestrian approach to The Rock created by the proposed "Angouleme Place".

Scale and use of materials: The proposed building makes extensive use of contemporary details and materials which are used to break down the overall scale of the building by creating two distinct visual elements - opaque glazed facades over clear glazed shop fronts to The Rock side of the building, and solid "slate" cladding and louvres over clear glazed shop fronts to the Clerke Street side of the building. Visual separation between these two elements is achieved through the expression of the entrance lobby to the leisure use and an internal service corridor.

The separation of the new building into two distinct visual elements is important to ensure the development has the appearance of a true town centre block and to avoid the problem of a monolithic appearance associated with retail park development. The form of the development therefore sets an important precedent for the appearance of the main Rock Triangle development.

Active frontage: The proposed building provides significantly increased levels of active frontage compared to the existing Hornby Buildings and SolViva. Two storey continuous fully glazed shop fronts are provided to The Rock elevation, and new shop fronts are provided to Clerke Street (which currently presents a blank facade to the side of SolViva). The elevation to the Cross Street service yard/pedestrian alleyway area is largely dedicated to servicing functions, however it also includes a significantly increased area of shop front to the pedestrian alleyway compared to the existing Hornby Buildings.

The creation of new retail units/shop fronts to Clerke Street is intended to promote additional linkages between the main Rock Triangle development and the town centre. In particular it is intended to be a major element in improving the quality of the link between the Rock Triangle and the existing M&S store and Mill Gate.

Inclusive access: An access statement has been incorporated into the design statement. This demonstrates a good understanding of the general principles of inclusive design and provides a commitment to provide level access to the entrances to the building and to provide suitable lift access within the entrance lobby to the leisure use.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development is in accordance with Government Guidance, Policies of the adopted Bury Unitary Development Plan and the adopted Development Framework. It will contribute to the vitality of the town centre and improve the character of the area. There will be no adverse effect on occupiers of adjacent property and no implications for highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered as follows:P200168 BA(PL)A102B, 103B, 104B, 105B, 106B, 201B, 401B, 402B, 405B, 406B. 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.
3. In accordance with the approved drawings, no more than 2,249 m² of Class A1 retail floorspace shall be formed at any time within the building hereby permitted without the prior written consent of the Local Planning Authority. Within that 2,249 m², no more than 225 m² of Class A3, A4 or A5 floorspace shall be formed at any

time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded.

4. The implementation of any food and drink unit within Classes A3, A4 or A5 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.

Reason To safeguard the amenities of adjacent occupiers.

5. The implementation of any food and drink use within use classes A3, A4 or A5 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.

Reason In the interests of amenity.

6. No demolition or construction work shall take place on the site except between the hours of 8.00 am and 6.00 pm and Mondays to Fridays and 8.30 am and 1.00 pm on Saturdays and none shall take place on Sundays and Bank Holidays without the prior written consent of the Local Planning Authority.

Reason To protect the amenities of occupiers of adjacent property.

7. Before the development is commenced, details of the design and siting of all hoardings and fencing to be erected around the site during demolition and construction shall be submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented and maintained during construction of that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity.

8. Before 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity and highway safety.

9. Before the development is commenced, full details of the arrangements for storage of refuse and waste including the capacity of the bin store, height and dimension of doors and finished levels 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.

Reason To ensure the satisfactory storage, recycling and collection of waste.

10. Before any part of the retail floorspace is brought into use, details of the shopfront display and the location and design of shutters shall be submitted to and approved by the Local Planning Authority. The approved details shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To protect the visual amenities of the area.

11. No development shall take place 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 the Local Planning Authority.
Reason To make a record of buildings for archive and research purposes and to identify and record buried remains of archaeological interest.
12. No site works/development shall be undertaken until the implementation of an appropriate programme of building recording has been agreed in writing with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief.
Reason To make a record of the buildings for archive and research purposes and to identify and record remains of architectural interest.
13. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
14. Before the 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 specification; lighting lux levels; and monitoring. The approved scheme shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason In the interests of security.
15. 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.
Reason To ensure the satisfactory drainage of the site,
16. 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 design and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason To ensure the satisfactory drainage of the site.
17. Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
18. Prior to the commencement of development, details of crime prevention measures to meet the minimum requirements of the Greater Manchester Police Secured by

Design Award shall be submitted to and agreed in writing by the Local Planning Authority and implemented during the course of the development.

Reason To ensure the security of the development.

19. Notwithstanding the details indicated on the approved plan, the doors to the proposed secondary substation shall not open outwards onto the adopted footway that links The Rock with Clerke Street.

Reason To ensure good highway design in the interests of pedestrian safety and compliance with Section 153 of the Highways Act 1980.

20. The foundations for the proposed development shall not encroach under the adjacent adopted highway at any point.

Reason To ensure good highway design and to maintain the integrity of the adopted highway.

21. The highway improvements indicated on the approved plan in the form of the widening of the adopted footway that links The Rock with Clerke Street shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.

Reason. To ensure good highway design in the interests of road safety.

22. Before the development is brought into use, a supplementary access statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall contain details of the measures contained within the developer's proposed tenants handbook to ensure that the entrances to and facilities within all premises within the development are fully accessible to disabled people.

Reason To ensure access for all.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

Ward: Bury East

Item 03

Applicant: J N Holt Chartered Architects

Location: FRECHEVILLE COURT, KNOWSLEY STREET, BURY, BL9 0UF

Proposal: CAR PARK

Application Ref: 45629/Full

Target Date: 25/01/2006

Recommendation: Approve with Conditions

Description

The application relates to an area of unused land between a small office block to the south, a car park to a flat development to the north and the Metro line running in cutting to the east. To the west is a terraced row mainly in office use. Vehicular access via Glenmore Street is next to the end terraced property which is a busy doctors' surgery.

It is proposed to use the land as car parking for the existing offices to the south with the possibility of renting spaces to other office users. There would be 24 spaces in 2 parallel rows with a central aisle. Levels would be raised to allow natural drainage.

Relevant Planning History

None recorded. The applicant had interests in both the adjoining office development and the flat scheme.

Publicity

Neighbours have been notified. One objection has been received from the owner of the offices at 1-3 Frecheville Court. He claims part ownership of the roadway leading to the car park and alleges that the landowner of the car park has made no commitment to upgrading or maintenance of the road and sewer despite previous blockages. He also objects to what he says is a dangerous layout at the corner where cars must turn out of the site onto the east end of Glenmore Street with vehicles accessing the flats, the offices and the doctor's surgery. The bus stop makes turning out of Glenmore Street onto Knowsley Street difficult particularly when students are walking up the street. Lighting on both Glenmore Street and the Frecheville Court site is virtually non-existent.

Consultations

Borough Engineer - No objection on highways or drainage grounds.

Borough Environmental Services Officer - Any adverse comments will be reported.

Serco Metro - Any adverse comments will be reported.

Unitary Development Plan and Policies

Area Manchester Road/Knowsley Street

BY4

EC5/1 Office Development in Bury Town Centre

Issues and Analysis

The site is an area of unused land close to the town centre where there is a demand for

parking spaces from existing businesses. The site is allocated for office development and the use is appropriate to the area and will not harm the amenities of adjoining occupiers.. Despite the objection from the neighbour, the access is acceptable to the Borough Engineer. The applicant does not accept the neighbour's claim about ownership but in any case the maintenance of the road and drain is a private matter to be resolved between the two parties. The car park is intended for day time use and it is not essential for it to be lit.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposed development will not harm the character of the area nor the amenity of occupiers of adjacent property and will not adversely impact on highway safety. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawing numbered 792 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

Ward: Bury East

Item 04

Applicant: Bury MBC

Location: IRWELL STREET BURY

Proposal: EXTENSION OF EXISTING CAR PARK AND CREATION OF NEW ACCESS

Application Ref: 45666/Full

Target Date: 01/02/2006

Recommendation: Approve with Conditions

Description

The site is an existing public car park on Irwell Street and service point for the Castle Leisure Centre off Lower Bank Street that has grassed areas to the sides with some mature trees. It is flanked on the east side by the Castle Leisure Centre and the Police Station on the south. Residential properties, a Church and Bury MBC Early Years offices are to the west, whilst Bury Snooker Hall is to the north across Bolton Street.

The proposal is to close off the access point on Bolton Street, create extra car parking spaces at the northern end of the site and then extend the car park to the south using the existing access for both the service point for the Castle Leisure Centre and the access for the car park. The scheme means the loss of four of the existing trees due to the layout of the new car parking spaces but includes a landscape area that replaces these with five new trees.

Relevant Planning History

35014	Two relocatable buildings to be used as base for private hire taxis. Erection of aerial at side and use of land for parking	Refused 24/02/1999
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Publicity

21 surrounding properties have been notified. Three letters of representations have been received from 10, 20 Irwell Street and 22 Irwell Street that includes a petition signed by 17 residents of Irwell Street. The reasons for objection include:

- Loss of green space in the town centre where benches have just been installed.
- Increase in traffic for the residents of Irwell Street and Lower Bank Street creating further traffic congestion, gridlock and thus pollution, the entrance should remain off Bolton Street.
- Another major problem is parents collecting their children from Bury Grammar School from 3.30pm onwards.
- The residents parking scheme should be made 24 hours with larger signs and residents parking bays.
- The new access point would be opposite the access point for the Police Station and traffic leaving the car park would have to cross the line of traffic leaving the Police Station and converge with the traffic from the leisure centre in the narrow confines at the top of Bank Street which would be an extremely hazardous situation.
- A taxi rank was opposed on this land.
- Extra pay and display spaces outside the Police Station and on Back Bolton Street

would encourage motorists to park in the residents only car spaces causing extra inconvenience to the residents.

- The access point should be kept on Bolton Street.

Consultations

Borough Engineer – Traffic Section: No objection

Borough Engineer – Drainage Section: No objection

Unitary Development Plan and Policies

HT2/5 Public Car Parks

Area Bolton Street/Market Place

BY3

Issues and Analysis

Therefore the main considerations of this application are the impact of the proposal on highway safety, visual and residential amenity.

Highway Safety: The proposed layout of the car park and the new access point, via existing adopted roads, is considered acceptable in terms of highway safety by the Borough Engineer.

Visual Amenity: The green space in the town centre is not being lost as the extension to the car park is to the land at the south and not the land to the west where the trees and benches are. The four trees that are being lost due to the new parking spaces are to be replaced by five specimen trees in a soft landscaped area and other incidental areas are to be hard landscaped to improve the visual amenity of the area. Lighting columns on the proposed car park extension are to match those of the existing car park.

Residential Amenity: The residential properties on Irwell Street and Lower Bank Street are classed as urban dwellings situated within Bury Town Centre. Therefore the extra traffic generated by the proposed 68 space car park being accessed via Irwell Street/Lower Bank Street is not considered to be a significant increase in the amount of traffic that already use these roads to gain access to the Police Station, the Castle Leisure Centre and other public car park.

In conclusion the proposal is considered acceptable in terms of visual amenity and highway safety.

In reply to the other issues raised in the letters of representation:

- The planning committee is not the correct forum for altering the signage/hours of the Residents Parking Scheme.
- The issue of the traffic from the 'Bury Grammar School parents' and extra pay and display spaces is not a material consideration for this application.
- The application for the taxi rank was refused due to the proposal not providing suitable accommodation for vehicles to enter and leave the site in a forward gear that would have been detrimental to highway safety and the free flow of traffic.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

Having studied the submitted documents, assessed the proposed development on site and

taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered **PP113/001/A** and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The landscaping scheme to form part of the scheme hereby approved shall be implemented prior to the proposed car park being first used. Any trees removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason: To secure the satisfactory development of the site and in the interests of visual amenity.
4. The development hereby approved shall not commence unless and until a scheme of protection for all trees to be retained on site in accordance with BS 5837:1991 "Trees in Relation to Construction" has been submitted to and agreed in writing by the Local Planning Authority. The development shall not commence unless and until the measures required by that scheme have been implemented, to the written satisfaction of the Local Planning Authority and all measures required by the scheme shall continue until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Ward: Bury East - Moorside

Item 05

Applicant: Holme Park Develoments Ltd

Location: GREENBROOK MILL GREENBROOK STREET BURY BL9 6LZ

Proposal: OUTLINE APPLICATION - ERECTION OF 55 NO. APARTMENTS
(RESUBMISSION)

Application Ref: 44834/Outline Planning
Permission

Target Date: 02/02/2006

Recommendation: Approve with Conditions

Description

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

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

The application is in outline form and is for the approval of the principle of the use of the site and the siting of the buildings on the site together with the means of access.

The actual design and appearance of the buildings (including materials) and landscaping have been reserved for approval should planning permission be granted in outline. Indicative plans illustrate a mixed 2 and 3 storey form of development.

Relevant Planning History

A similar application for 59 units was withdrawn by the applicant in April 2005 (44150) to allow time for discussions to facilitate a scheme acceptable to the Council.

Publicity

Neighbours have been notified and Site Notices and Press Advertisements placed in the Bury Times 17th November 2005.

82 representations have been received, some 79 in favour of the proposal and 3 against. Copies of all representations are available for inspection on the file and the comments can be summarised as follows:

Against

- Chesham Road is unsuitable for increased traffic and as such this is detrimental to highway safety
- The existing traffic management scheme in the area is inadequate to cater for additional traffic and the development would therefore create a detriment to highway safety
- The site should be retained for industrial use so that additional jobs can be generated in the area.

For

- The existing buildings have become an eye sore which is of detriment to both the visual amenity of the area as a whole and the residential amenity of the properties adjacent .

- The redevelopment of the site will be of benefit to the character of the area as a whole and the community in general by removing an industrial use from a predominantly residential area.
- Development of the site would improve visibility onto the footpaths and road adjacent which will improve safety in the area.
- The site is used for illegal tipping and development of the site will prevent this being carried out and improve the amenity of the area.

Consultations

Highway Engineers - Awaiting amended plans

Drainage Engineers - No objections

Environmental Services - No objections in principal subject to standard conditions

Environment Agency - No objections

United Utilities - No objections in principle

GM Police Architectural Liaison Unit - No objections in principle subject to adequate protection measures

Transco - Comments awaited

GMPTE - No objections in principle

Greater Manchester Archaeological unit - no objections in principle subject to standard conditions

Unitary Development Plan and Policies

PPG3 PPG3 - Housing

RSS 13 Regional Spatial Strategy for the North West

EC2/2 Employment Land and Premises

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

Issues and Analysis

Loss of employment land - The principle of the proposal needs to be assessed against Policy EC2/1 given that the site forms the northern extremity of the Freetown Employment Generating Area (EGA). Under Policy EC2/1, development will only be allowed for B1, B2 or B8 development. Other uses will only be permitted where they constitute a limited part of the EGA or do not substantially detract from the areas value as an EGA.

The triangular site is completely enveloped by older terraced housing on two sides. In addition, to the south, an adjoining part of the EGA was released for residential on the basis that it was physically detached from the main body of the EGA due to differences in levels. This has led to further detach the application site from the EGA. Primrose Cottage also forms part of the boundary to the south leaving only a relatively small strip of industrial land linking the site to the EGA.

Access to the site is also poor and a similar issue to that of the previous approval in terms of the relationship with the remainder of the EGA as a result of levels also exists.

On the basis of the above, it is considered that the site is not particularly well suited in land use terms for employment use given that it is virtually enveloped by residential use. Its physical detachment means that the site does not really constitute part of the EGA and on this basis, its redevelopment would not substantially detract from the area's value as an EGA.

Use of site - the site is surrounded by residential development and the multi storey 'mill'

buildings detract considerably from the residential amenity of the immediate properties. The main commercial access for the site for lorries and delivery vehicles is via Chesham Road, a predominantly residential access road. Whilst the site is adjacent to the Freetown EGA the access to the site is differentiated from the main access to this area and is via principally residential routes. Consequently, it is considered that the use of this land for residential purposes would be beneficial and in particular accord with UDP Policies H1/2, H2/1 & H2/2 and as such is acceptable.

Access - this is shown on the line of the current main access to the site via Greenbrook Street. Given that this access is now used by commercial vehicles as well as employees, it is considered that the use for solely residential purposes will not lead to a detriment to highway safety and as such will accord with UDP Policy H1/2 and as such is acceptable. Additionally, it is not considered that the development of the site will adversely impact on the existing traffic management schemes in the area and as such is acceptable.

Layout - The orientation of the new properties complies with the aspect standards of the Council. The site is separated into 2 main blocks fronting onto a central courtyard which fronts Back Chesham Road. This layout has the advantage of opening up both the Back Chesham Road South and Back Haslam Street frontages which will improve the general residential amenity of these properties. Additionally, it will allow these streets to be passively observed by the new properties which will improve the security of the area as a whole.

The indicative layout shows some 63 parking spaces on the site, two cycle stores, two bin stores and some 6 'off site' parking spaces for existing residents of Back Chesham Street, together with several areas for both passive and private amenity for the site together with indicative landscaping and boundary treatments.

This proposed siting of the buildings, the access and the indicative details indicate that the development can be satisfactorily accommodated on the site and that it can accord with UDP Policies H2/1 and 2/2.

Housing Supply and National and Regional Guidance - The site has an area of 0.74 ha and it is proposed that 55 units be developed on the site. This will give a density of the development of some 73 units to the ha which accords with PPG 3 and RSS and as such is acceptable. The application was submitted prior to the introduction of the draft DCPGN on Housing Restrictions and as such this will not apply to this application.

Objections - The objections to do with access, highway safety and the use of the site have been dealt with in the body of the report and there are no additional comments.

Section 106 - The scheme is of such a scale that provision for % for Art, Recreational Provision and Affordable Housing will need to be included. Details have been provided by the applicant of the ownership of the properties and the applicant has provided written confirmation that it is proposed to comply with the Council's requirements. Given that this is an outline application, these matters can be properly dealt with by condition and as such conditions are proposed to cover these matters.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:

The scheme pre-dates the introduction of the Council's Housing Restriction Policy, the principle of the loss of employment land and the use of this location for housing would be acceptable whilst the form and layout of the scheme would accord with planning policy.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site.

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

3. This decision relates to drawings numbered 4188/006A & 007A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

4. Prior to the demolition of the building(s) permitted by this approval, the programme of mitigation and recommendations of the bat survey submitted and approved by this application shall be implemented to the satisfaction of the Local Planning Authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and PPS7 – Nature Conservation.

5. No development, building work or demolition shall take place unless and until a desk stud, scoping report for a watching brief and a program of archaeological works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved plans.

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

6. Prior to the development hereby approved commencing:
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground 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 risks have been identified, a detailed site investigation and suitable risk assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority;
 - Where remediation is required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
7. Following the provisions of Condition 6 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 conclusions and actions taken at each stage of the works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Policy EN7 – Pollution Control of the Bury Unitary Development Plan and Planning Policy Statement 23 - Planning and Pollution Control.
8. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
- The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
- Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
9. 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 Planning Policy Statement 23 - Planning and Pollution Control.

10. The reserved matters application shall make provision for recreational facilities for the prospective residents in accordance with Policy RT2/2 - Recreation Provision in New Housing Development, of the Bury Unitary Development Plan and Development Control Policy Guidance Note 1 - Recreation provision in New Housing Development.

Reason. In order to secure the recreational needs of the occupiers of the future occupiers of the properties in accordance with Policy RT2/2 of the Unitary Development Plan.

11. The reserved matters application shall make provision for Public Art within the development site in accordance with Policy EN1/6 (Appendix 1) - Public Art, of the Bury Unitary Development Plan and Development Control Policy Guidance Note 4 - Per Cent for Public Art.

Reason. In order to provide environmental enhancement for the locality in accordance with Policy EN1/6 of the Unitary Development Plan.

12. Prior to the commencement of development the developer shall commit and legally contract to the the provision of a minimum of 14 affordable residential units, as set out in the application's supporting document dated June 2005, or otherwise as may be agreed with the Local Planning Authority, in accordance with Policy H4/1 Affordable Housing of the Bury Unitary Development Plan and Development Control Policy Guidance Note 5 - Affordable Housing provision in new Residential Developments.

Reason. In order to secure the rprovisio of affordable housing on the site in accordance with Policy H4/1 of the Unitary Development Plan.

For further information on the application please contact **Adrian Harding** on **0161 253 5322**

Ward: Bury East - Redvales

Item 06

Applicant: Thornfield Properties

Location: LAND AT THE ROCK AND ROCHDALE ROAD BURY (KNOWN AS THE ROCK TRIANGLE)

Proposal: OUTLINE PLANNING APPLICATION - MIXED USE DEVELOPMENT COMPRISING SHOPPING; FINANCIAL AND PROFESSIONAL SERVICES; FOOD AND DRINK WITHIN THE A1, A2, A3, A4, AND A5 USE CLASSES; RESIDENTIAL USES; COMMUNITY, HEALTH, NURSERY, EDUCATION, CULTURAL, ASSEMBLY AND LEISURE USES WITHIN THE D1 AND D2 USE CLASSES; NIGHTCLUB USES; MULTI-STOREY AND OTHER CAR PARKING; NEW STREETS; HIGHWAYS AND OTHER MEANS OF ACCESS AND CIRCULATION; AND OTHER ASSOCIATED WORKS AND FACILITIES.

Application Ref: 45424/Outline Planning
Permission

Target Date: 15/02/2006

Recommendation: Minded to Approve

Minded to Approve subject to S.106 legal agreement and referral to Government Office North West

Description

The outline planning application is for major mixed use development of an area bounded by The Rock to the northwest, Rochdale Road to the south west, Moorgate retail park to the north and the Firstbus depot to the east. The land includes The Rock car park, the former Kwiksave store and its car park, the Vantage Vauxhall dealership, the former Dixons Ford dealership, the Shell garage on Rochdale Road, Derby House, Halfords and other property fronting The Rock, Rochdale Road and Butcher Lane. All existing property would be cleared including the United Reform Church, the LA Fitness gym and Minden Medical Centre which were excluded from the previously approved scheme (see below). The Church and Vantage Vauxhall plan to relocate and a new medical centre would be built within the proposed redevelopment. The former St John's churchyard on The Rock and known as St John's Gardens would be retained as open space.

Consent is sought at this stage for the siting of the buildings and means of access with other issues to be the subject of future reserved matters applications.

There is a separate detailed planning application (45426) to redevelop the site of Hornby Buildings and the SolViva night club. It is proposed to close The Rock to vehicles at this point and to create a new pedestrian mall focusing on the spire of the parish church. At the eastern end of the development would be a department store opening onto a square adjoining the former St John's churchyard which would be landscaped. A new road would run down the easterly side of the site linking the Moorgate/Walmersley Road junction with Rochdale Road. A new multi storey car park would be accessed both from this road and from Rochdale Road. The existing large roundabout at the junction of The Rock and Angouleme Way would be removed but access would be maintained to the existing multi storey car park. A pedestrianised area would provide access to new leisure uses on upper floors. Ground floor uses throughout the development would be mainly retail, with provision

for cafes and bars. There would be apartments above the blocks facing St John's Gardens. The site boundary includes the existing pedestrianised section of The Rock which it is intended would be improved and upgraded.

The redevelopment proposals have been the subject of lengthy negotiations, discussions and consultation. The greater part of the area was identified for development in the Unitary Development Plan and subsequently referred to in the Council's adopted Town Centre Vision and Development Strategy. The URBED "Bury but Better" vision and strategy document was adopted by the Council as a material planning consideration in November 2003 and acts as the Masterplan to guide the growth and future development of the town centre. In the strategy the Rock Triangle site falls within the area referred to as the Eastern Gateway and the development of the site with retail and mixed uses together with a new link road and the downgrading of The Rock is supported.

A Development Framework to guide the redevelopment of the Rock Triangle area was adopted by the Council in February 2003 and a planning application (40730/03) for retail and mixed uses including a supermarket was approved in July 2004. The Framework has been amended and was approved by the Council in its current form in September 2005

The application has been submitted with a formal Environmental Impact Assessment (EIA) together with appendices and a non technical summary. The application is accompanied by a Planning and Retail Statement, a Transport Assessment, a Design Statement, a Floorspace Schedule and a Statement of Community Involvement.

The Environmental Statement is a very lengthy document that sets out the likely environmental effects of the development together with mitigation measures during demolition and construction and when complete. Options considered include leaving the site in its current state and alternative site layouts. Issues included are a description of the development, the planning policy context, sustainability, transport and access, air quality, noise and vibration, ground conditions and water resources, townscape and visual quality, archaeology and built heritage, and cumulative and residual impacts. The conclusions are that there would be minor adverse effects during demolition and construction. In the long term, improvements to the site are expected to have a medium/moderate beneficial impact on townscape and visual quality with the replacement of the current degraded buildings with a modern, high quality shopping centre and linked areas of public open space. There would be moderate beneficial impacts on pedestrians and cyclists and negligible effects (with the exception of one junction) on the highway network, noise and vibration levels and air quality.

A supplement to the Environmental Statement concludes that changes to the link road (see below) are not significant.

The Planning and Retail Statement also includes reference to the concurrent application at Hornby Buildings. It includes a description of the site and the proposals and a review of national and local planning policy including the conclusions of the Drivers Jonas retail study which identifies the capacity for new retail comparison floor space in the town centre. The statement deals with key issues including the need for additional floor space and the retailers not present in Bury; the economic impact of additional floorspace and a sequential appraisal of other potential retail development sites. The statement also looks at the other elements within the scheme including residential, leisure, business floor space and the medical facility. It concludes that there is a qualitative and quantitative need for the comparison retail floor space which will utilise surplus expenditure within the Bury catchment area with no adverse effect on the vitality and viability of any identified centre. The development occupies a centrally located, fully accessible site and there is no other site which, on its own, is viable for retail development. It is claimed that the development meets policy objectives.

A supplement to the statement provides additional information on capacity and the potential impact on other town centres.

The Transport Assessment considers walking, cycling and public transport opportunities and trip generation methodology. It comments on the study area, traffic flows and accident history. It reports on the operational assessment of junctions and looks at methods of servicing the site. It concludes that the scheme is a true town centre development that will generate less traffic than the previously approved scheme. The major difference between the new scheme and that which has been approved is the closure of The Rock to through traffic and the construction of a new link road. It is assessed that the new road arrangement could accommodate peak traffic flows without the need to provide large out of scale junctions and that the site, including the proposed multi storey car park can be adequately serviced.

The Design Statement complements the information within the Environmental Statement. It analyses the existing town centre character including its deficiencies in order to identify constraints and opportunities. The layout proposed develops key framework aims that include addressing the poor environmental quality of the area through the development of new buildings and urban spaces; to provide an expansion of the town centre to meet identified need and contribute to the ongoing success of Bury town centre; to integrate the new development into its surroundings and improve connections and accessibility for all transport modes; to provide a range of facilities and accommodation that will fulfil the needs of the local population and provide jobs in an accessible location; and to bring life back to a run down area promoting day time vitality, the evening economy and town centre living. The statement has been revised to include additional information.

The Statement of Community Involvement: Development Framework/Pre Application Consultation Report describes the methods of consultation carried out by the developer and the feedback that resulted. Events have included a breakfast briefing of traders and interest groups, a public exhibition, and an exhibition within the planning department. Presentations have been made to lead Members of Council and Bury East and West Area Boards and meetings have taken place with individuals and groups. There has been overwhelming support for the scheme but matters identified for review include smaller units for local traders; a safe and secure car park; the provision of extra shopmobility services; access to and from the medical centre and the provision of a town centre manager.

The application is submitted in outline form and consent is sought at this stage for siting and means of access. A Site Parameter drawing sets out the siting of the proposed blocks, identifies the maximum and minimum heights and the scope of potential uses and confirms access arrangements. Other plans for information only illustrate how the development may proceed when detailed plans are submitted. These include indicative plans of each floor of the buildings and sections through them.

There would be 6 main blocks (B to G) and 3 smaller kiosk blocks (H to J). Block A is the new development on the site of Hornby Buildings which is the subject of the separate concurrent planning application. A department store on 3 floors would occupy block D. It would be linked directly to a 1250 space multi storey car park (Block E). The car park would include facilities for shopmobility. Large and small shops would be located along the new pedestrianised areas on ground and mezzanine levels of Blocks B, C, E and F. The smallest units would front The Rock, effectively replacing the existing shops in this location. It is anticipated that food and drink units will be located in Block F and the Kiosks (Blocks H, I and J). Block F is expected to include a cinema and night club at the upper level. There would be up to 4 floors of apartments above Blocks B and C near The Rock and St John's Gardens. There would be basement car parking for residents. The Primary Care Trust

Medical Centre would occupy Block G. It would include a group medical practice, a dental centre, Facilities for walk in treatment and out patients, a pharmacy, X-ray facility and offices. There would be a basement car park for staff. A surface car park adjacent to the building accommodating approximately 55 vehicles would be available for visitors.

The retail floor space, including food uses and Block A, would be 43,952 square metres and the total floorspace including all elements would be 119,579 square metres.

It is estimated that around 1500 permanent jobs will be provided and the developer has met local training providers to discuss training needs for future employees.

The submitted plans have been revised to realign the northern junction of the link road to The Rock and to increase the width of the carriageways.

Relevant Planning History

40730/03 - Application from same applicant for mixed use development, including food supermarket, approved in July 2004

41730/03 - Application from a different developer covering the same site area with the addition of the site of the Firstbus garage was recommended for refusal but was withdrawn before the application was considered by Planning Control Committee.

Planning permission (45026) was granted in January 2006 for a replacement United Reform Church on the car park at School Brow.

There is a current planning application (45691) for a replacement car showroom and associated facilities for Vantage Vauxhall to be sited on Crostons Road next to the Dixon Ford dealership.

Publicity

The consultation process undertaken by the developer before the application was submitted is outlined above. The applicant has notified individuals and businesses who have an interest in property directly affected by the development. The Local Planning Authority has also written to them and to neighbouring individuals and businesses. The application has been advertised on site and in the Bury Times.

Planning consultants acting for Scottish Widows, the new owners of the Millgate Centre, have submitted a holding objection on their behalf. They are concerned at the scale of the proposal and potential impact on the Millgate Centre and the market. There needs to be a clear demonstration that the comparison retailing proposed will not draw key operators from existing locations. The owners are similarly concerned about the impact of the scheme on the form and function of the town centre, patterns of pedestrian movement and the distance between the proposed anchor department store and the Market/bus tram interchange area. They are concerned about the level of parking provision as the town already suffers from parking congestion making it less attractive than competing centres. The matters raised are assessed in the Issues and Analysis section of the report.

Firstbus are concerned that the junction of the new road with Rochdale Road has not been designed to accommodate bus movements into the bus depot and suggest an access from the new road. Their concern is supported by their traffic engineering consultant. They also object to road closures affecting bus routes until they have fully assessed the impact on bus services. The objection has been analysed in detail by the developer's traffic consultant and their conclusion is that the new link road will have advantages for bus services and that the new junction is suitably designed and does not affect access arrangements to the bus depot.

A resident from 4 Whitewell Close supports the principle of the development but criticises the proposals for making inadequate provision for cyclists including cycle parking provision, shared use of the Rock with pedestrians and, in particular, the narrow carriageways and lack of cycle provision on the new road. The plans have subsequently been revised to widen carriageways.

The proprietor of H Stone, 106 The Rock, has written 2 letters objecting to both this application and the application to redevelop Hornby Buildings and his comments are summarised in the report on that application (45426).

Consultations

Borough Engineer - No objection on drainage grounds. No objection on highway grounds subject to recommended conditions.

Borough Environmental Services Officer - Comments on working practises during construction and recommends conditions about ground contamination and noise assessment for the apartments. Further information on air quality is being provided by the developer's consultants.

Greater Manchester Police - They are disappointed that a "designing out crime" statement was not submitted with the application and are concerned about narrow malls and exposed entrances to apartments. They suggest robust materials and measures to minimise vehicle attack. They request a condition to ensure that the scheme meets the minimum standards of the Secured by Design award. A meeting has taken place between the developer and representatives of the police architectural liaison unit when it was agreed to address outstanding issues.

Environment Agency - Any comments received will be reported.

United Utilities - A sewer and a water main cross the site and should not be built over. Any disconnection or diversion would be at the developer's expense.

GMPTE - They welcome the provision of a safe and convenient pedestrian environment giving priority to the pedestrian/public transport user but there are a number of concerns. The need for the surface car park next to the Primary Care Trust Health Centre is queried and the position of the bus stop is criticised. It is requested that new road junctions include bus priority measures. The design of bus stops should reflect the level of use. The developer's consultant has responded positively to GMPTE's comments.

British Coal - The development is within a coal mining area but detailed comments will not be provided unless a fee is paid.

English Heritage - Any comments received will be reported.

Greater Manchester Archaeology Unit - The EIA has identified archaeological interests and the need for surveys and investigations. A condition is recommended requiring that a programme of archaeological work should be agreed.

Government Office North West - Any comments received will be reported.

Neighbouring Authorities - Tameside consider that the development would be unlikely to affect centres in their authority would have concerns about any scheme that would adversely affect the balanced network of town centres described in Regional Spatial Strategy. Any other comments received will be reported.

Unitary Development Plan and Policies

Area	The Rock/Moorgate
BY8	
S1/1	Shopping in Bury Town Centre
S2/1	All New Retail Proposals: Assessment Criteria
S2/3	Secondary Shopping Areas and Frontages
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
S3/3	Improvement and Enhancement (All Centres)
S2/6	Food and Drink
HT2/5	Public Car Parks
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development
EN1/6	Public Art
RT1/1	Protection of Recreation Provision in the Urban Area
PPG1	PPG1 - General Policy and Principles
PPG6	PPG 6 - Town Centres and Retail Developments
PPG13	PPG13 - Transport
RSS 13	Regional Spatial Strategy for the North West
S1	Existing Shopping Centres
S2	Control of New Retail and Non-Retail Development
S3	New Retail Dev and Env Improvements
S3	New Retail Dev and Env Improvements
TC1	Town Centres
TC2	Town Centre Enhancement and Development
TC2/2	Mixed Use Development
TC3	Bury Town Centre
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN4/2	Energy Efficiency
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6	Pedestrians and Cyclists

Issues and Analysis

Principle of Development -

The principle of redeveloping the area with a mixed use retail led scheme has been established by the outline planning permission (40730/03) granted in July 2004. This scheme differed from the current proposal in significant respects with its inclusion of a food supermarket and the retention of The Rock as a route for vehicles. The new scheme proposes the demolition of the Minden Medical Centre, the United Reform Church and the LA Fitness gym which would have been retained under the previous scheme.

The applicant's Environmental Statement and Planning and Retail Statement set out the context of the application with reference to the UDP, the "Bury Retail Study" (Drivers Jonas report) and the "Bury but Better - Town Centre Vision and Development Strategy" (URBED report). The statutory development plan and both the subsequent studies accept that there is a need for redevelopment in the area.

The site is an area of Bury that contains a variety of old buildings of no great merit, some of

which are currently vacant and run down, and a number of open areas/surface car parks, some of which are under used. The area has been identified as being in need of redevelopment.

The Bury Unitary Development Plan, which was adopted in 1997, is the statutory development plan for the area and identifies the site as being within the area of the town centre (BY8) where proposals for retailing, business/offices and car parking will be encouraged.

In relation to retailing, it is the essence of UDP policy S1 to maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre and under S1/2 the expansion of the centre is supported through the development of additional comparison shopping floorspace. The UDP, under S2/1 supports the principle of retail development proposals which are within or immediately adjoin the main shopping area of existing centres, that sustain or enhance the vitality and viability of a centre, are accessible by and would encourage greater use of public transport, and are in conformity with other policies of the UDP.

The UDP shows the majority of the site within the main shopping area of the town centre as a secondary shopping area. Specific UDP proposals allocate large parts of the site as Opportunity Sites S3/1/8 and S3/1/10 for redevelopment for retailing, business/office and parking use.

Although the need for the retail elements of this development has been established in quantitative terms (see Bury Retail Study below), the applicant has been informed that its Planning and Retail Statement does not adequately cover some related issues such as impact on other centres and scale. It is understood that the applicant is addressing these matters and a revised statement is anticipated.

The UDP also supports compatible mixed use development that enhances the vitality and viability of a town centre by encouraging variety and diversity under TC2/2. In addition to retail, the scheme includes proposals for a number of commercial leisure uses which will complement and add to the attractions of the town centre together with residential development, a new health centre, car parking and recreation provisions. The development of mixed uses in town centres is now widely supported in national planning policy guidance, particularly in PPS6. Policy TC3 sets out the Council's commitment to bring forward, promote and support proposals to expand and enhance Bury town centre, in order to maintain its role as an important centre of sub-regional significance. The proposed mixed use is therefore broadly in accordance with the approved Unitary Development Plan.

Government Guidance includes PPS6 - Planning for Town Centres and regional planning guidance in the form of RPG13. PPS6 sets out the government's key objectives to promote the vitality and viability of existing town centres such as Bury including the encouragement of investment, delivering sustainable patterns of development, promoting high quality design, public realm and open spaces, establishing a need for the development and demonstrating a sequential approach. The diversity of uses in town centres is supported and it is recognised that different, but complimentary uses during the day and evening can reinforce each other, making town centres more attractive to residents, shoppers and visitors.

RPG13 also recognises the need to protect, sustain and improve town centres by encouraging new retail, leisure and mixed use developments within defined town centre boundaries.

The development proposed by the current planning application is therefore considered to

comply with both national and regional guidance.

Bury Retail Study -

The study was produced in July 2002 and was subject to a partial review in December 2003. The study identified significant retail capacity for comparison retailing, but only limited capacity for convenience retailing, with a number of future scenarios being projected for 2008. The proposal, including Block A, comprises 43,952m² of retail floorspace. Under scenario C of the retail study, where market share would increase and inflows in terms of expenditure would increase to 25%, a capacity of £173m or an indicative floorspace of 56,000 Sq m gross is projected. The amount of floorspace proposed for retailing in this planning application, if predominantly comparison retailing, is therefore within an acceptable level. The current proposals have been reconsidered by Drivers Jonas who confirm their acceptability.

The proposal is for an open A1 retailing use. Whilst illustrative drawings and information supplied does not specifically indicate a desire for A1 convenience, the application is in outline form and specific requirements may change during the formulation of a reserved matters application. In order to restrict the amount of future convenience retailing in Bury Town Centre in respect of the findings and recommendations in the Bury Retail Study, an appropriate condition is recommended.

Bury But Better - Town Centre Vision and Development Strategy -

The strategy was prepared by URBED consultants on behalf of the Council and has been approved by the Council as a material planning consideration. The strategy proposes the main development principles for the town centre under different "quarters". The application site forms the major part of proposed "Eastern Gateway" quarter. URBED recommended the following development principles for the Eastern Gateway:-

1. The Rock Triangle site is acceptable for retailing provided that it is well linked to the town centre.
2. The opportunity to create a new street through the Rock Triangle site to improve permeability and linkage should be strongly pursued.
3. The western part of the Rock Triangle site should be developed as a mixed use area including housing, retail and office development.
4. The western part of the site should be based on mixed use street based urban form. Permeability should be maintained by creating links to the Firstbus site.

The latest proposal has been considered by URBED and, subject to detailed comments, is welcomed as being a good scheme.

It is concluded that the scheme addresses the development principles outlined above in planning policy terms and represents a major expansion of the town centre.

Development Framework -

The original development framework, leading to the submission of the first planning application was approved by Executive Committee in February 2003. The development principles formed 3 main themes:-

- The siting and massing of building and the provision for active frontages to The Rock/Rochdale Road and to public open spaces and pedestrian routes within the development.
- Vehicular and pedestrian movement into and throughout the development, pedestrian priority and connectivity within the town centre.
- Control of types of retailing within the development.

The revised framework on which the current application is based was approved by

Executive Committee in September 2005.

Layout and Design -

Urban Design Issues: The urban design analysis undertaken by the applicant through their Design Statement has identified a number of urban design principles that will inform the development of the scheme. The applicant has sought approval for the basic design parameters that will establish the overall height, massing and layout of the overall development and of individual the individual blocks within the development. The following urban design principles are most relevant to the current application:

- *The main principle behind these proposals is to form a series of open streets and public open spaces of a scale and proximity that re-establishes an existing shattered town centre urban grain.*
- *The introduction of a new spine road to the east of the Rock Triangle site enables new pedestrian streets to be formed and connections to outlying residential and edge of centre retail areas made*
- *the height of buildings, mass within building plots, scale and proportion propose to reflect a future regeneration and established town centre locations. the greatest height of development is focused at key access points into the site, adjacent to new primary streets to create enclosure and at key entry and arrival locations.*

Siting - layout, height and massing: The form of the existing town centre can be characterized as a series of public spaces - i.e. Market Place, Kay Gardens, "Schorndorf Square" (within Mill Gate) - connected by a network of interconnected streets and pedestrian malls. The proposed layout of the Rock Triangle seeks to form an extension of this basic form of the existing town centre by creating new pedestrian streets connecting a series of new public spaces - e.g. "Hornby Square", "St John's Square", St. John's Gardens and "Angouleme Place".

The principal public spaces within the proposal - St. Johns Square and Angouleme Place are of a similar size to Market Place and Kay Gardens respectively. The proposed street widths for the proposed pedestrian streets within the scheme are similar to street widths within the historic Victorian core of the town centre - particularly Silver Street, Broad Street and sections of The Rock. In addition the proposed block sizes within the Rock Triangle development are similar to the largest block sizes within the historic Victorian core and within Mill Gate.

Existing development adjacent to the Rock Triangle site (and the Mill Gate shopping centre) is generally 2 - 3 storey in height. However the historic Victorian core of the town centre - (centred on Market Place, Market Street, Silver Street and The Rock) is largely 3 - 4 storey with massing further increased by steeply pitched roofs and with precedents for 5 storey development in the form of Lester House and Craig House. The Mill Gate multi-storey car park immediately adjacent to the site also has a 4 storey massing. The basic massing of the Rock Triangle development is 3 - 5 storey with key elements (department store, cinema, residential blocks) raising to 6 storey equivalent.

Overall the proposed design parameters establishing the layout, height and massing of the development provide a basis developing a contemporary town centre scheme that has a coherent relationship with the layout and massing of the historic form of development within the existing Bury town centre.

Means of Access: Proposals to remodel and extend the pedestrianised Rock to form

"Hornby Square" together with the redevelopment of Hornby Buildings (subject to a separate application) are intended to form the principal link that ties the Rock Triangle development into the existing town centre. The formation of "Hornby Square" is central to the concept of the development forming an extension to the existing network of public spaces and streets and the design of this area should be carefully considered through reserved matters applications.

It is also anticipated that the applicant will bring forward proposals to contribute towards improving secondary pedestrian links between the development and Mill Gate and the Bury Market area in accordance with the analysis undertaken through the design statement.

A number of pedestrian crossing facilities are indicated on the new link road to the east of the Rock Triangle site and to the remodelled junction of Rochdale Road/Angouleme Way. The purposes of these crossing facilities are to facilitate connections between the scheme and outlying residential areas and edge of centre retailing facilities, fully integrate new bus stop facilities with the development, and provide connections between the main development site and the proposed Primary Care Centre.

Other Design Issues: There are a number of key design issues that will need to be addressed through reserved matters applications in order to ensure that the Rock Triangle development fulfills its potential to be a high quality extension to Bury town centre.

Disability Access -

Inclusive Design: An access statement has been incorporated into the design statement. This demonstrates a good understanding of the general principles of inclusive design and provides a sound basis for developing the scheme to ensure that inclusive access is achieved. The BADDAC Access Team have been consulted and are content with the general approach taken but are concerned that effective inclusive access requires careful detailed design. Consequently each reserved matters application should be accompanied by more detailed access statements.

Shopmobility: It is proposed to incorporate a shopmobility facility within the multi-storey car park with direct access into the department store and lift access to the new pedestrian streets and to Ring & Ride/taxi drop off facilities. Bury Shopmobility have been consulted and have expressed some concerns about the viability of lift access between the shopmobility facility and the proposed Ring & Ride/taxi drop off facilities. The applicant will be involved in continuing negotiations with Shopmobility in order to resolve their concerns and detailed proposals for the shopmobility facility can be considered through reserved matters applications.

Highways and Traffic -

The application is accompanied by a detailed Transport Assessment which has been considered by the Borough Engineer and Greater Manchester agencies.

The proposal involves the closure of The Rock to vehicles and the construction of a new link road connected to the A56 Peel Way/Moorgate/Wash Lane junction to the north and the A58 Rochdale Road/George Street junction to the south. The large roundabout at the junction of Angouleme Way and Rochdale Road would be removed.

The proposal is acceptable in principle to the Borough Engineer but the plans have been revised to realign the road at the northern junction and to increase the width of the carriageways on the new road to ensure safe use by cyclists.

Car Parking -

The proposal includes a 1250 space multi storey car park and a surface car park for approximately 55 cars to the north of the new link road next to the new PCT Medical Centre.

The Medical Centre and the apartments in blocks B and C would have their own dedicated parking.

346 spaces would be lost with the removal of the public car parks at The Rock, Chapel Street and School Brow (for the new church) together with 211 private spaces at the old Kwiksave store, a total of 554. The new scheme would provide well in excess of 1,000 spaces, 250 of which would be available as long stay spaces during the week, but not on Saturdays. It is concluded that there will be a substantial increase in short stay visitor and shopper parking. The application site is part of the town centre with strong links to public transport. The level of parking provided is considered to be an appropriate balance between managing supply and maintaining the commercial viability of the town centre.

Residential Development -

The site is regarded as a brownfield site in PPG3 terms, part of a mixed use scheme, and a town centre regeneration priority site in regard to the Council's housing restriction policy.

The proposed apartments would be built above blocks B and C with an estimated floor space of 3961 square metres. A condition is recommended requiring affordable housing that is likely to be subject to a S.106 legal agreement at reserved matters stage.

The design statement contains a commitment to investigate the feasibility of providing a percentage of Lifetime Homes within the residential aspects of the development. The percentage of Lifetime Homes to be achieved should be agreed through negotiation on the relevant reserved matters applications.

Recreation provision for residents is addressed with improvements to St John's Gardens that are included within the S.106 agreement.

Section 106 Agreement -

There is already a Development Agreement with the Council who own The Rock and Chapel Street car parks and St. John's Gardens. The purpose of the S.106 agreement is to cover issues that go beyond those which can be controlled by planning condition. The content of a S.106 agreement has been resolved between the developer and Council officers.

Items include a maximum contribution of £600,000 towards improvements to the existing pedestrianised section of The Rock, £90,000 for public art, £50,000 for the enhancement of St. John's Gardens, £29,000 per annum towards running the Shopmobility scheme and a total of £120,000 towards town centre management

Minded to Approve -

Members are recommended that they should be minded to approve the application. It will be necessary for the S.106 agreement to be completed and signed. The application has already been referred to Government Office North West because of the Environmental Impact Assessment. It is also necessary to refer it to GONW because of the amount of retail space proposed.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;- The proposal is a town centre development in accordance with Unitary Development Plan policies and government guidance. It will bring significant benefits to the town centre, contributing to its vitality and improving its character, with no significant disbenefits. There is an acceptable highway scheme including provision for pedestrians and public transport. There are no other material considerations that outweigh this finding.

Recommendation: Minded to Approve

Conditions/ Reasons

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

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

2. Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the design and external appearance of the building(s) and the landscaping of the site.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.

3. The development shall not be carried out otherwise than in accordance with drawings SA(PL)A 102A and 111A hereby approved and the accompanying composite schedule of floorspace and as set out below unless otherwise agreed in writing by the Local Planning Authority.

Block B	Retail (Classes A1-A5)/residential/car park	21,063 m ²
Block C	Retail (Classes A1-A5)/residential/car park	10,172 m ²
Block D	Retail (Classes A1-A5)	11,178 m ²
Block E	Retail (Classes A1-A5) Car Park	45,973 m ²
Block F	Retail (Classes A1-A5) Leisure (inc.nightclub)	21,321 m ²
Block G	Health Centre	4,500 m ²
Block H	Retail	95 m ²
Block I	Retail	382 m ²

Reason For the avoidance of doubt and to ensure that floorspace figures are not exceeded.

4. Within the 41703 m² of Class A retail floorspace hereby created, no individual unit of more than 1,858 m² will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded.

5. Notwithstanding Condition 3, no more than 41703 m² of Class A1 retail floorspace

shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority. Within that 41703 m², no more than 4,1700 m² of Class A3, A4 or A 5 floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded.

6. 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 phasing scheme shall include details of the arrangements for public parking as the development proceeds. The development shall be implemented in accordance with that scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason To minimise disruption and maintain adequate public parking areas as the development proceeds.

7. On or before submission of the reserved matters for 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 the development relates to development principles established by the Masterplan hereby approved and the accompanying design statement.

Reason In the interests of visual amenity.

8. 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 principal 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.

Reason In the interests of visual amenity and the free movement of pedestrians.

9. 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.

Reason To ensure adequate and safe provision of public parking.

10. 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.

Reason To ensure adequate and safe public parking provision.

11. On or before submission of the first reserved matters application a scheme for cycle and motor 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 the Local Planning Authority. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure adequate and safe parking for cycles and motor cycles.

12. Before development of the multi storey car parking 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.

Reason To ensure a satisfactory standard of air quality.

13. On or before submission of the first reserved matters application a travel plan strategy shall be submitted to and approved in writing by 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 each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure that the proposed scheme is accessible to all and to minimise vehicle movements.

14. Before each phase of the development is commenced, a detail 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.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity.

15. 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.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity.

16. 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 forward 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.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity.

17. The use of any food and drink unit (Class A3, A4 and A5) 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.

Reason To safeguard the amenities of adjacent occupiers.

18. The use of any food and drink unit (Class A3, A4 and A5) 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.

Reason In the interests of amenity

19. No demolition or construction work shall take place on the site except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and 8.30 am and 1.00 pm on Saturdays and none shall take place on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason To protect the amenities of occupiers of adjacent property.

20. 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.

Reason In the interests of amenity.

21. 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.

Reason In the interests of amenity.

22. Before the development of the approved Blocks B and/or C 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 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.

Reason To protect the amenities of residents.

23. On or before submission of the reserved matters application for 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 detail shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure the satisfactory storage, recycling and collection of waste.
24. 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.
Reason In the interests of visual amenity.
25. On or before the submission of the first reserved matters submission 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 disabled parking and pedestrian footpaths forming the development will meet the needs of people with a broad range of disabilities and mobility impairments. Before each phase of the development is commenced a statement for that phase demonstrating how the proposed works relate to the development principle established by the overall Access Statement.
Reason To ensure access for all.
26. 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.
Reason To make a record of buildings for archive and research purposes and to identify buried remains of archaeological interest.
27. 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.
Reason To make a record of the buildings for archive and research purposes and to identify and record remains of architectural interest.
28. 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.
Reason To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
29. 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.
Reason In the interests of security.
30. Before the development of Blocks B and/or Block C is commenced, a scheme for

the provision of affordable housing shall be submitted to and approved by the Council in accordance with Policy H4/1 - Affordable Housing of the adopted Bury Unitary Development Plan and Development Control Policy Guidance Note 5 - Affordable Housing Provision in New Residential Developments.

Reason To ensure an adequate supply of affordable housing in compliance with UDP Policy H4/1.

31. 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.

Reason To ensure the satisfactory drainage of the site.

32. 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.

Reason To ensure the satisfactory drainage of the site.

33. 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.

Reason To ensure the satisfactory drainage of the site and to prevent pollution.

34. Notwithstanding the details indicated on the approved plan, 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 information submitted by JMP Consulting, have been approved and completed to the written satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Peel Way/Walmersley Road/Moorgate/The Rock

The Rock/New Link Road.

The Rock/Rochdale Road/Clerke Street

Rochdale Road/Angouleme Way

Rochdale Road/George Street/New Link Road

Rochdale Road/Lord Street/York Street

Reason To ensure good highway design in the interests of road safety.

35. On or before the submission of the first reserved matters application a design statement for the public realm strategy and landscape proposals for the overall development hereby approved shall be submitted to and approved by the Local Planning Authority. The design statement shall clearly illustrate how the public realm/landscape proposals for the development relate to development principles established by the approved Masterplan and accompanying design statement.

Reason To ensure the satisfactory development of the site and in the interests of visual amenity.

36. Before development of the approved access arrangements identified above are commenced details of the locations and design of all new pedestrian crossing facilities 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 pedestrian crossing facilities relate to the principle pedestrian routes both through the development and with existing pedestrian routes adjoining the development.

Reason To ensure adequate pedestrian access to the development.

37. Provision shall be made within the curtilage of the site to the written satisfaction of the Local Planning Authority for the loading and unloading of vehicles and the parking of cars which visit the site in connection with the use hereby approved.

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

38. Provision shall be made within the site to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.

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

39. The foundations for any part of the proposed development shall not encroach under the adjacent existing or future adopted highway at any point.

Reason To ensure good highway design and to maintain the integrity of the adopted highway.

40. Prior to the commencement of development, details of crime prevention measures to meet the minimum requirements of the Greater Manchester Police Secured by Design Award shall be submitted to and agreed in writing by the Local Planning Authority and implemented during the course of the development.

Reason To ensure the security of the development.

For further information on the application please contact **John Hodkinson** on **0161 253 5323**

Ward: Bury East - Redvales

Item 07

Applicant: D. Greenhalgh

Location: 250 MARKET STREET, BURY, BL9 9JN

Proposal: RETENTION OF EXISTING WORKSHOP

Application Ref: 45669/Full

Target Date: 01/02/2006

Recommendation: Approve with Conditions

Description

The site is a small plot measuring 13m by 21m and consists of an established commercial building located within a mixed residential and retail area. There are railings along the frontage of Market Street with conifers screening the rear of the site. A 1.6 m fence lies along the boundary with No 96 Parkhills Road. Pedestrian access is gained from Market Street with vehicular access to the side, by 352 Market Street.

Planning permission was granted in 1987 for a change of use of land as monumental masons sales area with portacabin sales office. Subsequently, temporary permission for 5 years was granted in 1992 for the addition of a prefabricated workroom and display show room. Permission is now being sought to retain this workshop permanently. The hours of operation would be Monday to Friday 8am to 6pm, with weekend opening restricted to office opening only of 9am to 4pm.

Relevant Planning History

20009/87 - Use of land as monumental sales area with sales office - **approved 17/9/87**

22553/89 - Workshop and display showroom - **approved 25/5/89**

26866/92 - Prefabricated workroom and display showroom - **approved 16/3/92 for temporary period of 5 years, expiring in 1997.**

Publicity

Immediate neighbours notified - 1 objection letter received from 96 Parkhills Road raised the following environmental concerns:

- noise from the machinery
- dust from the cutting or grinding machines
- the site is an eyesore

Consultations

Borough Engineer - No objection.

Environmental Health - No objection subject to conditions relating to noise levels.

Unitary Development Plan and Policies

EC2/2 Employment Land and Premises

EC4/1 Small Businesses

Issues and Analysis

Residential amenity - The site has been in operation as a sales and display area for over 15 years of years and the workshop has been operating for more than 10 years with no history of complaints. With regard to the objections from No 96 Parkhills, noise disturbance from

the premises is not considered to be seriously significantly detrimental to local residents given the limited scale of the business, the hours of operation its location within a semi commercial area. The objection from No.96, relating to noise and dust, appear to have arisen from the fact that cutting is occasionally done outside the workshop. A condition requiring all work to be carried out inside the workshop would mitigate the impact of noise and dust on the neighbour at No.96. Conditions relating to hours of operations and noise levels, as were attached to the previous temporary consent should also be attached to any new consent as further measures of noise control.

Visual amenity - Since the previous temporary approval in 1992, the visual appearance of the steel clad workshop has deteriorated to a degree. However it is not considered that the deterioration is severe enough to be considered seriously detrimental to visual amenity. Views of the workshop and area at the rear from Market Street are partially obscured by a conifer hedge connecting the frontage of the sales building and the side boundary (photo No1) and do not detract seriously from the character of the street scene.

Given the temporary nature of the workshop and the possibility of further deterioration, it is considered appropriate to limit the consent to a further temporary period of five years.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-
Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses, it is considered that the proposed development would be acceptable in terms of size, scale and relationship to the original building. The materials and design would be in keeping with the character of the surrounding area. There are no highway or environmental issues which would detrimentally affect the area. Neighbouring dwellings would not be materially affected given suitable controls through planning conditions.
There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The permission hereby granted is for a limited period only, namely for a period expiring five years from the date of this Decision Notice, and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition to the written satisfaction of the Local Planning Authority within 3 months of the date of this decision.
Reason: The development is of a temporary nature only pursuant to policies of the Unitary Development Plan listed below.
2. Noise from operations conducted on the premises shall not exceed 55dB(A) as measured at the boundary between 0800 and 1800 Monday to Saturday and 45 dB(A) at any other time.
Reason: In the interest of residential amenity
3. No plant or machines shall be operated on the premises between the hours of 1800 and 0800 Monday to Saturday nor at any time on Sundays, Public or Bank Holidays.
Reason: In the interests of residential amenity

4. No cutting and engraving of stonework shall be carried out outside the workshop.
Reason: In the interests of residential amenity

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

Ward: Prestwich - Sedgley

Item 08

Applicant: Ivy Homes

Location: THE RESIDENCES, SCHOLES LANE, PRESWICH

Proposal: RETENTION OF SECURITY ENTRANCE GATES AND PILLARS
(RETROSPECTIVE)

Application Ref: 45463/Full

Target Date: 06/01/2006

Recommendation: Refuse

Description

The proposal involves the retention of existing black wrought iron gates and stone pillars at the entrance to a recently completed residential conversion and redevelopment of the former nursing home on Scholes Lane. The pillars are the original entrance pillars that formed the entrance to the manor house, although they have been moved back from their original position which was closer to Scholes Lane. The pillars are 1.75m high with the double gates rising to 2.56m at a central point. A separate pedestrian gates is situated to one side.

Relevant Planning History

37894/5 Erection of 9 Flats, 10 Houses and 12 Garages and conversion of existing property to provide 9 Flats.

Publicity

Immediate neighbours and site notice - Two letters of support from residents within the development on grounds that it provides security for residents and the listed building itself. One letter of objection from 49 Scholes Lane citing the following concerns:

- The gates prevent the public from using the public footpath from Scholes Lane to Bannerman Avenue.
- The gates have been erected without planning permission.
- The proposal would mean the formation of a 'gated community' which should be discouraged.

Consultations

Borough Engineer (Traffic) - No objections to the gates although it is indicated that the development affects a Public Right of Way (No.43). Development affecting a public Right of Way should not be commenced until a statutory closure order is made.

GM Police - No comment to date.

Unitary Development Plan and Policies

EN1/5 Crime Prevention

EN1/2 Townscape and Built Design

H2 Housing Environment and Design

H2/2 The Layout of New Residential Development

SPD3 DC Policy Guidance Note 3: Planning Out Crime

PPG3 PPG3 - Housing

Issues and Analysis

The issues that need to be considered in determining applications for gates are the principles of 'gated communities', the need for security, visual implications on the street scene and highway safety issues.

Gated Communities - The concept of gated communities is considered to be contrary to general advice from central government on design within residential developments and the previous decisions of the Council. They are seen in many instances as running contrary to policy and guidance that promotes integrated communities and residential developments that focus on more natural surveillance brought about by the implementation of specific design principles. Conspicuously high fences and gates can give a sense of there being a 'fortress mentality' and can increase the fear of crime. The council's own Development Control Policy Guidance Note No.3- 'Planning Out Crime in New Development' supports Policy EN1/5 'Crime Prevention' and reflects advice given in Central Government Circular 5/94 'Planning Out Crime'. Whilst in some cases the use of gates is not ruled out as an acceptable option, it is clearly not the ideal solution.

Design - The design and general appearance of the gates and gate posts is a material consideration. In this particular case, the posts and gates are set well back from Scholes Lane and are not seen until one is almost opposite the entrance itself. The views of the gates from further down Scholes Lane are obscured by trees and hedges, reducing the overall impact of the on the street scene. From a visual amenity point of view the posts and gates are not incongruous or out of scale with the area although it is considered that the two security warning boards attached to the gates detract from their character and amenity of the locality.

Highway Safety - As the gates are set well back from Scholes Lane, there are no highway visibility concerns.

Objection - Footpath - Currently, a public footpath running through the development, connecting Scholes Lane with Bannerman Avenue is obstructed by the garages built on the site, effectively closing the footpath. This was accepted as part of the consent granted for the scheme as a whole and as such the gates will not be the sole obstruction to the footpath and given that the footpath is already closed, it is not considered to be a material consideration. Gated Community - this matter has been fully considered in the main body of the report.

Should the application be refused by the committee Enforcement Action will be instigated to secure the removal of the gates or in the alternative ensure that the gates are kept open at all times as decorative features only .

Recommendation: Refuse

Conditions/ Reasons

1. The gates are considered to be contrary to the principles of promoting high quality layout and design of a new residential development by reason of the seriously detrimental impact upon the character of the development within the surrounding built environment and locality by the promotion of social exclusion. This is contrary to the adopted Unitary Development Plan Policies EN1/2 Townscape and Built Design, EN1/5 Crime Prevention, Development Control Guidance Note No.3 'Planning Out Crime in New Development' and Planning Policy Guidance 3 - Housing.

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

Ward: Prestwich - St Mary's

Item 09

Applicant: Shoaib Alchtar

Location: 403 BURY NEW ROAD, PRESTWICH, M25 1AA

Proposal: CHANGE OF USE FROM SHOP TO PRIVATE HIRE BOOKING OFFICE

Application Ref: 45421/Full

Target Date: 25/01/2006

Recommendation: Approve with Conditions

Description

The property is a two storey building located within the centre of Prestwich Town Centre and fronts on to Bury New Road. The site is also within the St Mary's Conservation Area. The ground floor is currently vacant and the upper floor is used for residential purposes although appears to be vacant at the moment.

The application is seeking planning permission for the use of the ground floor only, as a taxi booking office. It is proposed to be a 24 hour operation and would also include a waiting area. Some car parking would be provided within the yard area to the side of the premises, enough for three/four vehicles.

Relevant Planning History

15771/84 - Change of use of shop with living accommodation above to office - Approved 24/5/84.

36383/00 - Change of Use of Office to residential flat - Approved - 29/6/00

Publicity

Site notices were erected in the vicinity of the site on 1/12/05. A press notice was also placed in the Prestwich and Whitefield Guide on 8/12/05. Nearby properties also notified directly by letter on 1/12/05 and 22/12/05 including 400-416, 401, 405, 407 and 410A Bury New Road; 2 and 2B Church Lane and Prestwich Methodist Church to the north of the site. As a result of this publicity, two letters of objection have been received from 405 Bury New Road. Points of concern include -

- There is no need for a taxi booking office.
- There are garages to the rear of the site that should not be blocked off.
- There is already noise generated from the associated activities of the nearby restaurant.
- The Church Lane car park is used during the day and night by the church.
- Bury New Road is an extremely busy road and further traffic would be potentially dangerous.
- The proposed 24 hour usage would disturb nearby occupants from the comings and goings of cars.

Consultations

Borough Engineer

Traffic - No objections to the scheme.

Environmental Health - No objections subject to the imposition of a planning condition

requiring the implementation of a sound insulation scheme between the ground and first floor accommodation.

Unitary Development Plan and Policies

EN2/2 Conservation Area Control
Area Church Lane/Bury New Road/Clark's Hill
PR4
S1/2 Shopping in Other Town Centres
S2/3 Secondary Shopping Areas and Frontages
HT2/8 Taxi and Private Hire Businesses

Issues and Analysis

Principle - The premises are located within the Prestwich Town Centre and specifically within a secondary shopping frontage, towards the southerly end of the centre. In such locations, principally Class A1 retail uses should predominate, however consideration should be given to the sites relative location to the shopping frontage and the centre more generally and the existing levels of Class A1 provision under UDP Policy S2/3 - Secondary Shopping Areas and Frontages. Additional issues to consider include the provision of a shop display window and the creation of noise and disturbance.

UDP Policy HT2/8 - Taxi and Private Hire Businesses provides additional criteria against which applications for the consideration of new taxi businesses should be assessed. Issues such as adequate car parking provision, the amenity of any neighbouring residential properties and impact upon the highway network in terms of safety and traffic circulation should be considered.

In terms of the location of the use, the building is a vacant 2 storey building, within a shopping centre. The premises are surrounded by commercial uses including restaurants, church, shops and offices. There is ancillary living accommodation on the first floor. However, the level of residential uses is extremely limited in the vicinity of the site. The site is within an area where retail uses predominate and a display window would be retained on the ground floor.

Given the above considerations, the principle of the development is considered to be acceptable.

Car Parking and Access - There is additional land included within the application site for the provision of car parking. This area is accessed directly from Bury New Road. The Borough Engineer has been consulted on the proposals and has raised no objections to this access being used in terms of traffic or pedestrian safety. The application details confirm that 2 new employees would be provided on the site. Layout plans have been submitted of the accompanying land with the building and clearly four cars could park there. As such, this provision would adequately serve the employees on the site and user of the first floor. There is other public car parking in close proximity to the site located off Chapel Street. Whilst the representation from 405 Bury New Road states that the car park is in demand from activities of the church, the car park is a public one, is in close proximity to the site and therefore could be readily used as an overspill for drivers that may need to return to the proposed base. Given these considerations, it is considered that the development would comply with UDP Policy HT2/8.

Residential Amenity - The building subject to the application does contain residential accommodation at first floor level. However, this appears to be the only residential accommodation in the immediate vicinity of the site. Consultation with Environmental Health has raised no objections to the juxtaposition of the proposed mixed use of the building, providing that a condition is imposed on the granting of any planning permission for the

implementation of a sound insulation scheme. An important consideration of this recommendation is the town centre location of the development and the aim to provide vibrant mixed uses within town centres.

Additionally, the town centre location of the site and limited levels of residential accommodation would mean that there is unlikely to be any detriment created by a proposed 24 hour operation at the site. Given these considerations, the development would be acceptable with an appropriate planning condition requiring a noise insulation scheme and the proposals would comply with policy HT2/8.

Garaging to the Rear - The representations made from 205 Bury New Road also expresses concerns about access to the garages to the rear of the site. The agent for the application confirms that these garages are in fact owned by the agent for this application. The proposed car parking layout could be satisfactorily laid out without the need to block access to the garages and any potential 'blocking in' would be matters to be resolve between the applicant, agent and user of the garages.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

The development would contribute to the vitality of the Town Centre and would, with appropriate planning conditions ensure that there would be no significant disamenity caused by the use. The development would comply with Policies of the Unitary Development Plan and there are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed before the development is brought into use.
Reason. To protect the residential amenities of the first floor accommodation and pursuant to UDP Policy HT2/8 - Taxi and Private Hire Businesses.

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

Ward: Prestwich - St Mary's

Item 10

Applicant: Mr D Murray

Location: WOODLANDS, BUCKLEY LANE, PRESTWICH, M45 7JZ

Proposal: RETENTION OF HORSE EXERCISER (MANEGE) (RETROSPECTIVE APPLICATION)

Application Ref: 45626/Full

Target Date: 25/01/2006

Recommendation: Approve with Conditions

Description

The manege is in situ and comprises an enclosed horse exerciser located on open land adjacent to an existing exercise paddock 22m from Buckley Lane. The structure is circular and has a diameter of 13m and a height of 4m. The lower section to 1.3m is comprised of rubber panelling fixed to a steel frame. Above this section is a open/wire meshed area. The roof is constructed of concrete tiles.

The exerciser works by a motor that turns the inner walls, encouraging the horse to walk around. It is in use for short periods at a time and up to 6pm in the evening.

To reduce its visual impact from Buckley Lane, the applicant proposes to plant a Hawthorn Hedge along the north and west fence line around the structure. An oak tree is proposed to the north west.

Relevant Planning History

None relevant.

Publicity

Immediate neighbours notified. Two letters of objection from the occupiers of Nos.2 and 4 Buckley Lane. Objections are summarised:

The structure is unsightly and out of keeping with the locality.

The operation is noisy and carries on late into the evening.

The site is within the green belt and should not be allowed.

Detrimental affect on property values.

Consultations

Borough Engineer - No objections.

Environmental Health - No objections.

Unitary Development Plan and Policies

EN1/1 Visual Amenity

OL1/2 New Buildings in the Green Belt

OL4/7 Development Involving Horses

Issues and Analysis

Principle. The site is within the green belt and is therefore subject to Policy OL1/2 New Buildings in the Green Belt. This states that new buildings in the green belt are inappropriate unless they are for -

- agriculture and forestry purposes;
- essential facilities for sport and recreation or other uses of land that preserve the openness of the green belt and do not conflict with purposes of including land in it;
- limited extensions and infilling.

Policy OL4/7 - Development Involving Horses is also relevant. It states that the keeping of horses for recreational purposes or commercially will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. High standards of design, construction and maintenance will be expected.

Policy EN1/1 relating to Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on the visual amenity both within or viewed from, areas of environmental interest such as the green belt.

In assessing the proposal in the light of the green belt and equestrian policies, the principle of a horse exerciser located within a site that has had an equestrian use for a number of years is acceptable.

Visual Impact. Other factors to be considered are the visual impact and the impact of noise and lighting. In terms of its appearance, the structure is viewable from a distance, approximately 150m to the north on Buckley Lane close to its junction with Bunkers Hill - see photo No.1. Views of the structure are obscured by a hawthorn boundary hedge as one proceeds down Buckley Lane towards the site. The manege is viewable from properties 1-4 Buckley Lane opposite the site which are raised up from the road approximately 30m to the west. However, it is considered that the existing hedge could be enhanced along this part of Buckley Lane and help screen the manege. To help screen the structure further the applicant proposes to plant a hawthorn hedge along the western and northern sides of the manege.

The design is typical of this type of building being fairly lightweight in appearance with an open section below the shallow pitched roof. The black rubber clad lower section is not overly obtrusive and would in time be screened by the proposed screen hedge. Given the screen planting, the established use on the site and the scale of the building and materials used, it is not considered to be seriously detrimental to the visual amenities of the locality.

Residential Amenity. The noise level emanating from the turning machinery within the manege is not considered to be excessive and should not cause serious harm to residential amenity, particularly given the sporadic usage of the facility and the condition controlling the hours of use.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows:-

The structure is located close to existing buildings and adjacent to an existing exercise area and would not be considered to be seriously detrimental to the visual amenities of the area. The residential amenities of nearby residents would be protected by conditions relating to hours of operation. There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date

of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered DWG/01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. All work and other activity shall be confined to the following hours:-
0800 hrs to 1800 hrs daily.
Reason. To safeguard the amenities of neighbouring residents.
4. Details of the proposed hawthorn hedge and tree planting shall be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this decision notice. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/1 Visual Amenity.

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

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 11

Applicant: Marshalls Mono Ltd

Location: MARSHALLS MONO LTD, FLETCHER BANK , MANCHESTER ROAD,
RAMSBOTTOM, BL0 0DD

Proposal: INSTALLATION OF SILOS

Application Ref: 45600/Full

Target Date: 20/01/2006

Recommendation: Approve with Conditions

Description

Planning permission ref. 41599/03 for the construction of a new production plant comprising a production building, an aggregate bunker, aggregate feed conveyors, silos etc, on the northern part of the existing stacking area at Fletcher Bank Quarry, Ramsbottom, was granted 11 February 2004. The production plant which replaced two old production buildings at the quarry site, is being used for the manufacture of concrete products involving the batching of imported materials such as cement, sand, gravel etc.

This application is for the erection of two additional silos which would be located at the north-easterly corner of the production building. The silos would be 16,045m tall and would be built in plastic coated steel sheeting same as the existing silos. It is intended that the proposed silos would be used for the storage of imported cement which would be used in conjunction with the aggregate produced at the quarry for the manufacture of concrete product such as garden paving, within the production building.

Relevant Planning History

There has been several planning permissions concerning the erection of industrial buildings including storage/stacking areas. Currently planning application ref. 43048 for quarry extension, construction of demolition and excavation waste landfill, recycling and waste composting facilities, is being considered by this authority.

Publicity

11 letters raising objection to the proposal have been received from the residents of Manchester Road and Whalley Road. The points raised are:

1. There is already a considerable noise being produced both from the workings of the quarry and lorries running along Whalley Road. The additional silos will help increase the noise levels further.
2. Any increase in the current number of vehicles accessing the site would increase the levels of noise and cause inconvenience to the residents of Whalley Road and pedestrians.
3. As the silos would be operated on a 24 hour basis, the proposal would result in an increased noise and disturbance at night. The additional silos would also lead to an increase in traffic along Whalley Road.
4. The noise from reversing lorries during the evening already causes disturbance at all times of night.
5. A lot of noise is produced by lorries visiting the quarry site. This results in the production of dust and filth being deposited on the road.
6. Whalley Road is already a heavily used main road and the proposed work will exacerbate

the intolerable conditions for the residents living near the quarry.

7. We already put up with the summer dust and winter mud on the road and the blast aftershocks.

Consultations

Borough Engineer - No objection

Environmental Health - Any comments received will be reported

Environment Agency - Any comments received will be reported

Lancashire County Council - Any comments received will be reported

Unitary Development Plan and Policies

OL1 Green Belt

OL1/2 New Buildings in the Green Belt

EN9/1 Special Landscape Areas

Issues and Analysis

Principle - The proposed silos would be used in association with the existing production plant located within the quarry. The silos would be used to store imported cement which would be used for the manufacture of concrete products at the quarry. Due to the nature of the proposed use and the products likely to be manufactured by utilising the aggregates arising from the quarry, it is considered that the proposed silos are acceptable in principle.

Design - The silos would be constructed in plastic coated steel sheeting and would be in keeping with the character and appearance of the existing production plant and silos. The silos would be located close to the existing silos and the production plant. In terms of their location, scale and design, the proposed silos are acceptable.

Landscape treatment - No landscape treatment has been proposed in the application. The proposed silos would be 16m tall compared with 16.4m of the existing silos. In view of the reduced height and the existing landscape bunds on the top of the northerly quarry boundary, it is considered that no further screening would be needed to hide the views of the proposed silos from the surrounding area.

Green Belt/Special Landscape Area - Fletcher Bank Quarry is located within the Green Belt and Special Landscape area as designated in the UDP. The quarry occupies a large area of land with scattered buildings, plants and storage areas at different locations. Due to their location/position within the quarry and in relation to the existing production building, it is considered that the proposed silos would have little detrimental impact on the character of the Green Belt or the Special Landscape Area.

With the regard to the objectors' comments, the applicants have made the following observations:

1. The Company is to manufacture a new type of garden paving which requires two types of concrete in its manufacture; one type is already produced in the existing manufacturing unit and the second will be from a new mixing plant supplied with cement from the proposed silos.

2. Since the new paving would have the same volume as paving already produced in the existing plant, the total amount of concrete produced will remain the same. This means that the number of vehicle movements visiting the site in this respect remain the same.

From the above comments, it appears that new silos will be used in connection with a mixing plant within the production building to produce a new type of paving. Since the volume of the new product will be same as that of the existing finished product, it is clear the use of the new silos would not result in additional vehicle movements both for the purposes of the importation and exportation of the materials. In this respect, the comments made by the residents concerning additional vehicle movements, noise, disturbance etc, are considered to be unjustified.

With regard to the working hours, it should be pointed out that although the hours of operation for mineral workings at the quarry are restricted to between 0800 and 1800 hours on weekdays and 0800 to 1300 hours on Saturdays, however, planning permission ref. 41599/03 for the construction of the production building and associated silos was granted on the basis of a 24 hours working. Although, the proposed silos would be used on a 24 hours basis in association with the production plant, however, given the location of the site within the quarry and the high landscape bund on the northerly and westerly boundary of the quarry, it is unlikely that the amenities of the adjacent residents at Whalley Road would be adversely affected.

Summary of reasons for Recommendation

NO51

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-

The proposed silos would be used in connection with the existing production plant and in terms of their design, scale and visual appearance, complement other developments within Fletcher Bank Quarry. Due to their position and location within the quarry site, it is not considered that the proposed silos would have any detrimental impact on the character of the Green Belt or the amenities of the adjacent residents.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawing numbered A12187 received on 25 November 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.
3. The external finishing materials for the proposal hereby approved shall match those of the existing silos.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

For further information on the application please contact **M. Sadiq** on **0161 253 5285**

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 12

Applicant: Mrs Barbara Whitehouse

Location: LAND TO REAR OF 105 BOLTON ROAD WEST, RAMSBOTTOM, BL0 9NU

Proposal: DETACHED GARAGE

Application Ref: 45601/Full

Target Date: 20/01/2006

Recommendation: Approve with Conditions

Description

The site is occupied by a run down wooden garage accessed via an unmade road called Wood Street, which is higher at the rear due to the ground dropping away. The level of the present garage is slightly below road level.

There are garages of various types, sizes and condition on the land between Wood Street and the open land to the east.

The proposal is to rebuild a garage on top of a retaining structure on the site of the existing garage that would be level with Wood Street. The materials are proposed to be rendered block work with steel sheeting for the roof.

Relevant Planning History

None

Publicity

4 surrounding properties have been notified. Two letters of representations have been received on behalf of the beneficiaries of the estate of Mrs Diggle of 93 Bolton Road West and the occupier of 101 Bolton Road West. Their comments are:

- The size of the proposed garage is small and designed for cars of another era and the garden of the applicant could accommodate a garage to house a modern size car.
- The plans show the drainage from the roof of the garage is to a soak away on the adjacent land for that owner to deal with.
- It is intended that an underground armour plated electricity cable is to be laid across Wood Street and there is no details of its depth, route or how the surface is to be reinstated.

Consultations

Borough Engineer – Highways: No objection

Unitary Development Plan and Policies

RT1/1 Protection of Recreation Provision in the Urban Area

OL5/2 Development in River Valleys

EN1/2 Townscape and Built Design

Issues and Analysis

The site is zoned as Protected Recreational Provision in the Urban Area and River Valley.

Therefore the main considerations of this application are the impact of the proposal on the Recreational Provision and River Valley also visual and residential amenity.

The proposal replaces an existing building and therefore does not further impinge on the openness of the river valley or reduce the amount of recreational provision.

The proposal is a typical apex garage design on top of a retaining structure to support the garage level with Wood Street. The materials are considered to be acceptable in this location.

The size and position of the proposal in relation to the properties on Bolton Road West means there will be little if any effect on the amenity of the occupiers of those properties.

In reply to the comments in the representation letters:

- The application has to be considered as submitted and is 2.75m x 4.6m in size, big enough to accommodate a small car
- Certificate B has been served on the owner of the adjacent land and the issue of dealing with the water run off is a civil matter and not one for consideration when dealing with this application.
- The laying of cable across Wood Street whilst being classed as development is considered permitted development and therefore does not require planning permission.

In conclusion the proposal is considered acceptable in terms of effect on the river valley and recreation provision and also visual and residential amenity.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-

Having studied the submitted documents, assessed the proposed development on site and taken into account any and all representations and consultation responses; it is considered that the proposed development is acceptable because it would not cause demonstrable harm to interests of acknowledged importance.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on **25th November 2005** and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

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

Ward: Whitefield & Unsworth - Pilkington Park

Item 13

Applicant: C/o Land & Property Trading Co Ltd

Location: 178A BURY NEW ROAD, WHITEFIELD, M45 6QF

Proposal: CHANGE OF USE FROM OFFICES TO CAFE (CLASS C3)

Application Ref: 45565/Full

Target Date: 12/01/2006

Recommendation: Approve with Conditions

Description

The property to which the application relates is a two storey terraced building within a rather dilapidated row of two storey mixed commercial properties in Whitefield District Centre. The current use of the premises is for A2 Office use, however it has been vacant for more than 12 months. The site lies about 80m to the north of the Bury New Road/ Moss Lane junction. Across Bury New Road is Slatterys and the park around the former Whitefield Town Hall.

The proposal is to convert the vacant office to a cafe on the ground floor with storage on the first floor. Hours of opening would be to 9am to 11pm.

Relevant Planning History

44941 Change of use from offices to Cafe **Refused 12/10/2005** -

Detrimental to residential amenity of nearby occupiers by reason of noise, disturbance and general activity associated with the use of the car park to the rear of the property in the evening.

33634 Change from shop to solicitors office **Approved 6/11/97**

32300/96 Change from shop to hot food take-away **Refused 3/10/96**

Appeal dismissed 4/3/97 on grounds that the hot food take-away would increase the concentration of Class A3 uses in this part of the centre, leading to a cumulative increase in noise, disturbance, traffic and parking difficulties particularly in the evening.

Publicity

Immediate neighbours - One objection from the proprietor of the take-away at 184 Bury New Road on grounds that there are enough food outlets in the area and customers would park on Bury New Road to the detriment of highway safety.

Consultations

Borough Engineer (Traffic) - No objection.

Borough Engineer (Drainage) - No objection.

Environmental Health - No objection.

Unitary Development Plan and Policies

S1/3 Shopping in District Centres

S2/6 Food and Drink

Issues and Analysis

History. The previous application for a cafe (LPA Ref:44941) included a parking area to the rear of the property. In refusing the application, it was considered that the use of the car park by customers would have a detrimental affect on the residents by reason of noise and

general disturbance in the evening. This application does not include the use of the car park to the rear.

Policy S2/6 Food and Drink indicates that in considering proposals for cafes and restaurants, the following factors need to be considered;

- Residential amenity by noise, smell, litter and opening hours.
- The resulting concentration of food and drink outlets and the impact on the character of the centre.
- Parking and servicing and the impact on road safety.
- Storage and disposal of refuse.
- Impact of flues and ducts.

Amenity Impact. Given the scale and location of the property within the centre, the impact on the amenity of nearby residents from activity within and immediately adjacent to the cafe is not likely to be significant. It is noted that an appeal inspector in 1997, following a refusal for an A3 Hot Food take-away, considered that disturbance created by customer traffic would be significant and seriously detrimental to residential amenity. Since the 1997 appeal there has been a change in the Use Classes Order. In 2005, the central government split the former A3 Food and Drink category into three separate classes, A3 - Restaurants and Cafes, Ad - Drinking Establishments and A5 - Hot food Take-aways. This change recognised the different nature of each of the categories and their impact.

Traffic. It is not considered that a cafe/restaurant would have as significant an impact as a hot food take-away in terms of amenity and highway safety. The cafe is more likely to cater for a more localised demand and generate less vehicular traffic than a hot food take-away.

Sustainability. The site is in the a very sustainable location in the centre of Whitefield and does not necessarily require parking.

Retail Impact. The change of use from an office to a cafe/restaurant would not detrimentally affect the character or appearance of the locality, indeed it may well increase footfall and add to the variety of services and vitality of this part of the shopping centre.

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason for granting permissions can be summarised as follows;-

The proposed change of use would not adversely affect the character of the District Shopping Centre or seriously detract from its economic viability and vitality. The amenity of the closest residents to the rear would not be materially affected.

There are no other material considerations that outweigh this finding.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to the drawings received on 17th November 2005 and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. The cafe/restaurant shall not be open outside 0800 hrs to 2300 hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
4. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use commences; any works approved shall be implemented to the written satisfaction of the Local Planning Authority before the use commences.
Reason. In the interests of amenity pursuant to Policy S2/6 – Food and Drink of the Bury Unitary Development Plan.
5. Prior to the commencement of the proposed use, details of the access ramp to the front entrance shall be submitted to and approved in writing by the Local Planning Authority.
Reason. To ensure that the development is accessible to disabled persons pursuant to Policies HT5/1 – Access for Those with Special Needs of the Bury Unitary Development Plan.

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

Ward: Whitefield & Unsworth - Unsworth

Item 14

Applicant: Ask Property Development Ltd

Location: LAND ADJACENT TO PILSWORTH WAY AND ROACH BANK ROAD,
PILSWORTH, BURY

Proposal: CONSTRUCTION OF NEW ROAD LINKING ROACH BANK ROAD TO THE
EXISTING SPUR OFF PILSWORTH ROAD AND ASSOCIATED LANDSCAPING TO
THE ADJACENT BANK

Application Ref: 45554/Full

Target Date: 14/02/2006

Recommendation: Approve

Description

The development is being proposed on an extensive approximately 5.4ha area of previously tipped land on the westerly side of Pilsworth Industrial Estate.

The tipping operation has created a generally level surface for industrial development and the site is within an area allocated in the UDP as Employment Land and is situated within a designated Employment Generating Area. Outline planning permission was granted in May 2005 for Class B2 (general Industry) and Class B8 (storage and distribution) development on the land (43071). That permission covers details of means of access and includes a loop road running around the edge of the site as shown on the approved plan. All other details were reserved for subsequent reserved matters approval.

The overall site has a new warehouse unit next to its easterly side as well as established modern industrial premises served by the main access road Roach Bank Road also to this side. Just beyond the site on the westerly side there is the steeply sloping edge of the tip down to the River Roch which is due to be landscaped as a requirement of the relevant planning permission. Just beyond the river on land well below the level of the site there are two new housing estates at Lower Gigg.

Following the grant of outline planning permission the applicants have decided that they would like to have the road that was approved as part of that permission constructed as a first phase ahead of any detailed consents for the industrial or warehouse units. This would not be possible just on the basis of an outline planning permission. Therefore, the current application has been submitted for full planning permission just for the road. As previously, the details show a loop road connecting to Roach Bank Road at the northerly end then following close to the edge of the level area and linking to Pilsworth Way, an existing industrial road to the south. This would enable traffic to move from the roundabout on Pilsworth Road along Roach Bank Road then along the proposed road to Pilsworth Way and back onto Pilsworth Road at a point about 400m to the south west.

The application includes as an additional element not shown on the outline consent a surface water drain from the road down to the River Roch.

The landscaping element would be a belt of screen planting alongside the road on the valley side. However, this would only cover the very top of the slope. The majority of the slope is outside the application land and was so with the outline consent. This area is covered by

landscaping requirements of the tipping consent which are now due to be implemented.

Relevant Planning History

16089/84 - Outline permission for warehousing and light industrial development . Approved on 28th August 1984.

20335/87 - Outline permission for warehousing and light industry. Approved on 10th December 1987.

22675/89 - Tipping of waste material, including backfilling and compaction, roads and sewers preparatory to proposed industrial development. Approved on 14th September 1989

25001/90 - As 22675/89 but without complying with condition 9 requiring making up of entire length of the proposed road to adoptable standards prior to development operations commencing. Approved on 4th October 1990.

27550/92 - Land fill operations in preparation for industrial development. Approved on 4th March 1993.

34913/98 - Full planning permission for industrial and warehousing development (Classes B1, B2 and B8, Approved on 1 September 2000. This consent is still valid.

41448/03 - Full planning permission for an industrial and warehousing building (Classes B1, B2 and B8). Approved on 17th December 2003. Relates to the L'Oreal depot currently under construction adjacent to the site.

42672/04 - Outline for development for Class B2 (general industry) and Class B8 (storage and distribution) uses. Refused on 9th July 2004 on the grounds of containing insufficient to enable assessment of the impact of the development on the surrounding highway network.

43071 - Outline for development for Class B2 (general industry) and Class B8 (storage and distribution).

Publicity

213 properties were notified including houses on an extensive section of the estates on the opposite side of the River Roch. Site notices were posted including one on the riverside area on the opposite bank. A press notice was published. There have been four responses including three letters of objection. These are from residents within the housing estates the and the main concerns expressed are as follows:

- A view of warehouses and HGV's being seen 24 hours a day would be unsightly.
- The associated air pollution would have a deleterious effect on health.
- The noise from the traffic would be unacceptable.
- There would be a negative effect on property values.
- The good environmental work carried out along the river would be ruined.
- The proposals should be modified to move the road away from the edge of the site, to extend the hillside up further to form a barrier, to involve intensive tree planting along the perimeter edge and to ensure that 24 hour vehicle movements would be prevented.

A letter has been received from Spiral Tubes seeking clarification as to the intended use of the road so that are able to carry out an assessment of their security.

Consultations

Borough Engineer - Drainage: No objections. Highways: require conditions to ensure that the part of Pilsworth Way that would link with the proposed road is adopted prior to the new road being constructed and that the indicated visibility splays/forward visibility envelope are implemented.

Environmental Services - Contaminated land conditions should be imposed.

Environment Agency - No response.

GIMP Architectural Liaison - Concern that there should be adequate lighting to BS 5489 standard and that planting should be restricted to ensure good natural surveillance.

GMEU - Concerns that all planting should be indigenous species. A survey for water voles may be required

Highways Agency - No objections.

Unitary Development Plan and Policies

C095	Roach Bank, Pilsworth or Park Pit
EC1/1	Land for Business (B1) (B2) (B8)
EC2/1	Employment Generating Areas
EC6/1	New Business, Industrial and Commercial
OL5/1	Designation of River Valleys
EN1/2	Townscape and Built Design
MW1	Protection of Mineral Resources
MW1/1	Areas of Search
MW1/3	Sterilisation of Mineral Deposits

Issues and Analysis

Principle - Apart from being allocated in the UDP as Employment Land and as an Employment Generating Area the site has outline planning permission for general industrial (Class B2) and storage and distribution (Class B8) development. Furthermore the outline consent includes approval to details of a road as shown on the current application. Accordingly, the development has already been accepted both in principle and detail. The construction of the road ahead of the other details becoming resolved would help to render the overall site more attractive to prospective industrial/warehousing operators.

The Outline Planning Permission - The outline consent includes details of a road in the same position. Most of the road would follow the edge of the valley of the River Roch and development would be on the skyline as viewed from the valley and residential properties across the river. The consent, therefore, included a landscaping condition that required, as well as the normal landscaping treatment within the layout a requirement that the landscaping scheme shall include screen planting by trees between the access road and the westerly and north westerly boundary of the site. This was the area between the road and the slope edge. Furthermore, a design brief was issued to accompany the consent. In terms of the road this stated that "The area between the roadway on the site perimeter and the northerly and westerly boundary shall incorporate planting by trees to achieve a high level of screening from the valley and residential area at Lower Gigg."

The current application is accompanied by a plan by a landscape architect showing details of screen planting between the road and site edge as required by the outline consent and design brief. This would achieve a sufficient level of screening once it becomes well established.

Residential Amenity - As with the outline consent residents at Lower Gigg have expressed concerns about the impact of the development on their amenities. However, the applicants have followed the requirements of the outline consent and design brief by proposing screen planting by trees on the edge of the development that would be exposed to the residents.

River Valley/Wildlife Corridor - The screen planting element of the scheme would take care of river valley and wildlife corridor interests for the road. Also, in terms of the future industrial/warehouse units its implementation with the road would allow early establishment of the landscape screen. GMAU have mentioned the possibility of a water vole survey but local ecological advice is that their presence is most unlikely to be a possibility.

Highways Issues - The Borough Engineer has responded that he has no objections subject to conditions regarding the prior adoption of Pilsworth Way and the implementation of visibility requirements

Summary of reasons for Recommendation

Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows:-

The proposal does not vary significantly from the highway element of the existing outline consent. The early construction of the road is likely to encourage more interest in the overall site from potential employment developments. The scheme includes an element of landscape screening that would both mitigate the impact of development on nearby housing and provide a suitable buffer along the adjacent river valley and wildlife corridor. The proposal is acceptable in highway terms subject to conditions.

There are no other material considerations that outweigh this finding.

Recommendation: Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
3. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and;
The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
4. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason - To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 -

Planning and Pollution Control.

5. No development shall take place unless and until details of lighting have been submitted to and approved by the Local Planning Authority and the development shall not be carried out other than in accordance with the approved details.
Reason: In order to protect the residential amenities of nearby dwellings.
6. No development shall take place unless and until Pilsworth Way has been adopted as a public highway for its full extent upto the boundary of the site.
Reason: To ensure that adequate access would be available to future developments served by the road.
7. The visibility splays and forward visibility envelope indicated on the submitted plans shall be implemented to the written satisfaction of the Local Planning Authority before the access roads are brought into use and shall subsequently be maintained free of obstruction above the height of 0.6 metres.
Reason: To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.
8. This decision relates to drawings numbered 14858/A1/104 Rev A, 14858/A1/103 Rev A, 14858/A1/120 and PL536.GA.200 rev. A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Bury Unitary Development Plan listed below.

For further information on the application please contact **Jan Brejwo** on **0161 253 5324**

