

PLANNING POLICY STATEMENT



Project: BC01 - Bury Flexihall & Market Canopy
Document : BURMAR-JHA-00-XX-RP-A-0004
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1.0 INTRODUCTION

- 1.1. The site of this application encompasses both the existing 'outdoor' section of Bury market and the buildings that sit at 1 Murray Road, containing the market offices and the adjacent commercial properties at 47-51 Market Street and 2-10 Princess Parade. The total site area is 1.31 Hectares, with approximately 0.78 hectares being covered by the existing market and the proposed new Flexihall and related landscaping and servicing covering the remaining 0.53 hectares.
- 1.2. The site is located directly to the east to the Bury Interchange, which incorporates both the main Metrolink and bus termini to the town. To the south is the main arterial route of Angouleme Way and the car park for the market, access via subway under the road.
- 1.3. The proposed development is, as described in the planning application:
 1. Demolition of buildings and erection of flexible events hall with associated servicing, parking, and landscaping;
 2. New canopy structure to cover existing outdoor market;
 3. Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build | Land & buildings at Murray Road/2-10 Princess Parade/47-51 Market Street & Bury Market, Bury, BL9 0BJ.
- 1.4. The details of this development work are set out in greater detail in the Design and Access Statement submitted with the planning application, alongside the project drawings and suite of supporting documentation as listed in section 6 of this document.

2.0 USE OF DEVELOPMENT

- 2.1. The use class for the outdoor market area to receive the new canopy is to remain unchanged.
- 2.2. The Flexihall, but its nature as an event space will have a number of proposed uses, which were identified in a study by Bridget Baker Consulting in May 2021. The estimated source of business for the Flexihall includes:
 - Conferences / meetings / training.
 - AGMs / business to business networking.
 - Banquets / awards dinners / drinks receptions.
 - Small trade / public / hobby exhibitions.
 - Weddings / private parties / Christmas parties.
 - Community use including support groups, hobby groups, indoor sports, wellbeing & public information exhibitions.
 - Gigs / tribute nights / dance / boxing matches.

- Festivals / pop-up trading.
- 2.3. This use as a flexible events space will be primarily for a range of commercial and business services, and will include the Market Management Office, carrying out administrative services for the adjacent markets. This informs a Class E use for the building, with occasional Class F use.

3.0 PLANNING POLICY CONTEXT

- 3.1. The Planning Authority will appraise the proposed development against relevant local planning policy, supplementary planning guidance documents, and the National Planning Policy Framework, (NPPF) to determine, on balance, whether the development is acceptable, and if planning conditions are required to ensure acceptability.
- 3.2. The planning policies relevant to the location and development are documented in this section. The Design Team has worked to create a policy-compliant scheme based upon this suite of policies as set out in the pre-application advice provided by Council planning officers.

BURY UNITARY DEVELOPMENT PLAN (UDP)

- 3.3. Planning policy for Bury is set out in the Bury Unitary Development plan (UDP) adopted by the Council in August 1997 and this is supported by supplementary planning guidance notes.
- 3.4. The following policies from the UDP are relevant to the scheme and have been taken into consideration in the development of the proposals:
- 3.5. **Policy EN1/1 Visual Amenity** - Development will not be permitted where proposals would have a detrimental effect on:
- public views of prominent or important buildings, especially those in areas of architectural or historic interest;
 - the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.
- 3.6. **Policy EN1/2 Townscape and Built Design** - The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:
- the external appearance and design of the proposal in relation to its height, scale, density and layout;
 - the relationship of the proposal to the surrounding area;
 - the choice and use of materials;
 - access and other design features for the mobility impaired;
 - the design and appearance of access, parking and service provision;
 - landscaping, including the use of natural landscape features, and open space provision;
 - the use of lighting.

3.7. **Policy EN1/3 Landscaping Provision** - Development proposals will be required to make provision for incidental open space and landscaping to the Council's satisfaction.

3.8. **Policy EN1/4 Street Furniture** - The Council will encourage the provision of suitably located and well designed street furniture which satisfies the requirements of pedestrians, shoppers and other users, and enhances the character and appearance of the urban street scene, including open spaces.

In particular, the Council will seek to ensure that the siting and design of street furniture satisfies the following considerations:

- meets the needs of all users including the mobility impaired, in terms of safety and adequacy;
- does not detract from highway safety;
- does not interrupt main pedestrian flows or hinder access for emergency vehicles;
- reflects the traditional design and materials in the locality, is of robust construction and does not detract from the amenity and appearance of the street scene.

3.9. **Policy EN1/5 Crime Prevention** - The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be paid to the:

- use and creation of defensible space;
- creation of opportunities for natural surveillance;
- location and design of street lighting;
- location of footpaths and access points; location and design of parking facilities;
- design of landscaping.
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3.10. **Policy EN1/7 Throughroutes and Gateways** - The Council is concerned to improve the quality of development along throughroutes and at gateways, and will require new proposals fronting major throughroutes and at the identified gateways to display a high standard of design and landscaping.

3.11. **Policy EN1/8 Shop Fronts** - The Council will seek to ensure that proposals for new and altered shop fronts properly respect the architectural elements of the building and the character of the surrounding street scene. Proposals which are unsympathetic to the building or its surroundings or which break up a harmonious group of buildings will not be permitted.

3.12. **Policy EN2 Conservation and Listed Buildings** - The Council will seek to preserve the Borough's built heritage through the control of development, especially that affecting Conservation Areas, Listed Buildings and areas of local historical importance.

3.13. **Policy EN2/1 Character of Conservation Areas** - The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- retain, replace and restore features of historical and architectural interest;

- retain and enhance existing landscape features including trees, parks and gardens;
- initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes;
- remove dereliction and bring unused land or buildings back into beneficial use;
- prepare and promote design guidelines to ensure sympathetic development.

3.14. Policy EN2/2 Conservation Area Control - Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area.

In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- the nature of the development in terms of its bulk, height, materials, colour, design and detailing;
- the relationship between the proposed development and the architectural and visual qualities of the surrounding area;
- where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished;
- in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

3.15. Policy EN2/3 Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria: a) the impact of the proposal on the historic fabric of the building;

- the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
- the need to protect the setting of the Listed Building;
- the impact of associated ancillary facilities and infrastructure works.

3.16. Policy EN5/1 New Development and Flood Risk - The Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences. When assessing proposals against this policy, the following criteria will apply:

- the impact on the floodplain;
- the increase in surface water run-off as a result of the proposal;
- the impact on fluvial flood defences;
- the incorporation of mitigating works.

- 3.17. **Policy EN6 Conservation of the Natural Environment** - The Council will retain, protect and enhance the natural environment of the Borough, particularly in relation to areas of ecological, wildlife and geological importance.
- 3.18. **Policy EN6/3 Features of Ecological Value** - The effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals. Any proposal should seek to retain such features and incorporate them into the development.
- 3.19. **Policy EN7 Pollution Control** - The Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.
- 3.20. **Policy EN7/1 Atmospheric Pollution** - In seeking to limit atmospheric pollution the Council will not permit development which:
- would result in unacceptable levels of atmospheric pollution; and/or
 - is not compatible with the achievement of the Council's long term air quality standards.
- 3.21. **Policy EN7/2 Noise Pollution** - In seeking to limit noise pollution the Council will not permit:
- development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;
 - development close to a permanent source of noise.
- 3.22. **Policy EN7/5 Waste Water Management** - In seeking to limit surface water pollution the Council will not permit development which:
- does not have satisfactory arrangements for the disposal of foul sewage, trade effluent and contaminated surface water;
 - will exacerbate existing problems, such as premature or increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity;
 - would present an unacceptable risk of spillage or leakage of stored oils/chemicals or other potentially polluting substances.
- 3.23. **Policy EN8 Woodland and Trees** - The Council will support the retention of trees, woods, copses and hedgerows and encourage natural regeneration and new and replacement tree planting throughout the Borough.
- 3.24. **Policy RT3/4 Recreational Routes** - In promoting access to the countryside, the Council will seek to establish a network of designated recreational routes to provide access, where appropriate, for pedestrians, cyclists and horse riders. These routes will be safeguarded and any development which would prejudice their establishment or use will not be permitted.
- 3.25. **Policy RT4/1 Tourism Development** - The Council will encourage and support proposals for the development of appropriate visitor related attractions and facilities throughout the Borough, but particularly in the upper Irwell Valley.

- 3.26. **Policy S1/1 Shopping in Bury Town Centre** - The Council will protect, maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre and promote the centre as a focal point for further development. In particular, the Council will support the expansion of the centre through the development of additional comparison shopping floorspace, complementary non-food retail warehousing and speciality shopping.
- 3.27. **Policy S2/4 Control of Non-Retail Uses in All Other Areas** - Outside the main shopping area of town and district centres, changes of use, or redevelopment, from a retail shop (Class A1) to a non-retail use will be permitted.
- 3.28. **Policy S2/6 Food and Drink** - The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:
- the amenity of nearby residents by reason of noise, smell, litter and opening hours;
 - whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
 - parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
 - provision for the storage and disposal of refuse and customer litter;
 - the environmental impact of any ventilation flues and/or ducting.
- 3.29. **Policy S3/4 Markets** - The Council will encourage and support proposals which seek to consolidate and enhance existing market facilities in Bury, Ramsbottom and Radcliffe Town Centres through environmental and physical improvements.
- 3.30. **Policy HT2/4 Car Parking and New Development** - The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.
- 3.31. **Policy HT4 New Development** - In considering the location of new or intensified development, the Council will encourage proposals which:
- support the principles of sustainable development;
 - assist the implementation of a balanced transportation strategy;
 - minimise the environmental impact of traffic.

In particular, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that this is also in accordance with other policies of the Plan.

- 3.32. **Policy HT5/1 Access For Those with Special Needs** - The Council will encourage the provision of satisfactory access to public transport, car parks, pedestrian areas and public and private buildings for the mobility impaired and those with special needs. This will be achieved by proposals which include:
- the provision of specially demarcated car parking spaces;
 - ramped accesses in preference to steps in public and private areas;
 - greater coverage of the Borough by the "Ring and Ride" and "Localine" services funded by the Greater Manchester Passenger Transport Authority;
 - better design of buildings incorporating details such as wider and/or automatic doors.

- 3.33. **Policy HT6/1 Pedestrian and Cyclist Movement** - The Council will seek to ensure that pedestrians and cyclists are able to move safely and conveniently. This can be achieved by:
- eliminating points of conflict between pedestrians/cyclists and motor vehicles;
 - providing direct and convenient routes;
 - ensuring that routes are well lit and clearly signed;
 - extending pedestrian areas, especially in Bury town centre and other district or local centres, where appropriate;
 - ensuring that all proposals for development recognise the needs of pedestrians and cyclists;
 - making exemptions for cyclists in Traffic Regulation Orders and pedestrianisation schemes, where appropriate;
 - providing secure cycle parking and identifying cycle routes, including recommended routes and cycle lanes through busy urban areas, where appropriate.
- 3.34. **Policy HT6/2 Pedestrian/Vehicular Conflict** - The Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:
- pavement widening/realignment;
 - pedestrianisation schemes;
 - improved pedestrian crossing facilities;
 - proposals designed to reduce traffic speed;
 - provision of clearly signed pedestrian routes.
- 3.35. **Policy CF1/1 Location of New Community Facilities** - Proposals for new and improved community facilities will be considered with regard to the following factors:
- impact on residential amenity and the local environment;
 - traffic generation and car parking provision;
 - the scale and size of the development;
 - where applicable, access to shops and other services;
 - if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
 - accessibility by public and private transport;
 - the needs and requirements of the disabled
- 3.36. **Policy TC1/1 Open Space in Town Centres** - Within the Town Centres the Council will protect identified areas of open space which provide:
- an important element in civic design;
 - valuable visual amenity;
 - important outlets for recreation;
 - valuable wildlife habitats; or
 - act as buffers between incompatible uses or provide links between other open land areas
- 3.37. **Policy TC1/2 Pedestrian/Vehicular Conflict in Town Centres** - The Council will undertake appropriate schemes to reduce the conflict between pedestrians and vehicles in the Borough's Town Centres.

- 3.38. **Policy TC2/2 Mixed Use Development** - The Borough's town centres will be encouraged to develop as the principal focal points for cultural, leisure, business, professional services, commercial and retailing activities. Development proposals which would have a detrimental effect on the vitality and viability of these centres will not be permitted.
- 3.39. **Area BY6 Central Shopping Area** - The Council will encourage and support proposals for retailing and appropriate ancillary retail uses within the town centre's central shopping area.

SUPPLEMENTARY PLANNING GUIDANCE

- 3.40. There are a range of other policies and development direction that can be material to consideration of the application. These are not locally adopted documents with the formality and weight that is attributed to the statutory Development Plan documents summarised above, but they have a bearing on the overall assessment of any given development scheme, when weighed in the balance.
- SPD3 DC Policy Guidance Note 3: Planning Out Crime
 - SPD6 Alterations and extensions to residential properties – specifically in relation to separation distances to residential properties.
 - SPD11 Parking Standards in Bury

NPPF NATIONAL PLANNING POLICY FRAMEWORK

- 3.41. The updated NPPF was published in 2021 and sets out the Government planning policies for England and how these are expected to be applied. The NPPF must be taken into account as a material consideration in the determination of planning. A summary of the relevant guidance is summarised below (refer to NPPF for full overview).

Presumption in favour of sustainable development

- 3.42. Paragraph 11 details that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Building a strong, competitive economy

- 3.43. Paragraph 81 details that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Ensuring the vitality of town centres

- 3.44. Paragraph 86 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Promoting healthy and safe communities

- 3.45. Paragraph 92 details that planning policies and decisions should aim to achieve healthy, inclusive and safe places. Placing emphasis on spaces that promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
- 3.46. Further to this, paragraph 93 attaches importance to provide the social, recreational, and cultural facilities and services the community needs. Stating that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. It also emphasises the need to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Promoting sustainable transport

- 3.47. Paragraph 104 details that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Achieving well-designed places

- 3.48. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.49. In addition, paragraph 130 details that Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Meeting the challenge of climate change, flooding and coastal change

- 3.50. Paragraph 152 details that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Proposals affecting heritage assets

- 3.51. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

4.0 PRE-APPLICATION POLICY FEEDBACK

- 4.1. Principle - Community facilities - Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the following factors:
- impact on residential amenity and the local environment;
 - traffic generation and car parking provision;
 - the scale and size of the development;
 - where applicable, access to shops and other services;
 - if the use is intended to serve a local community, or catchment area, the suitability of the
 - chosen location in relation to that community or catchment area;
 - accessibility by public and private transport;
 - the needs and requirements of the disabled.
- 4.2. The proposed development involves the provision of a flexi hall for use in conjunction with the market and to enable the market to host events. The proposed development would have good access to shops and other services and would serve the catchment area of the market well. The site has good access to public transport and there are several car parks nearby. As such, the proposed use would be a community facility and would be in accordance with Policy CF1/1 of the Bury Unitary Development Plan.
- 4.3. Principle - Retail - Policy S1/1 states that the Council will protect, maintain and enhance the role of Bury town centre as a sub-regional shopping centre and promote the centre as a focal point for further development. In particular, the Council will support the expansion of the centre through the development of additional comparison shopping floorspace, complementary non-food retail warehousing and speciality shopping.
- 4.4. Policy S2/4 states that when considering proposals for a non-retail use, the following factors will be taken into account:

that the proposal is appropriate in scale and character to the requirements of the area and necessary to serve the local needs which would not otherwise be met; that the new non-retail use would not result in an over concentration or grouping of uses which could result in a long term loss of trade from a centre compared with a continued Class A1 use;

- whether or not the locality is adequately served by alternative local shopping facilities within reasonable walking distance;
 - that a display window is retained or provided, where appropriate;
 - that access is provided for the mobility impaired, where appropriate;
 - that adequate provision is made for car parking and servicing.
- 4.5. Policy S3/4 states that the Council will encourage and support proposals which seek to consolidate and enhance existing market facilities in Bury, Ramsbottom and Radcliffe town centres through environmental and physical improvements.
- 4.6. The proposed development would provide a flexible civic space for use in conjunction with the market and a canopy to the existing outdoor stalls. The proposed flexi hall would contain a multi functional space for events, pop up trading, live performance and community events, a cafe, offices for the market and toilets and storage etc. While the proposed development would not be a retail use (now Class E), it would complement the market and the surrounding retail units. As such, the proposed development would not harm the existing retail offer and would enhance the market facilities. Therefore, the proposed development would be in accordance with Policies S2/4 and S3/4 of the Bury Unitary Development Plan.

5.0 PLANNING ASSESSMENT

- 5.1. This section specifically focuses on the principle of development given that the wider planning application submission is informed by a number of detailed reports (as summarised at para. 6.5) which assess the proposals against environmental and technical policies. It is considered that the key planning matters for consideration are as follows:

- Principle of Development
- Design & Layout
- Landscaping
- Sustainable Development
- Heritage
- Highways
- Contaminated Land
- Noise
- Ecology
- Flood Risk & Drainage
- Air Quality
- Crime prevention

PRINCIPLE OF DEVELOPMENT

- 5.2. The site is located in Bury town centre, in the heart of the shopping area, allocated under policies S1/1, S2/2 and S3/1/17, identifying it as the primary shopping area of Bury Town centre.
- 5.3. Whilst the proposals result in the loss of some existing commercial floor space the proposal still falls under the category of 'main town centre uses' by the NPPF and presents an opportunity to generate greater footfall in the town centre linked to the visitor experience of the current Bury Market.
- 5.4. The provision of this diverse facility that incorporates additional uses such as conferencing, weddings and private parties, entertainment events, trade and public exhibitions and pop-up trading opportunities is in accordance with policy RT4/1.
- 5.5. The provision of additional space for a cafe bar style operation within part of the building provides an additional focus to the Flexihall space on a day-to-day basis and this facility is to be provided in line with policy S2/6.
- 5.6. The new building will be fully accessible as discussed in more detail within the access statement that accompanies the planning application, with level access and lift access to the first floor as well as enhanced facilities for those with additional needs. This creates a development that is a healthy, inclusive and safe space, accessible to all and promoting greater social interaction amongst all ages and abilities. This is in accordance with NPPF section 7 and HT5/1 of the local plan.
- 5.7. Therefore the development is supported in this location in accordance with policies S1/1, S2/4, S2/6, S3/4, HT4, RT4/1, CF/1, TC2/2, BY6 and paragraphs 81, 86, 92, and 93 of the NPPF.

DESIGN & LAYOUT

- 5.8. Policy highlights at both national and local level that the design and layout of a proposed development is a key aspect of sustainable development and seeks to achieve a high quality design which is appropriate to its location.

FLEXIHALL

- 5.9. The concept for the Flexihall was to design a building with no rear facade and create the sense of a welcoming, inclusive hub for the general public from all angles. The space aims to be inviting from every access route, whether that's for people arriving via the transport interchange to the west of the site; after visiting the local shopping centre along Princess Parade or from the market. Whatever way you look at the building, there should be an interesting point of reference to focus on.
- 5.10. The design also looks at how it can work with the surrounding master plan. Working with and not against the existing businesses and directing footfall to all aspects of the immediate surrounding areas to help incorporate a sense of community to the development.

- 5.11. The Flexihall's main objective is to support the current market trade as well as provide a new and exciting space for the local and wider community.
- 5.12. The layout of the building has two distinct halves. The triangular section, articulated by its engineered timber exoskeleton and glass box façade contains the triple height Flexihall. This space is designed to be multifunctional to meet the brief, a large events space that can support market stalls, 'pop-up' trading, live performance and community events.
- 5.13. The rectangular section of the building has two storeys and a more traditional brick construction. This side of the building contains the more cellular and service spaces including bookable meeting rooms and offices for the market management team that are currently housed in the building facing Murray Road.

MARKET CANOPY

- 5.14. Designed to unify the open-air market, the proposed market canopies will be situated across the full extents of the existing market, providing a new roof to an already established and thriving home, without jeopardising the core ethos or day-to-day running of the market.
- 5.15. Flexible usage is a key driver for the overall proposed scheme, and this too applies to the market. The proposed canopies are a first step in a long-term regeneration goal for the market, allowing for stalls to interchange and adapt when necessary, creating a market that can acclimatize to changing demand.
- 5.16. The design team have worked through the detailing of the proposal to ensure that the canopy is durable, long-lasting and a timeless piece of architecture which is consistent with the design of the neighbouring Flexihall proposal.
- 5.17. The new market canopy is designed for the existing market traders and as such, has to consider working around the current urban footprint as set out by the Market stalls. The current market is highly successful and brings in customers from many different areas. In order to maintain this core customer base, the overarching premise of the proposals was to preserve the atmosphere of the market at ground level whilst providing the infrastructure above to allow the space to develop organically.
- 5.18. Therefore, the development is supported in accordance with policies EN1/1, EN1/2, EN1/8, HT5/1, and paragraphs 126 and 130 of the NPPF.

LANDSCAPING

- 5.19. The proposal has been carefully considered within the context of the character of the area and the setting of both the new building and proposed market canopies has been designed to integrate with the surrounding existing development.
- 5.20. Four key design principles for the Bury Flexi Hall landscape design will help to elevate the concept and provide embrace the concept of people and place.

- 5.21. The public realm can be used to manage rainwater run off sustainably through surface features which also provides additional benefits for biodiversity and visual amenity. SuDS features would need to be accommodated in the existing building footprints, that are to be demolished, where there are no utilities.
- 5.22. The benefits of urban trees are wide ranging and should look to be incorporated into all public realm projects. To allow large canopy trees to reach maturity requires extensive root space and locations have been determined by service diversions, new and existing utilities corridors.
- 5.23. There is an opportunity to create a unique character to the market area as a whole; a vibrant quarter that is distinctive from the rest of the town centre, bursting with character and individuality. The palette for this phase of the project and future phases of the market needs to be robust and durable to cope with the intensive use of market stalls, vehicles and events.
- 5.24. The wider regeneration context of the project has been considered to ensure that proposals around the market quarter can integrate with surrounding future redevelopment. The materials and forms proposed set the tone for future public realm as part of the wider regeneration proposals.
- 5.25. In view of this it is considered that the proposals are in accordance with EN1/2, EN1/3, EN1/4, EN1/7, TC1/1 and section 12 of the NPPF.

SUSTAINABLE DEVELOPMENT – SOCIAL, ECONOMIC & ENVIRONMENTAL BENEFIT

- 5.26. Paragraph 11 of the NPPF details that at the heart of the framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

SOCIAL BENEFITS

- 5.27. The Flexihall will become a hub for the local and wider community with the aim of attracting a larger, more diverse demographic.
- 5.28. The proposals seek to maintain the market as a place of social as well as retail interaction, including engaging with the younger population and encouraging youth markets and younger entrepreneurs to use the market as a start-up point, which will in turn provide younger visitors.
- 5.29. The development also seeks to create an open public space with benches and the ability to service outdoor events as well as all weather provision under the extensive canopy.

ECONOMIC BENEFITS

- 5.30. The proposed development looks to safeguard the existing strengths and current customer base through enhancing the customer experience within the existing open market without changing the core values that draw substantial amounts of visitors to the site.

- 5.31. The proposals will make market more visible at key points of arrival and connect with neighbouring shopping centre and transport interchange, encouraging larger visitor numbers to the site as a whole.
- 5.32. The proposed new Flexihall will generate a large number of future uses that are not currently catered for in this area, including conferencing, weddings and private parties, entertainment events, trade and public exhibitions and pop-up trading opportunities.
- 5.33. The proposed development will create temporary jobs throughout the construction period, and once operational will create new jobs, which will in turn increase spending in the local economy.

ENVIRONMENTAL BENEFITS

- 5.34. As part of the design process the MEP consultant has undertaken a Net Carbon Zero assessment for the scheme. Additional information at the next stage of the project is required to firm up the assumptions made, however LZC technologies are being considered as part of the development including air source heat pumps for space heating and PV panels on the building roof for electricity generation.
- 5.35. This will be coupled with a 'fabric first' approach that seeks to improve the specification of the building envelope elements to reduce the need for space heating and cooling within the building.
- 5.36. A biodiversity net gain assessment was carried out by RSK Biocensus, and based on the results of the site survey the proposals will achieve a 430.75% biodiversity net gain.

HERITAGE

- 5.37. A heritage assessment relating to the proposals has been undertaken by Purcell to accompany the application.
- 5.38. There are no designated heritage assets within the site area, although the proposed Flexihall sits near the southern edge of the Bury Town Centre Conservation Area, within which is the nearby Kay Monument (Grade II Listed).
- 5.39. There is a very limited visual connection from the Kay Monument to the site area. There is no visual connection to the market stalls so the canopy proposal will have no direct impact on either the Conservation Area or the Grade II Listed Kay Monument.
- 5.40. The Flexihall will be visible from the Kay Monument looking between the narrow gap between the existing bus depot and the curved building on the corner of Princess Parade. Currently the existing buildings proposed for demolition do not make a positive contribution to the setting of either designated asset. At best they can be describing as making a neutral impact (with the two brown brick buildings not visible) with the red brick building having a low level detrimental impact visually.

- 5.41. The proposal will introduce trees and planting around the Flexihall to help green the boundary of the Conservation Area and potentially partially screen views of the building. The replacement building will be partially visible from the Conservation Area and Kay Monument. The proposal will lose the street pattern as currently exists but this has a limited relationship to the 19th century street pattern with it having already been replaced in the 20th century.
- 5.42. At approximately three storeys the proposed building is comparable to the existing red brick building and will not dominant the view from either its scale or massing.
- 5.43. The proposed building is of a high architectural design and will offer a visual enhancement to the architecturally poor existing buildings. In summary, the proposals will not result in any harm to designated assets and offers a low-level enhancement to the setting of both the Grade II Listed Kay Monument and the Conservation Area.
- 5.44. Therefore, the assessment concludes that the proposals are in line with Policies EN2, EN2/1, EN2/2, EN2/3 and paragraph 194 of the NPPF.

HIGHWAYS

- 5.45. A transport statement has been prepared to accompany the planning application by WSP along with a supporting Interim Travel Plan.
- 5.46. Throughout this Transport Statement and supporting Framework Travel Plan, it is demonstrated that the proposed development:
- Is within local, regional, and national policy in-keeping with transport guidance;
 - Is sustainable and accessible in transport terms regarding walking and cycling links to the local area alongside its ideal location next to the Bury Interchange; and
 - Will have minimal traffic impact since limited on-site parking is proposed and its convenient and accessible town centre location.
- 5.47. The proposed Bury Market and Flexi Hall will be developed alongside significant improvements to pedestrian accessibility and permeability as part of the proposed development. This will be achieved through a new wide and accessible public realm area to the north of Murray Road and encompassing the new Flexi Hall. This will extend between Murray Road and Hilton Road and will contain new benches and hard and soft landscaping features.
- 5.48. Access to the site from the surrounding streets has also been improved with a wider entrance to the south along Angouleme Way and clearly defined entrances along Princess Parade, while the subway access to the Market below Angouleme Way has been retained.
- 5.49. Pedestrian permeability of the site is provided via a wide and accessible new public realm area to the east of the site. Significant extensions to the existing footways to the north and south of the site will be brought forward.

- 5.50. The site is well placed to benefit from improved region-wide cycling links. The 'Design and Layout of New Development in Bury' indicates the importance of prioritising good quality cycling facilities and routes to new developments to discourage the numbers of site users arriving via private vehicle.
- 5.51. Provision for cyclists have been made within the development, with new cycle stands for 12 cycles situated beside the Flexi Hall, which will be integrated into the new public realm area. This reflects a significant upgrade on existing provision.
- 5.52. The new cycle stands will be situated next to the cyclops junction of Angouleme Way and Market Street and will create an accessible route for cyclists to travel to the Market and Flexi Hall from the south of Bury.
- 5.53. As a part of an overall strategy developed to reduce the requirement of private vehicle usage for visiting the Market and Flexi Hall, only accessible parking bays have been provided as part of the proposed development. Six accessible bays are provided to replicate the existing provision, and these are situated to the southeast of the Flexi Hall and beside Murray Road.
- 5.54. As a part of an overall strategy developed to reduce the requirement of private vehicle usage for visiting the site, the Bury Market and Flexi Hall will not contain any new parking for general users. This is due to its location in the centre of the town, existing availability of parking within the town centre, and the good accessibility to sustainable modes of transport.
- 5.55. As proposed for the development, servicing is expected to continue to use Murray Road, with access from Angouleme Way. Service vehicles will enter through Murray Road before stopping and reversing through the designated space between the new public realm space and Bury Market. Service vehicles will then exit through Murray Road and through Angouleme Way.
- 5.56. The proposals are therefore in accordance with policies RT3/4, HT2/4, HT6/1, HT6/2, TC1/2 and paragraph 104 of the NPPF.

CONTAMINATED LAND

- 5.57. A geoenvironmental appraisal has been undertaken by iD GeoEnvironmental Limited. IDG's investigation included a review of desk study information, a coal mining assessment and a ground investigation comprising two cable percussive boreholes & five window sampling boreholes accompanied by chemical and geotechnical testing.
- 5.58. The majority of the site is located within an area of potential groundwater flooding for property situated below ground level. A small area in the west of the site is located in an area of limited potential for groundwater flooding to occur.
- 5.59. No evidence of contamination has been identified in soils or groundwater beneath the site.

- 5.60. The foundations for both the proposed new building and the market canopy will be piled. The coal mining risk assessment has identified a small area in the east of the site where less than 10x rock cover is provided above the Arley Mine coal seam and any potential workings within the seam. Should any piled foundations for the market canopy in this area extend to bedrock IDG consider the risk should be categorised as low. However, should the piled foundations for the market canopy terminate at a shallower depth, within the superficial deposits and effectively rely on skin friction, IDG consider the risk from any potential unrecorded workings within the Arley Mine coal seam would be negligible.
- 5.61. IDG have recommended additional intrusive investigation to assess possible ground contamination relating to former land uses (garages and timber yard) within the footprint of the proposed new building in the west of the site when access is available.
- 5.62. Further intrusive investigation comprising rotary drilling may be required to determine the presence of the Arley Mine coal seam, subject to the comments from the Structural Engineer responsible for design of the foundations for the market canopy.
- 5.63. Subject to the implementation of the recommendations above the development is in accordance with policy EN7, EN7/1 and section 15 of the NPPF.

NOISE

- 5.64. A noise impact assessment has been carried out by Sharpes Redmore for the proposed development in regard to breakout noise from the venue.
- 5.65. Based on the parameters described within this report, it is calculated that entertainment noise during events within the Flexihall may give rise to external sound levels at nearby noise-sensitive residences which exceed the typical criteria identified. Subjectively, this means entertainment noise could be audible at low frequencies outside.
- 5.66. Calculations show that noise levels within dwellings would meet the criteria identified and would therefore be considered 'inaudible' or 'virtually inaudible' internally.
- 5.67. The chosen window specification must perform very well at low frequencies and ongoing advice should be sought from the acoustician to review key constructions as the design develops.
- 5.68. Subject to the correct specification for glazed elements of the building, the development is therefore in accordance with EN7/1 and EN7/2 of local policy.

ECOLOGY & BIODIVERSITY NET GAIN

- 5.69. An ecological Appraisal has been prepared to accompany the planning application by RSK Biosensus to assess the impact of the scheme on the ecology of the area.
- 5.70. During the Breeding Bird Survey, a number of feral pigeons were confirmed breeding across the survey area on various buildings within the market place. A pied wagtail was recorded

singing in suitable nesting habitat, though the bird was not seen and therefore assumed to be a 'probable' breeding bird within the site.

- 5.71. No other confirmed, probable or possible nesting birds were recorded within the site. During the survey, woodpigeon, jackdaw, starling and black-headed gull were recorded utilising the site or flying overhead.
- 5.72. During the bat survey a single common pipistrelle was recorded commuting adjacent to B1 at approximately 1 hour after sunset. No other bats were recorded during the survey. Due to the low level of activity noted, and the timing the bat was recorded, it is anticipated that a bat roost is located within the local area but not within the site or close proximity to the site.
- 5.73. No bats were recorded emerging from the building, and this is sufficient to indicate that bats are not roosting in Buildings. Therefore, no further assessment, mitigation or licencing is required for the works to proceed. In the unlikely event that a bat is found inside the buildings during the works, all works must cease immediately and a qualified ecologist should be contacted for advice on what actions need to be taken.
- 5.74. A biodiversity net gain assessment was carried out by RSK Biocensus, and based on the results of the site survey the proposals will achieve a 430.75% biodiversity net gain.
- 5.75. As part of the BNG calculation for the proposed development site the proposed landscape plan and Phase 1 habitat information was scrutinised to identified realistically feasible options to maximise the BNG achieved within the red line boundary.
- 5.76. The modified grassland created will consist of grassland creation and native perennial planting. For the grassland creation we have assumed a poor condition as the planting list has yet to be finalised.
- 5.77. This results in an 430.75% increase of BUs within the site, post-development.
- 5.78. In view of this it is considered that the proposals are in line with policies EN6, EN6/3, EN8 and section 15 of the NPPF.

FLOOD RISK & DRAINAGE

- 5.79. A flood risk assessment and drainage strategy has been developed by AJP Ltd to support the planning application. The site is located within Flood Zone 1 with a low probability of flooding from all sources. Geological survey maps indicate that the underlying strata is impermeable, and infiltration is not suitable. This has been confirmed via an intrusive site investigation.
- 5.80. Due to the distance across developed third-party land, discharging the surface water from the site to the nearest watercourse has been deemed as impractical. This and the lack of public surface water sewers within and around the proposed site results in the only practical option for the disposal of the surface water runoff from the proposed

development is to discharge into the public combined water sewers within the site boundary.

- 5.81. The surface water discharge is to be restricted a 50% betterment on the existing brownfield runoff rates, for all rainfall events up to and including the 100 year plus 40% climate change design storm, to comply with LLFA requirements. The proposed surface water drainage design meets this criteria and also ensures there is no flooding for all rainfall events up to and including the 100 year plus 40% climate change design storm.
- 5.82. The surcharged runoff is to be restricted using a vortex flow control device and the surcharged runoff attenuated using the proposed surface water drainage network itself and also a below ground cellular attenuation tank located to the north of the proposed Flexihall building.
- 5.83. The foul water drainage is to discharge into the existing United Utilities public combined water sewers to the north west of site, via gravity. It is anticipated that the foul water can discharge into the public sewer at unrestricted rates.
- 5.84. The external ground levels around proposed buildings shall fall away from the proposed building with any new levels being designed to ensure any overland flood routes, for events in excess of the 100 Year + 40% CC, exit towards the surrounding highways, for use in exceptional circumstances.
- 5.85. Therefore, this strategy accords with policies EN5/1, EN7/5 and paragraph 152 of the NPPF.

AIR QUALITY

- 5.86. An air quality assessment has been prepared in support of the planning application by Sharpes Redmore.
- 5.87. They found that the proposed development has the potential to cause air quality impacts during the construction and operational phases. As such, an Air Quality Assessment was undertaken in order to determine baseline conditions at the site and assess potential air quality effects as a result of the scheme.
- 5.88. They also concluded that during the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout activities was predicted to be not significant.
- 5.89. Potential impacts during the operational phase of the proposed development have the potential occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed using the criteria provided within the IAQM guidance. Due to the low number of anticipated vehicle trips associated with the proposals, impacts were predicted to be not significant.

- 5.90. It was concluded that air quality impacts can be mitigated through good practice and a good construction management plan developed in conjunction with the council's Environmental health Officer.
- 5.91. Based on the assessment results, air quality factors are not considered a constraint to planning consent for the development.
- 5.92. As such, the proposed development is in accordance with EN7/1 and section 15 of the NPPF.

CRIME PREVENTION

- 5.93. A crime impact assessment has been carried out by GMP Design for Security and the development has been assessed against the principles of @Crime Prevention Through Environmental Design (CPTED).
- 5.94. The layout of the proposed scheme was considered acceptable with four areas to be addressed to ensure support for the proposals:
- Building is proposed to be zoned to allow for secure access to areas such as meeting rooms and market management offices at the same time as public access is available to the Flexihall in accordance with the recommendations.
 - Refuse and recycling storage has been moved inboard of the building to a secure internal dedicated room.
 - The market canopies have been designed with deep overhangs in order to deter climbing and unauthorised access.
 - The public realm has been designed to clearly delineate between pedestrian and vehicle access and deter unauthorised access to seating areas.
- 5.95. It is therefore considered that the development accords with policy EN1/5 of the local policy and SPD3 DC Policy Guidance Note3: Planning Out Crime.

6.0 PLANNING POLICY APPRAISAL & CONCLUSION

- 6.1. A sizable number of UDP policies are relevant to the proposals for the Flexihall and market Canopy. Environmental policies centred around the proposal site being within the hub of the town centre, including townscape, landscaping, gateways, and conservation have been considered, alongside policies relating to the town centre uses such as shopping and tourism and those specifically related to the importance of the use of the area as a market.
- 6.2. Other important policy areas such as standard of design, crime prevention, energy efficiency, access for all, and noise pollution have also all been carefully considered.
- 6.3. The design team have taken a site and context based co-ordinated approach to inform the design of the Flexihall & Market Canopy, and care has been taken to address all of the above policy requirements in the development of the proposals.
- 6.4. This application is supported by a full suite of supporting documentation that demonstrates compliance with the planning policies and documents set out above. This suite of documents, which provide a fuller understanding of the proposals includes:
 - Design & Access Statement
 - Heritage statement
 - Transport statement
 - Parking and servicing details
 - Air quality report
 - Noise report
 - Contaminated land report
 - Flood risk assessment, including sustainable urban drainage scheme
 - Tree survey
 - Hard and soft landscaping details & design statement
 - Ventilation/extraction details
 - Refuse disposal details
 - External lighting details
 - Statement of community involvement, included within the DAS
 - Existing and proposed levels
 - Crime impact statement
 - Coal mining report
- 6.5. This comprehensive package of documents and drawings seeks to establish that all relevant policies have been complied with in the design and specification of the proposals for the Flexihall, Market Canopy and proposed landscaping and demonstrate that the scheme can be fully supported by Bury Council Planning Authority.