

REPORT FOR DECISION

Agenda Item	
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MEETING: **PLANNING CONTROL COMMITTEE**

DATE: **20th April 2010**

SUBJECT: **LAND BOUNDED BY FOUNDARY STREET/LORD STREET/SOUTH CROSS STREET, BURY**

REPORT FROM: **CHIEF PLANNING OFFICER**

CONTACT OFFICER: **DAVID MARNO – DEVELOPMENT MANAGER**

TYPE OF DECISION: **COUNCIL**

FREEDOM OF INFORMATION/STATUS: This paper is within the public domain

SUMMARY: The report seeks an approval for:

- a) the variance of a s.106 agreement relating to an approved compensation payment already approved for the of loss of employment land following the grant of planning permission for a retail development under ref. 49672; and
- b) Variation of condition 13 to allow the sale of 'toys' from the site; and
- c) Consider providing delegated authority to the Chief Planning Officer to determine any application for the variance of condition 15 which restricts the site to the development of 5 units to 3.

OPTIONS & RECOMMENDED OPTION The Committee is recommended to note the report and

- a) Accept the amended employment contribution proposed, subject to the completion of a deed of variation to the original planning s106 agreement; and

b) To permit the sale of toys from the site; and

c). To grant delegated authority to the Chief Planning Officer to determine any application relating to the variance of condition 15 that restricts the development of the site from 5 units changing to 3 units.

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Financial Implications and Risk Considerations:	N/A
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	N/A
Are there any legal implications?	N/A (see paragraph)
Staffing/ICT/Property:	N/A
Wards Affected:	Bury East
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 BACKGROUND

- 1.1 The site comprises a large industrial building used formerly by Senior Hargreaves Engineering on the edge of Bury Town Centre and the approved planning permission allowed the removal of the whole of the Senior Hargreaves building and the redevelopment of the site with five non-food retail units, an associated car park of 139 spaces (inc. 8 disabled spaces) and servicing accessed from Lord Street. The total floor space approved was 6,179sqm (66,510sqft). Planning permission was granted on 4 June 2008 with an accompanying s106 planning agreement, which provided for a commuted sum contribution to mitigate for and provide alternative employment land provision elsewhere within the Borough. The commuted sum value was £451,000.00.
- 1.2 The permission also included a number of planning conditions. Condition 13 stated *"Goods in the following categories may not be sold from the retail units hereby approved unless otherwise agreed in writing with the Local Planning Authority – which included toys."*
- 1.3 Condition 15 stated *"The development hereby approved shall be for 5 non-food retail units and none of the units shall be otherwise subdivided or amalgamated."*
- 1.4 A request has been received from a planning agent requesting that:
- The commuted sum relating the Loss of Employment Land contribution be amended to reflect today's employment land values and to be £387,000.00.
 - To use the ability contained within the condition to allow toys to be sold from the site, using the "as otherwise agreed in writing" clause included within condition 13.
 - A separate application is being formulated to seek a variation to condition 15, to develop the site for 3 units instead of 5 as potential occupiers for the site have been found, that need larger floor spaces than the condition allows.

2.0 Employment Issues

- 2.1 The proposal involved the loss of existing employment land and premises and, in this respect, was considered against UDP Policy EC2/2 – Employment Land and Premises Outside the Employment Generating Areas and the adopted SPD14 – Employment Land and Premises that supports this Policy.
- 2.2 The applicant sets out the case for the request for a revised contribution and includes the following issues.
- The Employment Contribution was calculated in line with Policy SPD 14 linking, the employment land contribution directly to typical industrial land values in Bury and Bolton. Since that time, site take up

has been poor worsened through the current difficult economic climate. This climate has directly impinged upon and reduced land values since the original Section 106 Agreement was entered into. The request seeks to vary the Employment Contribution to reflect current land values and the amount to be provided is £387,000.00.

- The acceptance of the proposals would enable the development of the site to go ahead. The sale of the land by Senior Hargreaves would enable that company to continue their business operations together with the maintaining employment for staff.

- 2.3 In acknowledging that the economic climate has had a significant impact upon land values and as part of the assessment of the offer, the Valuation Office has been contacted concerning current land values.
- 2.4 The latest average figures for industrial land in Bolton and Bury demonstrates that the site would have an estimated industrial land value of £387,000.00, which reflects the revised offer from the developer.
- 2.5 The Council's SPD14 policy is based upon the industrial land values prevailing at the time when it is applied to a scheme. As such it is considered reasonable to revise the contribution to reflect the current climate.

Planning Conditions

- 2.6 Planning condition 13 imposed on the planning permission restricted the sales of certain goods. The planning condition ensures that the development maintains compliance with planning policy and particularly to ensure that the vitality and viability of the town centre is not undermined.
- 2.8 The requested amendment would allow the sale of toys from the site. The business model of the prospective tenant for one of the units demonstrates that their products require large floor spaces of 2043 m² over a single floor to accommodate the goods, which include climbing frames, play pits, outdoor activity equipment, children's furniture, toy cars, bicycles, activity centres, garden slides etc. It is accepted that such items are space intensive, requiring great areas of floor area not only for their display and merchandise, storage but also for their servicing.
- 2.9 The amendment to the condition would accept the needs of the developer and the bulky type goods that they sell without prejudicing the vitality and viability of the town centre. Higher order retail users would still be concentrated within core retail centre in the town as the condition still otherwise prevents everyday comparison goods from the site.
- 2.10 The developer has followed the recommendations of Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and in particular its guidance regarding sequential assessment and have taken

a town centre first approach to see if the quantum of space that our retailer would require could be provided within the existing stock of available retail units within the town centre.

- 2.11 They have undertaken a search of the units currently available within the town centre using the principal retail property websites, and have been able to identify 17 units that are currently available within the main shopping area, the average size of which is 133.5m², and the largest of which is 620m². The proposed occupier requires a far greater unit size than this and as a minimum would require 2,043m² which is over 3 times the size of the largest unit that is currently available. They have made enquiries as to the availability of such a large quantum of space within The Rock development and understand that the main units that are left are smaller unit shops ones, none of which would be large enough.
- 2.12 They have also looked at the unit that will be vacated by Marks and Spencer to assess its suitability. In terms of quantum of space the unit is smaller than the requirement of the proposed tenant and they consider that it is not suited for their operation. Furthermore, the location of the unit in a shopping mall has been discounted on the basis of much that they sell items that constitutes bulky goods and there are difficulties with the store being over two floors which hinders the viability of the operation.
- 2.13 Condition 15 stipulates that the development is for 5 non-food retail units and that the units should not be amalgamated or otherwise subdivided. The reasoning behind the planning condition was to ensure that the development did not create a series of 'smaller' trading floor spaces which would undermine the viability of typical town centre type developments that can be found within the Mill Gate, The Rock development and remaining other town centre shops.
- 2.14 The proposed users intend to sell bulky goods and require large floor spaces. The request being formulated seeks to amalgamate the floor spaces to create 3 units. The relaxation of the condition to allow greater floor spaces, which would facilitate sufficient space within the units that otherwise, as is put forward by the developer, not available within the existing town centre.
- 2.15 The developer would need to apply to vary this condition as there is no allowance to vary the terms of this condition without applying formally. In view of this, delegated authority is sought to permit the Chief Planning Officer to determine any application relating to the site to amalgamate the floor spaces and reduces the number of units within the development.

3.0 CONCLUSION

- 3.1 The proposals to amend the commuted sum for the loss of employment represent today's industrial land values is considered to be reasonable and appropriate. The sum put forward has been assessed against the Council's SPD14 and checked against the most up to date figures available from the Valuation Office. It is therefore recommended to be 'Minded to Approve' the revised commuted sum of £387,000.00 subject to the completion of a Deed of Variation to planning permission 49672.
- 3.2 In terms of condition 13, the relaxation of this planning condition would allow the sale of toys from the site and it is accepted that the occupier would be selling larger bulky goods. The remaining restriction of goods contained within the planning condition would still be in effect such that everyday goods could not be sold including: food and drink, clothing, leather and travel goods footwear, jewellery, sports goods and equipment, books, cosmetics, health care and beauty products, music/records/cd's/dvd's or any other entertainment media. It is therefore recommended to accept the relaxation of condition 13 to permit the sale of toys from the site.
- 3.3 In terms of condition 15, whilst the amendment will require the submission of a formal application to vary the floor spaces and numbers of units, the Committee requested to authorise delegated powers to the Chief Planning officer to determine an application to reduce the unit numbers within condition 15 to reflect the objectives of the issues above. This would be to ensure that larger units are predominant rather than the creation of smaller units than already approved to maintain town centre viability and vitality.

List of Background Papers:-

Planning Application reference 49672

Unitary Development Plan

Supplementary Planning Document 14 – Employment Land and Premises

Attached are Original Planning decision notice and site location plan for information.

Contact Details:-

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Environment and Development Services

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NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (General Development Procedure) Order 1995

To:

Mr Alyn Nicholls
Alyn Nicholls & Associates
140 Denby Lane
Upper Denby
Huddersfield
West Yorkshire
HD8 8UN

On Behalf Of:

Modus Partnership Limited
The Edge
Clowes Street
Manchester
M3 5NA

PART 1 - Particulars of Application

Application Number: 49672**Date of Registration:** 11/03/2008**Proposal:**

ERECTION OF 66,510 SQUARE FOOT / 6179
SQUARE METERS NON-FOOD RETAIL UNITS
WITH CAR PARKING AND SERVICING

Location:

LAND BOUNDED BY FOUNDRY STREET,
LORD STREET AND SOUTH CROSS STREET,
BURY

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 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 7600:- 01A, 10D, 12B, 09G, E08C, DR01 S1, Transport Assessment submitted 12 March 2008 TA plans 1, 2, 5 and 6; Transport Assessment Plans 3 and 4 as amended by 3-7600-09E (tracking plots N7116-01 and 02); Phase I Desk Study R&C Consulting, AMEC Earth & Environmental (UK) Ltd, CRM Rainwater Drainage Consultancy Ltd, Alyn Nicholls & Associates Retail Report dated November 2007 updated February 2008, 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 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, detailed site investigation and suitable risk assessment shall be 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,

controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

- 5 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
- 6 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 any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
- 7 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, controlled waters and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
- 8 No development shall commence unless and until a Preliminary Risk Assessment report to assess the actual/potential ground gas / landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority.
- Where actual/potential ground gas/landfill gas risks have been identified, a detailed site investigation(s), ground gas monitoring and suitable risk assessment(s) shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation / protection measures are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- 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.
- 9 No development shall commence unless and until a landscaping scheme to incorporate hard landscaping, soft landscaping, cycle rack provision, boundary details and lighting column details has been submitted to, and approved in writing by, the Local Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is 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.

- 10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage works system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
Reason. To reduce the increased risk of flooding and pursuant to PPS25.
- 11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the development 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 prevent pollution of any watercourse and the water environment pursuant to PPS 25 - Development and Flood Risk.
- 12 The car parking indicated on the approved plans 7600:- 01A, 10D, 12B, 09G, E08C, DR01 S1, Transport Assessment submitted 12 March 2008 TA plans 1, 2, 5 and 6; Transport Assessment Plans 3 and 4 as amended by 3-7600-09E (tracking plots N7116-01 and 02); 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.
- 13 Goods in the following categories may not be sold from the retail units hereby approved unless otherwise agreed in writing with the Local Planning Authority:
- Food and drink
 - Clothing (unless protective or other specialist wear directly related to the range of goods sold within the retail unit)
 - Footwear (unless protective or other specialist wear directly related to the range of goods sold within the retail unit)
 - Leather and travel goods
 - Jewellery
 - Toys
 - Sports goods and equipment
 - Books (unless reference or instruction manuals directly related to the range of goods sold within the retail unit)
 - Cosmetics
 - Health care
 - Beauty products
 - Music/records/cd's/dvd's or any other entertainment media (unless they are for reference or instruction directly related to the range of goods sold within the retail unit)
- Reason - In the interests of the vitality and viability of the town centre uses and pursuant to the provisions of PPS6 - Planning for Town Centres.
- 14 The combined floorspace of the units forming the development hereby approved shall be for a retail floorspace provision of 6,179sqm maximum and shall be used only for non-food retail purposes.
Reason - In the interests of the vitality and viability of the town centre uses and pursuant to the provisions of PPS6 - Planning for Town Centres.
- 15 The development hereby approved shall be for 5 non-food retail units and none of the units shall be otherwise subdivided or amalgamated.
Reason - In the interests of the vitality and viability of the town centre uses and pursuant to the provisions of PPS6 - Planning for Town Centres.

- 16 Notwithstanding the details indicated on the approved plans, the development hereby approved shall not be commenced unless and until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- Revised car park layout and boundary treatment at the Foundry Street/South Cross Street corner of the site to reflect the correct limits of the existing adopted highway at this point;
 - Position and reinstatement to adjacent footway materials and levels of all redundant vehicular accesses onto Foundry Street, South Cross Street and Lord Street;
 - Foundations for the proposed buildings, boundary walls and anti ram raid bollards outside the limits of the existing adopted highways;
 - Footway and access improvements around the perimeter of the site including the provision of a minimum 2m wide footway on the Foundry Street site frontage and tactile paving at appropriate crossing points;
 - Fence and sliding gate arrangements at the proposed service yard access onto Lord Street incorporating pedestrian visibility in accordance with Section 7.8 of Manual for Streets.

The highway works subsequently approved 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 and the intervisibility of the users of the site and the adjacent highways in the interests of highway safety and maintain the integrity of the adopted highway pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

- 17 The development hereby approved shall not be commenced unless and until a Travel Plan Framework has been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to deliver sustainable transport objectives in accordance with PPG13-Transport and Department for Transport's 'Guidance on Transport Assessment'.

- 18 The development hereby approved shall not be commenced unless and until a Pedestrian Signing Strategy as referred to in paragraph 3.2.12 of the submitted Transport assessment has been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The strategy subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use.

Reason - In the interests of pedestrian safety and to ensure that access to the site on foot is promoted pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

- 19 The turning and servicing facilities indicated on the approved plans shall be provided before the development is brought into use. The service yard areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason - In the interests of pedestrian safety and to ensure that access to the site on foot is promoted pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

- 20 There shall be no direct means of vehicular access between the car park at the side of Unit A and Lord Street.

Reason - To ensure good highway design pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria..

- 21 Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover 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 - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

- 22 Notwithstanding the details indicated on the approved plans, no doors to any part of the development shall open outwards onto the existing or future adopted highway.
Reason - To ensure good highway design in the interests of pedestrian safety and compliance with Section 153 of the Highways Act 1980 pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

The application was granted for the following reason(s):

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 subject to conditional control the associated planning obligation would ensure the development would make appropriate consideration for the loss of an employment site and subsequently re-provide for it elsewhere and with conditions would ensure that the development would not harm the vitality and viability of the town centre shopping facilities. The development would comply with the Bury Unitary Development Plan and there are no other material considerations that outweigh this finding.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

Area	Area BY11 - Heywood Street/Spring Street
BY11	
S1/1	S1/1 - Shopping in Bury Town Centre
EC2/2	EC2/2 - Employment Land and Premises Outside the Employment Generating Areas
EN1/2	EN1/2 - Townscape and Built Design
HT2/4	HT2/4 - Car Parking and New Development

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

7600:- 01A, 10D, 12B, 09G, E08C, DR01 S1, Transport Assessment submitted 12 March 2008 TA plans 1, 2, 5 and 6; Transport Assessment Plans 3 and 4 as amended by 3-7600-09E (tracking plots N7116-01 and 02); Phase I Desk Study R&C Consulting, AMEC Earth & Environmental (UK) Ltd, CRM Rainwater Drainage Consultancy Ltd, Alyn Nicholls & Associates Retail Report dated November 2007 updated February 2008.

NOTES TO APPLICANT

1. United Utilities Comment that they have no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. The surface water from this development should be discharged to the 600 diameter surface water sewer located in Lord Street. The discharge rate should not exceed 15 l/s.

The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, we have the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

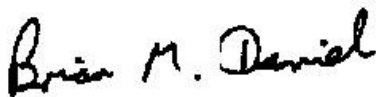
Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

The development is shown to be adjacent to/include our electricity substation site and therefore, it is essential that the applicant check that they are within their own land ownership and that United Utilities maintenance and/or access rights are maintained. The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/ underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to a relevant document produced by the Health and Safety Executive, which is available from The Stationary Office Publications Centre and The Stationary Office Bookshops, and advised to follow the guidance given. The document is as follows: - HS(G) 47 - Avoiding danger from underground services. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter out substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

2. The site is to be drained on a separate system of drainage with surface water and foul sewage being combined at the last manhole before connection to public sewer in Lord Street, South Cross Street or Foundry Street.
3. Surface water discharge to be limited to existing flow from site to prevent surcharge of public sewerage system downstream of the proposed development.
4. Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or on line at www.unitedutilities.com
5. This planning permission needs to be read in conjunction with the binding S106 Planning Agreement signed on
6. The applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the street.
7. The applicant's attention is drawn to the need to consult Planning, Engineering & Transportation Services regarding the specification for and construction of the proposed footway works and access alterations. The cost of the works will be the responsibility of the applicant.

Signed:



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On behalf of the Council

Date of Decision: 04/06/2008