

**Proposed Works at  
No.10 Union Street & No.40 The Rock  
Bury Town Centre**

**LPA REF: 69914**

**Appeal Statement**  
on behalf of Specscart Ltd

March 2024



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Appendices

**Appendix 1**

Email correspondence between Appellant and Council  
November 2023

**Appendix 2**

Delegated Report on appeal proposal

**Appendix 3**

Additional UDP Policies

**Appendix 4**

Appellant's October 2023 submissions to assist pre-application discussions

**Appendix 5**

Note of meeting between Appellant and Council  
February 2024

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# 1. Introduction

- 1.1. This Appeal Statement has been prepared on behalf of Specscart Limited (the Appellant) in support of an appeal against the refusal of planning permission by Bury Metropolitan Borough Council (the Council) for modifications to the ground floor fenestration at No.40 The Rock and No.10 Union Street in Bury Town Centre.
  - 1.2. The Appellant has requested that the appeal is determined by the Hearing procedure. Accordingly, this Appeal Statement should be read alongside the draft Statement of Common Ground, which covers the following matters:
    - ) Factual details about the appeal site, its planning history and the appeal proposal;
    - ) Factual details about the original planning application and its determination by the Council;
    - ) Planning policies and guidance that are agreed to be applicable to the assessment of the appeal proposal;
    - ) Agreed matters relating to heritage; and
    - ) Agreed matters relating to town centres and retail.
  - 1.3. This Appeal Statement presents the case for the Appellant and adopts the following structure:
    - ) Section 2: presents details about the Appellant's business and the matters in dispute;
    - ) Section 3: comprises the Appellant's rebuttal of the Council's grounds for the refusal of planning permission;
    - ) Section 4: identifies other policy considerations that the Appellant contends are material to the determination of the appeal, but which were not taken into account by the Council when determining the planning application;
    - ) Section 5: identifies other material considerations that the Appellant considers are of weight to the decision-taking process; and
    - ) Section 6: presents the Appellant's consideration of the planning balance and draws its conclusions.
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## 2. Appeal Proposal

### Appeal Site, Planning History and Appeal Proposal

- 2.1. A description of the physical characteristics of the appeal site, details of the relevant planning history, and a description of the appeal proposal are set out in the Statement of Common Ground. Further information is provided below that relates to the establishment of the Appellant's business on the appeal site.
- 2.2. The appeal site comprises two separate properties that are attached to each other, comprising No. 10 Union Street and No.40 The Rock.
- 2.3. No.10 Union Street had previously been occupied as a solicitors office. However, the property became vacant and was marketed by commercial agents. The Appellant subsequently expressed interest in the property and secured a Lawful Development Certificate in August 2019 to confirm its proposed use of the property was lawful (see Planning History in the Statement of Common Ground). Following the approval of the Certificate, the Appellant took occupation of the building on 15 September 2019 and commenced fitting out the ground floor area as an eyewear retail showroom and consultation rooms, with the upper floors being put to use as offices, storage, a lens processing laboratory, and staff welfare facilities.
- 2.4. No.40 The Rock was originally constructed as a bank and was last occupied by Royal Bank of Scotland until the branch closed on 20 November 2018. The property was marketed by commercial agents and acquired by the Appellant in October 2021. The ground floor of the property has remained vacant since November 2018, and is currently subject to an ongoing programme of internal fit-out works pending the determination of this appeal. The upper floors are, however, in active use and have been co-joined by the Appellant to the upper floor areas of neighbouring No.10 Union Street in order to increase the ancillary accommodation required to support the growth of the business.

### Matters in Dispute

- 2.5. Planning permission has been refused for the following single reason:  
  
*'The proposed window alterations by virtue of their design would introduce a disharmonious feature into the Bury Town Centre Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations. The proposed window alterations would neither preserve nor enhance the conservation area within which the site is located. The proposal would cause an unacceptable loss of architectural significance to Non-Designated Heritage Assets 40 The Rock and 10 Union Street. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/1 – Visual Amenity, EN1/2 – Townscape and Built Design and paragraphs 199, 202 and 203 of the NPPF'.*
  - 2.6. The matters in dispute, therefore, comprise the following:
    - a) Whether the appeal proposal will preserve or enhance conservation area;
    - b) Whether the appeal proposal will result in the unacceptable loss of architectural significance of a Non-Designated Heritage Asset;
    - c) Whether the appeal proposal conflicts with the policies and guidance stated in the reason for refusal, when a balanced planning judgement is performed.
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- 2.7. The above matters in dispute are addressed by the Appellant in Section 3 of this Statement.
- 2.8. In addition to the above, the Appellant and the Council dispute the relevance of additional planning policies and guidance to the determination of the appeal proposal. The Appellant contends that, due to the location of the appeal site within the Primary Shopping Area in Bury Town Centre, the policies of Bury Unitary Development Plan (UDP) that relate to town centres, Primary Shopping Areas and retail uses are also directly applicable to the appeal proposal, at least in principle. Furthermore, as a result of the appeal proposal relating to the ground floor frontage of the appeal site and seeking to create a shopfront with a window display to support the retail element of the Appellant's business, the Appellant contends that policies and guidance that specifically apply to shopfronts are also engaged.
- 2.9. The Council's assessment of the appeal proposal at application stage is silent on these additional policy matters. The Appellant, therefore, approached the Council post-determination in November 2023 to request its confirmation of whether such policies are considered to be applicable to the appeal proposal, either for clarification in the Statement of Common Ground or assessment in evidence submitted to the appeal. In a series of emails enclosed at **Appendix 1**, the Council has simply advised that it considers that such matters are '*not relevant*'. In the absence of any further explanation, the Appellant continues to disagree and, therefore, consideration is directed towards a number of additional policies that are in dispute at Section 4 of this Statement.
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### 3. Rebuttal of the Reason For Refusal

- 3.1. The single reason for refusal states that the appeal proposal would '*neither preserve nor enhance the conservation area within which it is located*'. Further, it is stated that the proposal would *cause an unacceptable loss of architectural significance to Non-Designated Heritage Assets*'. As a result, the Council deems the proposal to be in conflict with adopted UDP Policies EN1/1, EN1/2, EN2/1 and EN2/2 and paragraphs 205, 208 and 209 of the NPPF, as updated 20 December 2023 (previously paragraphs 199, 202 and 203, as stated on the Decision Notice) .
- 3.2. The Appellant presents its case, below, to demonstrate the following:
- ) The appeal proposal will not unacceptably harm the character or setting of a conservation area;
  - ) The appeal proposal will not unacceptably harm the architectural significance of any NDHA;
  - ) The appeal proposal does not conflict with adopted UDP policy; and
  - ) The appeal proposal does not conflict with NPPF guidance.

#### Harm to the Conservation Area

- 3.3. The appeal site is located within Bury Town Centre Conservation Area, as confirmed by a plan at **Appendix SOCG5** of the Statement of Common Ground. Because the conservation area is a designated heritage asset, the primary heritage matter for consideration at this appeal is whether the appeal proposal would cause harm to it. If harm is caused, consideration should then have regard to the magnitude of harm and whether it is outweighed by other policy objectives or other material considerations. These matters are considered below.

#### Existing Special Interest of the Conservation Area

- 3.4. The Conservation Area Appraisal for Bury Town Centre Conservation Area (copy at **Appendix SOCG1** of the Statement of Common Ground) confirms that the special interest of the conservation area is founded upon the following:
- a) Special interest principally results from the rapid expansion and prosperity of Bury from the mid-19<sup>th</sup> century, with Victorian and Edwardian civic and commercial buildings replacing many medieval buildings. The stone and brick-faced buildings on the principal thoroughfares, to include The Rock, are a product of the town's prosperous past;
  - b) The area around Market Place is the historic core of the town centre, which is enclosed by several listed buildings;
  - c) The heart of the conservation area is characterised by a dense, fine grain that results from long and narrow building plots, with buildings having narrow frontages and a vertical emphasis on the street scene. Within the northern part of conservation area, the scale of buildings is predominantly 3-4 storeys, which provides a unified appearance and contributes to sense of a bustling historic market town;
  - d) The Rock forms a key visual gateway into the town. The character of The Rock is that of a busy commercial street lined by buildings of a range of architectural styles to include Victorian, Edwardian, Art Deco and modern architecture, which provides a varied
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streetscape;

- e) The character of Union Street is that of a busy shopping street. The historic character of the street has been largely removed following the development of The Millgate Shopping Centre, which has a detrimental effect upon the character of the conservation area; and
- f) Good quality masonry and detailing in local sandstone are particular features of the historic character of the conservation area.

3.5. Whilst other matters also contribute towards the special character, these are of no relevance to the consideration of the appeal proposal.

Impact on Special Interest

3.6. With regard to each of the factors that contribute towards the special character of the conservation area, and following the order in which they are listed above, the Appellant contends that the appeal proposal will have the following effect:

- a) The proposed works will not have any adverse effect upon the special value of the buildings within the appeal site as indicators of Bury's prosperous past, or the reduce the positive contribution they make towards the special character of the Conservation Area. Indeed, the proposed works will have a negligible effect on the conservation area as a whole;
- b) The appeal site is not located within the historic core of the conservation area. Only the front and side elevations of No.40 The Rock are visually evident in views to and from the historic core along The Rock. The fenestration that is the subject of this appeal is not visually evident in such views and, therefore, the proposals will not harm the special interest of the historic core;
- c) The appeal proposal will provide taller ground floor windows, which will positively contribute to the vertical emphasis of the appeal site and support the character of the street scene by creating an active frontage. All other visual features of the appeal site will remain as existing, and it will continue to present a unified appearance in the street scene;
- d) The proposed alterations to the ground floor fenestration will not have a negative effect on the streetscape along The Rock, which is acknowledged by the Conservation Area Appraisal to accommodate a variety of architectural styles. The alterations will barely be discernible and will not harm the character of the street;
- e) The historic value of the streetscape on Union Street is acknowledged in the Conservation area Appraisal to be low, primarily as a result of The Millgate Shopping Centre. Union Street makes little, or no, contribution towards the special character of the conservation area and, therefore, unacceptable harm cannot be caused by the appeal proposal. Instead, the appeal site will continue to be the single historic reference on the street to the town's prosperous past;
- f) The appeal proposals will have no impact upon the stone carving and moulding details that above and to the side of the fenestration of each building. These existing features, which contribute towards the special character, will remain as existing.

3.7. The Appellant, therefore, contends that the appeal proposal will have no discernible affect upon any feature that makes a meaningful contribution towards the special character or special interest of the conservation area.

3.8. This contention is corroborated by the Conservation Area Appraisal, which specifically identifies No.40 The Rock as a *'significant unlisted building that makes a positive*

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*contribution towards the character of the conservation area*'. The Appellant contends that, if the building currently makes a positive contribution to the character of the conservation area, despite the fact that the original window openings have been altered in a crude manner to accommodate openings for Automatic Teller Machines (ATM) and a high safe, then the appeal proposal must make an equal, or greater, positive contribution. Indeed, the proposal will directly address these existing unsympathetic alterations and create a harmonious visual rhythm across the frontage, with all three windows to The Rock being of identical proportions and architectural detail.

- 3.9. However, even if the appeal proposal is deemed to have a negative effect, it will unquestionably deliver an improvement, and result in less harm, when compared to the existing window arrangement. The affect of the appeal proposal upon The Rock frontage will, therefore, be at best, an enhancement, or, at worst, a lessening of the existing harm, either of which delivers betterment and should be supported.
- 3.10. The Appellant contends that this is corroborated by the fact that the Council does not allege any harm to the character or setting of No.1 The Rock, which is the nearest Listed Building (Grade II) to the appeal site. If there is no harm to the setting of this Listed Building on The Rock, there can be no harm to the character of the conservation area along The Rock.
- 3.11. Notwithstanding this, the proposed works to the frontage to The Rock must also be assessed in context. The appeal site is located on the boundary of the conservation area, where the environment transitions from a predominantly historic character of the historic core to the west to the predominantly modern retail character of the Primary Shopping Area to the east and south. The immediate surroundings of the appeal site comprise a blend of historic buildings with modern shopfronts of varying quality, and modern shop units of limited architectural merit, as illustrated by **Image 1** below. This mix of buildings is set within a busy shopping environment that accommodates a range of further visual features to include signage, street furniture, planting and car parking. When seen in this wider context, the proposed works to the frontage to The Rock will not have an unacceptable adverse impact upon the character of the area, or its historic value. Indeed, they will be imperceptible and, therefore, cannot reasonably be considered to cause unacceptable harm to the conservation area as a whole.

**Image 1: Appeal site viewed from west along The Rock**



- 3.12. With specific regard to the proposed works to the building frontage to Union Street, significant weight must be attached to the fact that the conservation area boundary runs

along the frontage of the building, with Union Street itself being located outside the conservation area (see plan at **Appendix SOCG5** of the Statement of Common Ground). As a result, the appeal proposal can only be readily seen from outside the conservation area and within the immediate environs of The Millgate Shopping Centre, which the Conservation Area Appraisal identifies as being detrimental to the character of the conservation area. This element of the appeal proposal is, therefore, only discernible from a location that is outside the conservation area, and which has an existing environment of little historic value or context.

- 3.13. The proposed scope of works to the Union Street frontage will result in both ground floor windows being lowered by approximately 60cm, and two former entrance doors being re-glazed to create window displays. Whilst these works will lower the original window cill height, this will not harm the character or setting of the conservation area. Indeed, the existing window cill height makes no meaningful contribution to the existing character or setting of the conservation area, and the proposed works will be indiscernible as a result of their sympathetic design and approach. None of the special interest of the conservation area will not be lost.
- 3.14. Furthermore, the existing character of Union Street is that of a busy shopping street. The northern entrance to The Millgate Shopping Centre is located immediately to the south of the appeal site, and modern retail units of little architectural merit that dominate the eastern street frontage. The conservation area appraisal confirms that Union Street has an existing negative effect upon the character of the conservation area, which will not be made worse by the appeal proposal. Accordingly, given the modest nature and negligible effect of the proposed works, there can be no harm to the designated heritage asset.
- 3.15. Notwithstanding this, the Appellant notes that there are a number of examples of historic buildings within the conservation area that were either originally built with changing ground floor window cill heights, or have been altered to provide varying cill heights, such as No.2 The Rock (Keenans estate agents) and No.20 Market Place (The Bank pubic house), both of which are located centrally within the historic core. There are also multiple examples of neighbouring buildings displaying different cill heights. The Appellant, therefore, contends that historic buildings with varying cill heights are not a discordant feature of the existing character of the conservation area.

#### Conclusions on Harm to Conservation Area

- 3.16. The Appellant has demonstrated that the appeal proposal will not result in an unacceptable impact upon any physical feature that makes a meaningful contribution towards the special character and interest of Bury Town Centre Conservation Area.
  - 3.17. Whilst the frontage of the appeal site to The Rock makes a positive contribution to the special interest of the conservation area, this contribution is made by the building as a whole, and it is the building as a whole that provides a historical reference to the past prosperity of the town. Furthermore, the building currently makes this positive contribution despite the fact that the ground floor fenestration has already been unsympathetically and crudely altered to accommodate the existing ATM and night safe openings.
  - 3.18. The appeal proposal will deliver alterations to the ground floor fenestration only and will partially restore the unsympathetic works that have previously been undertaken. Significantly, the proposals will deliver a uniform design across the ground floor frontage with all three windows being of identical proportions and appearance. The proposals also will create uniformity in a sympathetic manner that corresponds with the building frontage as a whole. Whilst the works will not precisely replicate the original design, this will not be discernible to the general public.
  - 3.19. The Appellant, therefore, concludes that the appeal proposal will enhance the appearance of the ground floor frontage, and the appeal site as a whole. This will enhance the
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contribution that the appeal site makes towards the special interest of the conservation area. The value of the buildings as visual indicators of the town's prosperous past will not be lost, or even harmed. Indeed, with the Conservation Area Appraisal specifically confirming that part of the appeal site makes a positive contribution towards the character of the conservation area despite the existing inappropriate interventions, that positive contribution can only be enhanced by the appeal proposals.

- 3.20. Whilst the reason for refusal alleges harm, this is inconsistent with the Council's own assessment of the appeal proposal, whereby it has confirmed that the proposed works would *'not materially affect the external appearance of the building'*. Accordingly, the Council's own assessment confirms that planning permission should not have been refused.

### **Harm to Non-Designated Heritage Asset**

- 3.21. As confirmed in the (draft) Statement of Common Ground, it is agreed that the effect of the appeal proposal upon the significance of a Non-Designated Heritage Asset (NDHA) is of secondary importance to the determination of this appeal, as a result of their non-designated status when compared to the designated status of the conservation area.
- 3.22. The appeal site comprises two separate adjoining buildings, these being No.40 The Rock and No.10 Union Street. The Council's local list of NDHA's (**Appendix SOCG6** of the Statement of Common Ground) confirms that No.40 The Rock is a NDHA.
- 3.23. No.10 Union Street is not on the local list. However, the Delegated Report (**Appendix 2**) confirms that, in response to the appeal proposals, No.10 Union Street is now deemed to be a NDHA *'by virtue of its architectural merit and contribution to the special character and appearance of that party of the conservation area'*.
- 3.24. For the purposes of this appeal, it is agreed that both buildings within the appeal site comprise NDHA's.

### Existing Significance of NDHA

- 3.25. The Conservation Area Appraisal identifies a number of buildings that comprise *'significant unlisted buildings that make a positive contribution to the character of the conservation area'*, with the Royal Bank of Scotland at No.40 The Rock identified as such a building (page 46). The Appraisal states:

*'Built as a bank between 1895 and 1898, Three storeys, with four bays facing The Rock and seven bays facing Union Street. Revived classical style, in brick with stone dressings. Ashlar to ground floor, with moulded arches. Some of the windows on the ground floor have been replaced with large panes of plate glass, and, on The Rock, the window opening to the right of the main entrance has been shortened, but otherwise the building appears externally as it must have originally looked. The bank was known for some time as William and Glyn's Bank, but is now used by the Royal Bank of Scotland. It was built on the site of the White Horse Hotel, which was demolished in 1895'.*

- 3.26. Since the Appraisal was prepared, further works have been undertaken to the frontage of No.40 The Rock. The stonework, including the cill, below central ground floor window has been altered to accommodate night safe and a telecoms cabinet has been installed on the pavement to front of the right hand side ground floor window. Furthermore, a doorway on the frontage to Union Street has been blocked up to accommodate a second ATM (now removed).
- 3.27. No.40 The Rock is acknowledged to comprise a largely unaltered example of the buildings that were delivered in the town centre during the height of Bury's 19<sup>th</sup> century prosperity. Despite alterations being undertaken that affect the ground floor windows, cills and the stonework below, the building as a whole still retains its original character and appearance and contributes positively to the historic value of the area, as confirmed by the
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### Conservation Area Appraisal.

- 3.28. Whilst the Conservation Area Appraisal makes no reference to the building at No.10 Union Street, it is acknowledged to provide a further example of the type of building that was erected during the period of 19<sup>th</sup> century prosperity.

### Impact on Significance of NDHA

- 3.29. The Delegated Report (**Appendix 2**) claims that the impact of the appeal proposal upon the subject NDHAs will be unacceptable as a result of the following:
- a) Harm to the proportions of the front elevation and creation of a disharmonious visual rhythm to the ground floor of No.40 The Rock, which would be visible in the street scene;
  - b) Harm to the proportions to the front elevation and creation of a disharmonious visual rhythm to the ground floor of No.10 Union Street; and
  - c) The unacceptable loss of architectural value of the buildings and loss of architectural significance.
- 3.30. These matters are considered in turn below.
- a) *Harm to the proportions of the front elevation and creation of a disharmonious visual rhythm to the ground floor of No.40 The Rock, which would be visible in the street scene*
- 3.31. The design of No.40 The Rock has a strong vertical emphasis that is derived from its narrow frontage and 3-storey height, complemented by the general symmetry of the fenestration at each floor level. Horizontal detailing is also evident, predominantly through the use of stone design features.
- 3.32. However, these existing vertical and horizontal features have already broken at ground floor level on the frontage to The Rock through the introduction of the ATM and night safe openings, which break the vertical symmetry of the fenestration and horizontal detailing of the stone window cill and plinth. The horizontal stone window cill feature is also already broken by the main entrance door to The Rock, and the blocked up doorway on Union Street. Indeed, the Appellant contends that the existing ground floor front elevation of the building is highly disharmonious with the visual rhythm of the remaining building as a result of the varying window cill heights, the varying plinth heights, the use of inferior materials and the poor design and execution of the alterations.
- 3.33. The appeal proposal seeks to introduce alterations only to the parts of the ground floor frontage that have already been subject to change, this being the ground floor windows fronting The Rock and a blocked up entrance on Union Street. No external changes are proposed to any other parts of the building.
- 3.34. The Appellant contends that the appeal proposal will deliver an enhancement over the existing ground floor frontage, which will actually enhance the visual rhythm of the building. Whilst the cill height of all three windows on The Rock frontage will be set lower than the original and existing height, all three will be set at the same height, above the stone plinth. This will create visual uniformity.
- 3.35. The additional vertical emphasis of the enlarged ground floor windows will be appropriate to the wider vertical design emphasis of the building, the stone plinth will be restored to its original height, all evidence of the existing inappropriate works will be removed, and all other architectural features of the building will remain as existing. The architectural appearance of the NDHA, and therefore its historic significance, will be enhanced.
- 3.36. Therefore, the Appellant contends that the appeal proposal will regularise and enhance the
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proportions and visual harmony of the front elevation to The Rock and, as demonstrated by **Images 2** and **3** below, will deliver a significant betterment over the existing.

**Image 2: Existing frontage to The Rock**



**Image 3: Illustrative proposed frontage to The Rock**



- 3.37. The Delegated Report also claims that the proposed works to the frontage to The Rock will be highly visible in the street scene. There is, however, no direct claim that the proposal

would harm the street scene.

- 3.38. Nevertheless, the Appellant acknowledges, in principle, that No.40 The Rock is visible in the street scene. However, as the Conservation Area Appraisal (**Appendix SOCG1** of the Statement of Common Ground) confirms, it is the western side elevation of the building that is most visually apparent in views along The Rock from the historic core centred upon Market Place. In these views, the height of the window cills is not visually dominant and is, instead, of negligible significance to the street scene, which is characterised by a wide range of shopfronts of varying quality and visual appeal. Given this existing disharmonious context, it is highly unlikely that the proposed alterations to the window cill height will stand out as a discordant feature, even from within close proximity.
- 3.39. This is confirmed by the fact that the Council does not allege any harm to the character or setting of No.1 The Rock, which is the nearest listed building to the appeal site, and which is seen in the same views of the appeal site along The Rock, as confirmed by **Image 4** below.

**Image 4: View from West outside No.1 The Rock (on left)**



- 3.40. From the east, the street scene along The Rock towards the appeal site is characterised by modern shop frontages set within both modern and historic buildings. The street also accommodates a wide range of street furniture that obscures the view of the appeal site from many vantage points. When the appeal site is visible, the varying height of the existing window cills is appreciable but is not visually dominant. The existing varying cill height will, however, be removed by the appeal proposals and replaced by a uniform cill height across all three windows, which will ensure that the overall appearance of the frontage will be less visually conspicuous and more appropriate to the overall design and appearance of the building, as confirmed by the **Image 5** below. The character and visual quality of the street scene will be preserved and even enhanced.

Image 5: View from east along The Rock



- 3.41. The Appellant, therefore, contends that the ground floor fenestration on the frontage of No.40 The Rock is not highly visible in the street scene. However, when it is apparent, the contribution that it makes towards the street scene will be enhanced by the appeal proposal when compared to the existing fenestration.
- 3.42. It can be concluded that the Council's stated grounds for resisting the appeal proposal present an unreasonable assessment. It is abundantly clear that the ground floor frontage to The Rock has been subject to existing inappropriate alterations that have caused a degree of harm to the original design of the building. However, the appeal proposal will not make this existing position worse. On the contrary, the proposals will deliver visual uniformity to the ground floor fenestration that is currently lacking, which will complement the design of the building as a whole and will be delivered in a sympathetic manner. As the proposal will preserve and enhance the value of the NDHA and the contribution that it makes in the street scene, it should receive support from heritage policy.
- b) Harm to the proportions to the front elevation and creation of a disharmonious visual rhythm to the ground floor of No.10 Union Street*
- 3.43. The architectural design of No.10 Union Street has less vertical emphasis than neighbouring No.40 The Rock, with the property being 2-storey in height and having a wider street frontage. The building's fenestration also has less vertical emphasis, with both ground floor windows that are positioned at each side of the central entrance door being both wide and tall in an arched design with split panes covering a significant surface area. The rhythm of the fenestration is not directly duplicated at first floor level, with the upper floor windows being narrow and tall, with three windows separated by stone columns sitting directly above the large single ground floor windows. Of particular note are the stone projections above each first floor windows that step up and down to different horizontal planes as identified in **Image 6** below.

**Image 6: Stepped stone projection details above first floor windows to Union Street**



- 3.44. It is proposed to lower of the ground floor window cills at No.10 Union Street by approximately 60cm and make alterations to an existing blocked up entrance. No other alterations are proposed to the building. Accordingly, any harm to the visual rhythm of the Union Street frontage can only be derived from the proposed alterations to the ground floor fenestration.
- 3.45. The Appellant contends that the lowering of the window cill will be indiscernible, and that it will not harm the overall significance of the building. This is because the enlarged windows will continue to be framed by the visually dominant stone arch that surrounds each window opening. Furthermore, as illustrated by **Image 6**, above, the existing stone window cill within the arch has several existing horizontal moulded features, meaning that lowering the cill from one horizontal line to another will have no adverse effect upon the overall architectural language of the building.
- 3.46. The Reason for Refusal and Delegated Report do not allege that the appeal proposal will result in any direct harm to the street scene of Union Street.
- 3.47. It can, therefore, be concluded that the appeal proposal will result in an indiscernible change to the existing fenestration that will not disrupt the proportions of the Union Street frontage or create disharmony in the fenestration. This is particularly the case when the proposal is assessed in the wider context of Union Street and the immediate context of the neighbouring The Millgate Shopping Centre and other modern retail properties located opposite the appeal site. The proposal, therefore, comprise an appropriate and sympathetic alteration to the NDHA.
- c) The unacceptable loss of architectural value of the buildings and loss of architectural significance*
- 3.48. The architectural significant of both buildings within the appeal site is founded upon the example they both provide of the buildings that were erected in the town centre during a period of particular prosperity in the 19<sup>th</sup> century. Accordingly, the matter for consideration is whether the proposed alterations to each building will unacceptably harm their significance as an example of such a 19<sup>th</sup> century building.
- 3.49. The visual evidence presented by the Appellant, and the case presented within this

Statement, confirms that the appeal proposals are very modest in scale and will not result in a significant change to the appearance, or architectural value, of either building. The proposed works are, instead, limited in scope and significance and will primarily deliver sympathetic alterations to parts of the appeal site that have already been unsympathetically altered. Overall, the Appellant contends that the proposals will have a positive effect upon the architectural value and significance of No.40 The Rock and a neutral effect upon No.10 Union Street.

- 3.50. The Appellant has also demonstrated that the appeal proposals are appropriate when assessed in the wider context of the Primary Shopping Area of Bury Town Centre, where both buildings will continue to visually represent the town's prosperous past in a positive manner within a location that is of varying architectural and historic quality.

#### Conclusions on Harm to NDHA

- 3.51. The reason for refusal states that the proposed window alterations will *cause an unacceptable loss of architectural significance* to the NDHAs within the appeal site. However, the Appellant has demonstrated that this is not the case. Instead, the appeal proposals will remove existing works that are wholly disharmonious and unsympathetic to the historic value of the appeal site, and will enhance the visual and architectural value of the appeal site as a whole.
- 3.52. Furthermore, whilst the Council claims that the appeal proposal would cause visual harm to the proportions of the building that would be highly visible in the street scene, the Appellant has demonstrated that this is not the case. The existing ground floor window cills of the buildings are not a dominant feature on the street scene, and neither will the proposed works to the window cills. Further, by delivering a uniform cill height across the frontage to The Rock, when the window cills are seen, the appeal proposal will ensure that they make a positive contribution to the street scene, especially when seen in the context of the busy shopping street in which it is located, which accommodates a wide range of building and shopfront designs and qualities and an array of street furniture.
- 3.53. Both NDHA's within the appeal site will continue to be seen as an example of the buildings that were constructed during a period of high prosperity in Bury's past. The proposed minor alterations will not diminish this significance or special interest. This conclusion is corroborated by the Council's Conservation Area Appraisal, which confirms that the existing frontage to The Rock makes a positive contribution to the character of the area despite the original ground floor window arrangement having been altered in an unsympathetic and crude manner. The proposed works relate directly to these existing alterations, and will deliver a comparative enhancement. Accordingly, the proposed building frontage will preserve and enhance the positive contribution that it makes towards the character of the area.
- 3.54. Furthermore, the Council has confirmed that the works to the frontage of The Rock '*would not materially affect the external appearance of the building*'. There is, therefore, no justification for the Council's resistance to the proposed development. The Council's own assessment of the appeal proposal confirms that planning permission should not have been refused.

#### **Compliance with UDP Policy**

- 3.55. Without prejudice to Appellants case presented at Section 5 with regard to the consistency of UDP Policies EN2/1 and EN2/2 with the NPPF, the Appellant presents its case below to demonstrate the appeal proposal's compliance with the UDP policies that are claimed by the Council to be in breach.

#### Policy EN1/1

- 3.56. Policy EN1/1 has two strands, these being to (a) to protect public views of prominent or
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important buildings, and (b) to protect visual amenity within, and of, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys, from proposals that would have a detrimental effect upon them.

- 3.57. With regard to point (a), there is no direct suggestion in the reason for refusal or Delegated Report that the appeal site comprises a prominent nor important local building. Whilst the appeal site accommodates two NDHAs, this cannot automatically translate into the building being '*prominent*' or '*important*', and there is no reference in the reasoned justification to Policy EN1/1 being applicable to NDHAs.
- 3.58. Furthermore, it cannot reasonably be claimed that the appeal proposal causes harm to public views of an important or prominent building, given that the Council has concluded that the proposals cause no harm to the character or setting of a nearby listed building at No.1 The Rock.
- 3.59. Therefore, the appeal proposal does not conflict with point (a) of Policy EN1/1.
- 3.60. With regard to point (b), the appeal site is not located within the Green Belt, a Special Landscape Area or a river valley. Whilst it is located within a conservation area, the effect of the proposal upon matters of heritage value are addressed by separate planning policies and are not a matter for Policy EN1/1. Accordingly, there can be no conflict with point (b) of Policy EN1/1.
- 3.61. The Appellant, therefore, concludes that Policy EN1/1 is not applicable to the appeal proposal. However, if the Appellant is wrong and the policy is applicable, on a reasonable assessment there is no breach of its requirements.

#### Policy EN1/2

- 3.62. Policy EN1/2 supports proposals that would not have an unacceptable adverse effect on the character and townscape on Bury Town Centre.
- 3.63. The Appellant has demonstrated that the proposed alterations to the window cill heights will not result in unacceptable harm to the character or townscape of the Town Centre. Indeed, the character of the area in which the appeal site is located is defined by busy shopping streets lined with properties of varying ages and design quality, with modern, predominantly glazed shopfronts dominating at ground floor level. In this context, the proposals will not result in the appeal site appearing as an incongruous feature in the local townscape setting. On the contrary, whilst modest in scale, the proposals will enhance the appearance of the appeal site, which will make a small, but still positive, contribution towards the local character.
- 3.64. The Appellant, therefore, concludes that, on a reasonable assessment, the appeal proposal does not breach UDP Policy EN1/2.

#### Policy EN2/1

- 3.65. Policy EN2/1 confirms that the Council will take action to preserve or enhance the character or appearance of the Borough's conservation areas through measures to encourage retention, replacement and restoration, by bringing unused land or buildings back into beneficial use and by preparing design guidance.
  - 3.66. The Appellant has demonstrated that the appeal proposal will at the very least preserve the character and appearance of Bury Town Centre Conservation Area, and will deliver an element of restoration to a Non-Designated Heritage Asset by removing the existing inappropriate alterations to the frontage to The Rock. The proposals will also bring a ground floor premises that have been vacant for a period in excess of 5 years back into economic, retail use. The appeal proposal, therefore, satisfies the requirements of Policy EN2/1.
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- 3.67. The specific design guidelines for conservation areas that is referenced in Policy EN2/1 has not been adopted in the intervening 27 year period since the policy was adopted.

Policy EN2/2

- 3.68. Policy EN2/2 states that development within a conservation area will only be allowed if it preserves or enhances its special character, having regard to a range of assessment criteria.
- 3.69. For the reasons set out in Section 5 of this Statement, the Appellant contends that this policy is inconsistent with the NPPF and, therefore, can carry no weight in the decision-taking process.
- 3.70. Without prejudice to the Appellant's case, it has, nevertheless, been demonstrated that the proposed works to No.40 The Rock will enhance the frontage to The Rock by removing inappropriate and unsympathetic alterations associated with the former banking use. The proposals will also deliver an appropriate and sympathetic restoration of the building frontage that will enhance the appearance of a building in a manner that makes a positive contribution towards the special character of the conservation area.
- 3.71. Indeed, the Council acknowledges that *'the proposed restorative works for the cash machines and night safe could be carried out without the requirement for planning permission as they would not materially affect the external appearance of the building'*. Quite clearly, the Council agrees that this element of the proposal causes no harm to any heritage asset.
- 3.72. With regard to the works to Union Street frontage, the Appellant has demonstrated that this element of the appeal proposal cannot be openly seen from within the conservation area and cannot have anything more than a negligible affect upon its character or setting. It is also arguable that these works would also have no material effect on the external appearance of the building and, therefore, could also be undertaken without the need for planning permission.
- 3.73. Therefore, if Policy EN2/2 is deemed to be consistent with the NPPF, the Appellant has demonstrated that its requirements are satisfied in full.

**Compliance with NPPF**

- 3.74. The reason for refusal alleges that the appeal proposal is contrary to NPPF paragraphs 205, 208 and 209 (as amended on 20 December 2023). However, the Appellant demonstrates below that this is not the case.
- 3.75. NPPF paragraph 205 (was 199) confirms that, when considering development proposals, *'great weight'* should be given to the conservation of a designated heritage asset.
- 3.76. Paragraph 208 (was 202) advises that, where a development proposal results in *'less than substantial harm'* to a designated heritage asset, this harm should be *'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 3.77. As stated in the Delegated Report, the Council contends that the appeal proposal will harm the conservation area, with the magnitude of this harm being *'less than substantial'*. Accordingly, the Council has considered whether the public benefits derived from the appeal proposal are sufficient to outweigh the *'less than substantial'* harm, with the conclusion being drawn that *'there is no public benefit that would outweigh the harm identified'*. As a result, the Council alleges a breach of NPPF paragraphs 202 and 208.
- 3.78. The Appellant disagrees with the Council's conclusion. The Appellant has demonstrated that the appeal proposal will not result in harm to the significance or special interest of Bury Town Centre Conservation Area and, therefore, there is no need to consider whether
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harm is outweighed by public benefits. The Appellant, therefore, contends that the proposal fully accords with the requirements of NPPF paragraphs 202 and 208.

- 3.79. However, if the Appellant is wrong and it is necessary to attach weight to the public benefits, the Appellant contends that the public benefits derived from the appeal proposal significantly outweigh the '*less than substantial*' harm to the conservation area. These public benefits are set out under a separate sub-heading below. It is demonstrated that the public benefits derived from the proposal are more significant than the harm that the appeal proposal may cause to any heritage asset and, therefore, the balance of considerations clearly weighs in support of the appeal proposal. The Appellant, therefore, maintains that, even if a level of harm does occur, the appeal proposal continues to satisfy NPPF paragraphs 202 and 208.
- 3.80. With regard to NPPF paragraph 209 (was 203), this requires proposals that directly or indirectly affect a non-designated heritage asset to be determined on a '*balanced judgement*' that has regard to the scale of harm and the significance of the heritage asset. Whilst the Council contends that the appeal proposal will result in '*an unacceptable loss of architectural significance to the Non-Designated Heritage Assets*', the Appellant has demonstrated that this is grossly over-stated.
- 3.81. The appeal proposal will remove unsympathetic alterations to original building and, whilst it will not reinstate to original design, the proposed works will better reflect the original design by creating a uniform approach towards the windows on the frontage to The Rock in a manner that respects the overall design and appearance of the historic building. Accordingly, the original architectural significance of the window proportions and cill heights, and the contribution they make to the building as a whole, has already been lost, and the proposals will take positive steps to reverse this loss.
- 3.82. Therefore, when comparing the existing and proposed architectural significance of the ground floor fenestration in isolation, and the building as a whole, the appeal proposals will not result in the claimed unacceptable loss of significance. On the contrary, the significance of the buildings will, at worst, be maintained. The balanced judgement required by NPPF paragraph 209, therefore, confirms that proposal is acceptable .

### **Public Benefits**

- 3.83. The Delegated Report (**Appendix 2**) presents the Council's assessment of the public benefits it perceives will be derived from the appeal proposal. The assessment concludes that, as a result of the Appellant's existing business presence, the appeal proposal will not introduce a new service to the public or increase footfall in the town centre. As a result, the Council concludes that there are no public benefits that outweigh the harm to the designated heritage asset.
- 3.84. The Appellant contends that the Council's assessment of public benefits is very limited, and fails to have regard to multiple other public benefits that the appeal proposal will deliver. These direct and indirect public benefits are presented below. As a result of the wide range and cumulative magnitude of the public benefits, the Appellant contends that the public benefit resulting from the appeal proposal as a whole clearly outweighs the perceived '*less than significant*' harm to the conservation area.

### Economic Benefits

- 3.85. The adopted Bury UDP offers inherent support for retail development that will protect and enhance the vitality and viability of town centres. The application site is located within the Primary Shopping Area in Bury Town Centre, which is the primary focus for retailing in the Borough, and, therefore, occupies the preferred location for retail development. The Appellant's proposals, therefore, comprise the right type of use in the right location.
- 3.86. The proposal will bring floorspace back into economic use that has been vacant for a period
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in excess of 5 years since the former bank use ceased, and since which time the ground floor premises have not supported any jobs or contributed towards the vitality or viability of the Town Centre.

- 3.87. Specscart first took occupation of the appeal site in September 2019, operating with just two members of staff. Since that time, the business has grown rapidly and significant investment has been made in the physical fabric of the appeal site and in the members of staff employed within it. The appeal proposal will assist further business growth, enabling it to provide the existing high quality service to more customers in a more efficient manner. The proposed works to the building frontage will particularly enhance the businesses presence on The Rock, which is a busy shopping street, in a manner that is befitting of the Primary Shopping Area by creating an active shopping frontage.
- 3.88. The proposals will result in an increased customer base at the Appellant's business, which will create the opportunity for other businesses to grow their customer base. It is highly likely that Specscart customers will visit other shops and services in the town centre when visiting the appeal site.
- 3.89. The proposal will make a positive contribution towards several measurable factors that contribute towards the vitality and viability of Bury Town Centre. It will occupy a vacant unit, generate increased footfall, enhance the environmental quality by creating an active frontage, enhance the perceptions of safety by increased natural surveillance, and will create activity and animation. The town centre will be more vital and viable, and, as a result, it will be a more robust location for other businesses to invest.
- 3.90. When Specscart first began trading from the appeal site, the business employed just two members of staff. However, the success of the business and the Appellants commitment to invest has seen the staff level increase rapidly to 21 full time members of staff at the present time. The future investment proposed in the appeal site is expected to create up to 29 new jobs by 2026, which is considerable and testament to the Appellant's business investment in, and commitment to, the appeal site.
- 3.91. The economic benefits of the proposal are, therefore, considerable and will directly and indirectly benefit wide sections of the general public and local business community.

#### Environmental Benefits

- 3.92. The appeal proposal will bring a building back into active use that has been vacant since August 2019, thereby enhancing the appearance of the site. Further enhancements will be delivered by the removal of the existing ATM and night safe openings and the restoration of the frontage to The Rock in an appropriate and sympathetic manner. As a whole, the appeal proposal will make a positive contribution towards the environmental quality of the area.
  - 3.93. The positive environmental contribution will be further enhanced by the fact that the business will operate during normal shopping hours on seven days per week, which will ensure that it will generate activity and animation over an extended period of time. The proposal will also provide natural surveillance over the shopping streets, enhancing the sense of security, which will be enhanced by the larger window openings hereby proposed.
  - 3.94. Furthermore, the proposal will deliver active shopfronts on two busy pedestrianised shopping streets within the Primary Shopping Area, at the northern gateway to The Millgate Shopping Centre where there are high levels of footfall. The proposals will enhance the environmental quality of the area, and will add vibrancy and interest to the street scene.
  - 3.95. The retail use of the building at ground floor level, together with the Appellant's use of the upper floors of the building, represent the optimum viable use of the Non-Designated Heritage Asset, which will secure its long term future.
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- 3.96. The proposed development is a deliverable use of a vacant former bank, which will prevent the site from deteriorating and potentially becoming a problem site. It is in the public interest to grasp this opportunity.

#### Social Benefits

- 3.97. The headquarters of the Appellant's business is based on the upper floors of the appeal site and the Appellant is keen to be active within, and to contribute towards, the local environmental and business community.
- 3.98. The Appellant's business model seeks to drive down the cost of new glasses to make it affordable to own more than one pair of glasses or to purchase new glasses on an up-to-date prescription more frequently, instead of a typical 2 to 3 year cycle. By driving down prices and directly manufacturing lenses in the on-site laboratory, the Appellant is able to offer new glasses to meet all levels of affordability, and to do so very quickly. The business model, therefore, benefits all sections of the local community by making new glasses very affordable and accessible to everyone. It is also evident that these benefits are very popular and welcomed by the local community, and beyond, as demonstrated by the rapid growth of the business.
- 3.99. The benefits that the appeal proposal will bring to the general public, and staff, are located in a highly accessible location. Indeed, the Primary Shopping Area in Bury Town Centre should be the most accessible location in the whole of the Borough. As a result, customers and staff are, and will continue to be, able to access the site by a choice of modes of travel. There are, therefore, no physical or financial barriers to movement, with the services that the Appellant provides being accessible to all.
- 3.100. As previously detailed, the appeal proposals form a key component in the Appellants business growth and investment plans for the site. An additional 29 jobs are expected to be created over the next 2 years, which will be available to local job seekers.

#### Conclusions on Public Benefits

- 3.101. NPPF paragraph 208 advises that, when a development proposal results in less than substantial harm to a designated heritage asset, the level of harm should be weighed against the public benefits of the proposal. In this instance, the Appellant has demonstrated that the appeal proposal will not result in any harm to Bury Town Centre Conservation Area, as a designated heritage asset. Accordingly, the requirements of paragraph 208 are not engaged.
- 3.102. Whilst the Council has drawn a contrary conclusion and contends that the appeal proposal will result in less than substantial harm to the conservation area, the Appellant has, nevertheless, demonstrated that the level of harm is minimal and is clearly and demonstrably outweighed by the public benefits that the appeal proposal will deliver. Accordingly, if NPPF paragraph 208 is applicable, its requirements have been satisfied in support of the appeal proposal.
- 3.103. Therefore, whether less than substantial harm occurs or not, the impact of the appeal proposal upon Bury Town Centre Conservation Area is not a valid ground for refusing planning permission.

#### **Other Considerations**

- 3.104. The Appellant contends that there is a range of other matters to which material weight should be attached when determining the appeal proposal. These matters are set out with regard to other development plan policies at Section 4 of this Statement, and with regard to other material considerations at Section 5. The Appellant contends that these other considerations serve to both diminish the validity of the grounds for the refusal of planning permission and provide additional grounds for planning permission to be granted.
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## 4. Other Development Plan Policy Considerations

- 4.1. The reason for refusal and Delegated Report set out the policy basis against which the appeal proposal has been assessed by the Council. However, the Appellant strongly contends that there are multiple other UDP policies and strategy objectives that are applicable to the determination of the appeal proposal, but which the Council has failed to take into any account.
- 4.2. In this regard, the Appellant made an approach to the Council with regard to the non-heritage policies that are considered by the Appellant to be applicable to the appeal proposal, with the objective being to set out an agreed position in the draft Statement of Common Ground. Accordingly, the Appellant and Council engaged in an exchange of emails, which are enclosed at **Appendix 1**. This exchange culminated in the Council confirming that policies set out in the Shopping and Town Centre Chapters of the UDP, and a further policy in the Environment Chapter that applies to shop fronts, are '*not relevant*' to the determination of the appeal proposal. The Appellant contends that the Council is wrong.
- 4.3. The Appellants stance is corroborated by the Council's '*Online Maps*,' which provide an interactive summary of the UDP policies that are applicable to any particular location (<https://maps.bury.gov.uk/externalwebmap/Map.aspx?MapName=PA>). By clicking on a specific site, a window is opened that lists the UDP policies that are applicable to that specific location. **Image 7** below confirm what policies the Council's Online Mapping identifies are applicable to the appeal site, with **Image 8** providing a zoomed-in view.

**Image 7: Adopted Bury UDP Policies Map extract**

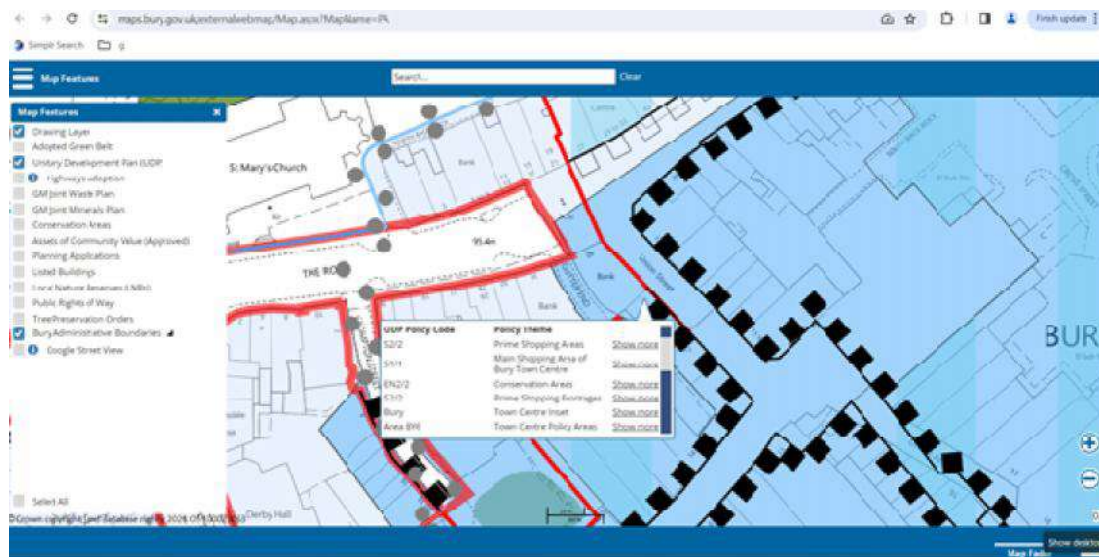


Image 8: Zoomed in view of adopted Bury UDP Policies Map extract



- 4.4. Quite clearly, the Council's own planning tools confirm that there are several UDP policies that are applicable, in principle, to the appeal site. These policies include policies that are applicable to town centres in addition to policies that apply as a result of the appeal site being located within a conservation area. In principle, all of the engaged policies are as equally applicable to the appeal proposal.
- 4.5. The Council should have assessed the appeal proposal against all of the policy requirements of the development plan that are engaged by it. However, it has not.
- 4.6. Further, whilst the Appellant has sought an explanation from the Council to confirm why other policies have been ignored, in order to inform the Statement of Common Ground, the Council has failed to provide any explanation. It has simply stated that other policies are 'not relevant'. The Appellant contends that this is a significant flaw in the Council's assessment of the appeal proposal, which it is now compelled to address in evidence submitted to this appeal.
- 4.7. Copies of the UDP policies referenced below are enclosed at **Appendix 3**.

### Town Centre and Shopping Policies

- 4.8. UDP Policy TC1 confirms that the Council will seek to protect, maintain and improve town centres, to include Bury, which the reasoned justification states '*needs special attention, firstly, to affirm their role as important commercial, retail and social activity centres, secondly, to encourage the provision of new facilities and, thirdly, to improve the quality of the local environment*'.
- 4.9. The appeal proposal will align with these strategic objectives for Bury Town Centre. Being a retail use at ground floor level and commercial use on upper floors, it will directly contribute towards the commercial and retail role of the centre. The proposal will also result in the expansion of the existing business into an adjoining vacant unit that has not made any economic contribution towards the role of the town centre for a period in excess of 5 years. As a whole, it will also deliver an enhancement to the local environment by removing a vacant building and securing its future, to include investment in the physical integrity of the building in an appropriate and sympathetic manner. The appeal proposals will also deliver a limited, yet positive, enhancement to the quality of the local environment. Policy TC1 clearly offers its support to the appeal proposal.

- 4.10. UDP Policy TC2 states that the town centres will be encouraged to develop '*as the principal focal points for cultural, leisure, business, professional services, commercial and retail activities*', where proposals that would harm the vitality and viability of the centre will be resisted. The reasoned justification confirms that the role of town centres will be maintained and enhanced by '*striking a balance between securing sufficient investment to maintain their vitality and viability, whilst at the same time restricting development which would impair their attractiveness*'. Again, the appeal proposal will achieve the policy objectives by delivering investment that will make a direct contribution towards the town centre's vitality and viability without causing any harm to the physical or commercial attractiveness of the town centre. Whilst the Council may have sought to claim that the appeal proposal harms the architectural attractiveness of the appeal site, it cannot reasonably be claimed that it harms the attractiveness of the town centre as a whole.
  - 4.11. **Image 8**, above, confirms that the appeal site is located within Area BY6, which comprises the Central Shopping Area. Within this area, Policy Area BY6 states that the Council '*will encourage and support proposals for retailing and appropriate ancillary retail uses*'. This policy offers direct support to the appeal proposal, which will deliver a retail showroom at ground floor level of No.40 The Rock, and enhance the existing ground floor retail showroom at No.10 Union Street, by creating an enhanced shopfront and window display on both frontages.
  - 4.12. Policy S1/1 seeks to protect, maintain and enhance the role of Bury as a sub-regional shopping centre. The reasoned justification confirms that renewal within the town centre, to include the '*phased refurbishment of the central shopping area will be supported*'. The appeal proposal wins support from this policy because it will deliver renewal through a modest scheme of modernisation to a historic building that has stood partially vacant for over 5 years.
  - 4.13. Policy S2/2 is applicable to development proposals within the Primary Shopping Area, where retailing will be maintained '*as the predominant land use at ground floor level*'. The reasoned justification confirms that the policy seeks to limit or prevent the loss of prime retail units in the heart of a town centre, which are traditionally the busiest parts of the centre that attract high levels of pedestrian flows. The appeal proposal will deliver a new retail use, and consolidate an existing retail use, at ground floor level within the Primary Shopping Area and will enhance the contribution that the appeal site makes towards the vitality and viability of the Primary Shopping area. Accordingly, the proposals receive direct support from Policy S2/2.
  - 4.14. Policy S3/3 promotes the regeneration of all town centres for retail activities. The policy supports proposals that address '*outdated*' shopping facilities and '*under occupancy*' amongst other matters. At S3/3/2, which has regard to the particular issues in Bury Town Centre, the policy offers a commitment to reverse neglect and a lack of investment by encouraging '*physical and environmental improvements, refurbishment and new retail schemes, to help retain and extend shopping facilities*'. It is confirmed that the refurbishment of The Millgate Shopping Centre is hoped to act as a catalyst for further investment. The appeal proposal will achieve the objectives of Policy S3/3 by enabling the full refurbishment and occupation of the appeal site in a location immediately adjoining The Millgate Shopping Centre. Indeed, the appeal proposal appears to deliver exactly the type of development, in principle, that Policy S3/3 aspires to encourage.
  - 4.15. The Appellant, therefore, contends that the appeal proposal receives significant, direct support from several UDP policies that seek to protect and enhance the vitality and viability of Bury Town Centre and, in particular, the role and function of the Primary Shopping Area. This policy compliance must be given weight in the planning balance, but has been wholly ignored by the Council, which is a fundamental flaw in its assessment of the appeal proposal.
  - 4.16. The Appellant invites the Council to provide an explanation why the above policies are not relevant to the assessment of the appeal proposal in the evidence it submits to this appeal.
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- 4.17. However, even if the Appellant is wrong with regard to the direct relevance of town centre and shopping policies to the assessment of the appeal proposal, it is evident that the appeal proposal will align with the strategic objective to renew and enhance the vitality and viability of the town centre, to include its environmental quality. This is of material weight to the planning balance.

### Environment Policies

- 4.18. In addition to the Town Centre and Shopping policies referenced above, the Appellant contends that Environment Policy EN1/8 is also applicable to the assessment of the appeal proposal (copy at **Appendix SOCG4** of the Statement of Common Ground). This policy has regard to shop fronts, and requires proposals to alter a shop front to *'respect the architectural elements of the building and the character of the surrounding street scene'*. The appeal proposal relates to the ground floor windows of properties located within the Primary Shopping Area and seeks to enlarge the windows to create a larger, active window display.
- 4.19. The Appellant has sought clarification from the Council on whether Policy EN1/8 is deemed by the Council to be applicable to the appeal proposal. The Council's response (at **Appendix 1**) simply states that it is *'not relevant'*. The Appellant contends that this stance is wrong.
- 4.20. The Council has confirmed through a Lawful Development Certificate that the ground floor use of No.10 Union Street is a retail use, and the Use Classes Order permits the ground floor of No.40 The Rock to also be used for retail purposes, which is what the Appellant proposes. The appeal proposal, therefore, effectively relates to the ground floor frontage of buildings that are currently in use as, or intended to be used for, retail purposes. Furthermore, the proposals seek to deliver an enhanced shop front for the existing and intended retail showroom uses. Policy EN1/8 is, therefore, directly engaged.
- 4.21. It has been demonstrated in Section 3 in response to the requirements of heritage policies that the appeal proposal will respect both the existing buildings and the wider character of the street scene, thereby satisfying the requirements of Policy EN1/8.
- 4.22. Further, the reason for refusal does not allege any breach of Policy EN1/8. Therefore, it can be concluded that the appeal proposal will *'respect the architectural elements of the building and the character of the surrounding street scene'*. This policy compliance results in direct inconsistency with the alleged conflict with other policies, which the Appellant contends is a further flaw in the Council's assessment of the appeal proposal.

### Conclusion

- 4.23. The Council has failed to have any regard to a number of UDP policies that are engaged by the appeal proposal. As a result, the Council has failed to properly and reasonably make a balanced planning judgement on the appeal proposal and has failed to determine the original planning application in accordance with the requirements of planning law.
- 4.24. The Appellant has demonstrated that the appeal proposal fully accords with the requirements of policies that relate to Bury Town Centre and retail development, including new shopfronts. This policy compliance must be considered alongside the assessment of the appeal proposal against the requirements of heritage policies in order to perform a balanced planning judgement on the merits of the appeal proposal, which the Appellant contends fall conclusively in support of the proposal.
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## 5. Other Material Considerations

- 5.1. The Appellant has demonstrated that the appeal proposal fully accords with the requirements of development plan policy in the preceding sections. In accordance with planning law, it is also necessary to have regard to any other material considerations that may be of weight to the decision-taking process. The Appellant contends that material weight can be attached to the other material considerations set out below, which individually and cumulatively offer further support for the appeal proposal.

### Weight Attached to UDP Policy

- 5.2. Bury UDP was formally adopted on 29 August 1997 and, therefore, is now 27 years old. Planning policy has evolved significantly since that time, to include through the introduction of the NPPF in 2012, which was most recently revised in December 2023.
- 5.3. Paragraph 11 of the NPPF provides guidance on how planning applications should be determined, with the proposed approach requiring a judgement to be made on whether the policies that are engaged by a development proposal are up-to-date or out-of-date. In cases where development plan policies are deemed to be out-of-date, part (d) of paragraph 11 confirms that permission for the development should be granted unless:
- i. *'The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.'*
- 5.4. Planning permission has been refused because the Council's contends that the appeal proposal *'would neither preserve nor enhance the conservation area'*. As a result, a breach of UDP Policies EN2/1 and EN2/2 is alleged, both of which require development within a conservation area to preserve or enhance its special character or appearance.
- 5.5. However, the Appellant contends that Policies EN2/1 and EN2/2 are out-of-date. Both policies require proposals to preserve or enhance the conservation area, and otherwise directs a presumption to refuse permission. This is not consistent with the NPPF.
- 5.6. NPPF paragraph 205 advises that *'great weight'* should be given to the conservation of a heritage asset. However, it is clear that this weight should be balanced against the significance of the asset and the degree of harm that a proposal may cause. Furthermore, paragraphs 207 and 208 confirm that, regardless of the magnitude of harm, the harm should be weighed alongside any public benefits derived from the proposed development.
- 5.7. The NPPF, therefore, requires a balanced approach to be taken towards proposals that will affect the significance of a heritage asset. Indeed, even if a proposal results in substantial harm to a heritage asset, such as its total loss, this harm may still be outweighed by public benefits if they are deemed to be sufficiently substantial.
- 5.8. UDP Policies EN2/1 and EN2/2 do not provide for the balanced approach set out in the NPPF. Indeed, neither policy even makes reference to public benefits or their ability to outweigh harm to a heritage asset. The Appellant, therefore, contends that UDP Policies EN2/1 and EN2/2 are out-of-date. As a result, the appeal proposal should be determined against the requirements of NPPF paragraph 11(d). In this regard, the Appellant has demonstrated that the adverse impacts of granting consent do not *'significantly and demonstrably'* outweigh the benefits of the appeal proposal and, therefore, permission should be granted.
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## Permitted Development Rights

- 5.9. The 'Description' of the appeal proposal that is presented in the Delegated Report (**Appendix 2**) states the following:
- 'the proposed restorative works for the cash machines and night safe could be carried out without the requirement for planning permission as they would not materially affect the external appearance of the building'.*
- 5.10. The Appellant contends that this statement fundamentally undermines the Council's grounds for refusing planning permission.
- 5.11. Firstly, the statement relates to the '*proposed restorative works*' and, therefore, must provide a direct comment on the scope of works proposed by the Appellant.
- 5.12. Secondly, the statement confirms that the proposed scope of works to the ground floor frontage of No.40 The Rock do '*not materially affect the external appearance of the building*'. If the works do not affect the external appearance of the building, planning permission for those works should not have been refused on grounds of an alleged harm.
- 5.13. Thirdly, if scope of more extensive works to The Rock frontage can be undertaken as Permitted Development, it must be the case that the less extensive works to Union Street frontage can also be undertaken as Permitted Development without materially affecting its external appearance. Accordingly, the Council's stance appears to be that planning permission is not required for any of the proposed works.
- 5.14. Therefore, the statement in the Delegated Report effectively confirms that the appeal proposal will not cause unacceptable harm to the character or setting of the conservation area, and will not result in the unacceptable loss of significance of a NDHA, otherwise it would not have been acknowledged by the Council to comprise Permitted Development. As a result, the Council has fundamentally undermined its own grounds for refusing planning permission. If the appeal proposal results in such a negligible effect upon the external appearance of the building, planning permission must have been unnecessarily refused on highly unreasonable and unjustifiable grounds.

## Post-Determination Discussions with the Council

- 5.15. Following the refusal of the appeal proposal, and in order to potentially avoid the need to pursue an appeal, the Appellant submitted a request for the Council's pre-application advice in order to explore whether there was scope to revise the appeal proposal to the Council's satisfaction. The Appellant submitted the document enclosed at **Appendix 4** in an attempt to better explain the proposed scope of works, and attended a meeting with the case officer for the appeal proposal on Monday 22 January 2024 at the Council offices. An informal note of the meeting prepared by the project architect is enclosed at **Appendix 5**.
- 5.16. The meeting discussions raised a number of concerns that are material to the determination of this appeal.
- 5.17. At the third bullet point on the meeting note, it is recorded that the officer suggested that the appeal site comprised a non-retail building. Further bullet points infer that the officer considered that the non-retail nature of the building was inappropriate for the proposed retail use and that the appeal site should be protected for non-retail use. This stance is plainly wrong.
- 5.18. Firstly, the Lawful Development Certificate issued by the Council in August 2019 (see **Appendix SOCG3** of the Statement of Common Ground) confirms that No.10 Union Street can be, and is now, in active retail use at ground floor level. Furthermore, with regard to No.40 The Rock, it is a fact of planning law that both the former banking (financial and professional services) use and the proposed retail use fall within Use Class E. The Use
-

Classes Order permits a change within Class E from financial and professional services use to retail use without the need for planning permission. The appeal site can, therefore, be lawfully used for retail purposes and, therefore, the Council's desire to protect it for non-retail uses is unlawful.

- 5.19. Secondly, as demonstrated at Section 4, the appeal site is located within the Primary Shopping Area in Bury Town Centre, which is the most important location for retail activity in the whole Borough. To suggest that the retail use of the appeal site should be resisted in principle is diametrically at odds with the Council's own town centre policies and strategic objectives.
  - 5.20. The fourth bullet point on the meeting note suggests that the Council feels compelled by the NPPF to refuse consent for any development that would cause harm to a Non-Designated Heritage Asset and/or a conservation area, regardless of the magnitude of that harm. This is wholly incorrect and suggests a fundamental mis-understanding of heritage policy. NPPF paragraphs 205 to 209 provide clear guidance in how proposals that affect designated and non-designated heritage assets should be assessed, and there is no direction to directly refuse consent as a result of harm occurring. Instead, in all cases, a balanced approach is advocated that requires the magnitude of harm to be balanced alongside other considerations.
  - 5.21. At the sixth bullet point, it is suggested that the Council may have found the proposed scope of works to be acceptable if the building had been vacant and there was no prospect of it being re-used for non-retail uses, with permission only being refused because the Appellant has occupied the building. For the reasons set out below, this stance is obtuse.
  - 5.22. Firstly, there are no development plan policies that support the approach advocated by the officer. There is no policy basis for the Council to oppose the appeal proposal singularly because the property is occupied, whereas the appeal proposal could have been supported if the property had been vacant.
  - 5.23. Secondly, UDP policies seek to protect and encourage retail uses without limit in the Primary Shopping Area. It is proposals for non-retail uses that policies seek to control in the Primary Shopping Area by requiring appropriate justification if they are to be accepted (see UDP Policy S2/2 at **Appendix 3**). The officer appears to have interpreted the objectives of UDP policy in the opposite manner to which they are written.
  - 5.24. Thirdly, the Council's stance ignores the ability for the property to be put to a range of uses, to include retail and non-retail uses, within Class E of the Use Classes Order without the need for planning permission. As a result, the occupation of the appeal site can move between different Class E uses, and between retail and non-retail uses within Class E, without the need for planning permission.
  - 5.25. Fourthly, it is a matter of fact that the ground floor of No.40 The Rock is vacant and has not been in active use since November 2018. Whilst the property is within the Appellant's ownership, this is not a planning matter, and whilst the Appellant is currently undertaking fit out works, the ground floor area remains vacant and there is also no guarantee that the Appellant will occupy the ground floor area.
  - 5.26. Fifthly, there is no reasonable basis to refuse consent for the proposed scope of works just because the Appellant has occupied the building. This is plainly wrong, has no foundation in planning policy and cannot be justified.
  - 5.27. Overall, there is no plausible policy context or other such evidence to justify the stance taken by the Council. By suggesting that the appeal proposal would have been allowed if irrelevant matters had been satisfied (i.e. if the building was vacant and a non-retail use was proposed), the Council infers that the heritage impact of the appeal proposal is inherently acceptable. The Appellant, therefore, strongly contends that, when properly assessing the matters of weight, and discarding the irrelevant considerations, planning
-

permission should not have been refused.

## 6. Conclusions

- 6.1. The appeal is made against the refusal of planning permission to undertake a modest scheme of works to alter the existing ground floor fenestration of No.40 The Rock and No.10 Union Street in Bury Town Centre. The appeal site is located within Bury Town Centre Conservation Area, and the buildings within the appeal site comprise Non-Designated Heritage Assets. Planning permission has been refused by the Council on grounds of a perceived unacceptable harm to the heritage assets.
  - 6.2. The Appellant has been demonstrated that the UDP policies relating to conservation areas are out of date and, therefore, the appeal proposal must be assessed against the requirements of the NPPF. In this regard, the Appellant has demonstrated that the Council has significantly over-stated the harm it considers will result from the appeal proposal, and demonstrated that the appeal proposal will not harm the character or setting of the Conservation Area. However, if the Appellant is wrong and limited harm does occur, the Appellant has, nevertheless, demonstrated that the public benefits derived from the appeal proposal clearly and demonstrably outweigh the limited harm to the special character of the conservation area. The effect of the proposal upon the character and setting of the Conservation Area is not unacceptable.
  - 6.3. The Appellant has demonstrated that the appeal proposal will not cause the unacceptable loss of architectural significance of any Non-Designated Heritage Asset. Direct evidence confirms that elements of some architectural significance have previously been altered in an unsympathetic and crude manner to accommodate ATMs and a night safe associated with the former banking use. The appeal proposals primarily relate to these previously-altered parts of the building. The proposals will remove the existing disharmonious, inappropriate and crude interventions and introduce restorative works to create a uniform appearance at ground floor level that will complement the overall architectural language of the building. The significance of the Non-Designated Heritage Assets will, therefore, be preserved and enhanced.
  - 6.4. The Appellant has highlighted multiple flaws in the Council's assessment of the appeal proposal both pre- and post-determination. Significantly, the Council has confirmed that elements of the appeal proposal do not require planning approval because they would not result in a material change to the appearance of the building. Furthermore, the Council has suggested that, if the appeal site had been vacant and the proposed occupation a non-retail use, it may have been inclined to support this proposal. This infers that even the Council accepts that appeal proposal has no adverse effect upon heritage matters. These are significant flaws in the Council's grounds for refusing planning permission.
  - 6.5. The Appellant has also identified several additional policies that are both applicable to the appeal proposal and lend it support, but which have been deemed to be of no weight to the decision-taking process by the Council.
  - 6.6. It has been demonstrated that the Council's grasp of the principal planning matters engaged by the appeal proposal, as conveyed through post-determination discussions, is inherently wrong. There is no basis to resist the appeal proposal because the premises are occupied, because the appeal site is perceived to need protection for non-retail use, without consideration of matters of planning law, or as a result of policies having been interpreted to mean the opposite of what they state.
  - 6.7. Overall, it is clear that the Council has failed to undertake a balanced assessment of the appeal proposal that is founded upon robust planning grounds. As a result, the reason for the refusal of planning permission is flawed.
-

- 6.8. The Appellant contends that the appeal proposal will not result in any harm to a designated heritage asset. However, if harm does occur, it will be less than substantial and will be outweighed by the direct and indirect public benefits that the appeal proposal will deliver.
- 6.9. The Appellant also contends that the appeal proposal will not harm the significance of any Non-Designated Heritage Asset. Instead, it will preserve and enhance the contribution that the appeal site makes towards the special interest of the Conservation Area, and the role that the appeal site performs in providing examples of the types of impressive stone and brick building there were erected during a 19<sup>th</sup> century period of particular prosperity in Bury's past. Whilst the proposals will not restore the ground floor fenestration exactly to the original design, the proposed scope of works is, nevertheless, appropriate and sympathetic, and delivers betterment when compared to the existing frontage.
- 6.10. Furthermore, the Appellant contends that all other planning policy considerations and other material considerations offer their full support to the appeal proposal.
- 6.11. The balance of considerations, therefore, weighs clearly and substantially in support of the appeal proposal. The Appellant, therefore, respectfully requests that the appeal be allowed.
-

# Appendix 1

## Chris Smith

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**From:** Marno, David <D.Marno@bury.gov.uk>  
**Sent:** 16 November 2023 14:20  
**To:** Chris Smith; Kilby, Mark D.  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Chris

You evidently did not read the sentence after the one you lifted. I've put the text in red so you can easily find it. I asked did you/are you introducing the additional policies?  
You've said it's unclear within the report about the policies that are not in dispute. Almost a double negative. The report says what it says. I do question your approach hence I asked for your clarification.

Mark will respond this afternoon on the knob of your question.

Kind regards

David Marno | Head of Development Management  
Planning Services  
Department for Business Growth and Infrastructure  
Bury Council  
3 Knowsley Place,  
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Email to: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)  
Web site: [www.bury.gov.uk/e-planning](http://www.bury.gov.uk/e-planning)



---

**From:** Chris Smith <chris@planalimited.co.uk>  
**Sent:** Thursday, November 16, 2023 2:01 PM  
**To:** Marno, David <D.Marno@bury.gov.uk>; Kilby, Mark D. <M.D.Kilby@bury.gov.uk>  
**Cc:** Doherty, Sarah <S.Doherty@bury.gov.uk>  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Hi Dave,

I have been instructed to prepare an appeal and my client has expressed a preference for the Hearing procedure. As a result, I have undertaken a review of the development proposal and the Council's assessment of it so that I can determine what matters are in dispute and what matters are not, with the Hearing procedure requiring the latter to be addressed in a SoCG. I am currently in the early stages of drafting both the Statement of Case and draft SoCG. However, I have hit a stumbling block on the status of several policies and do not know whether they should be addressed in the SoCG or Statement of Case.

The Decision Notice is clear in identifying the policies that are in dispute - *EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design and paragraphs 199, 202 and 203 of the NPPF*. However, the Officer Report is unclear with regard to the policies that are not in dispute. That is why I have approach Mark for clarification.

You are wrong to state that *'Your stance sounds very much Chris that you've immediately jumped to the far extreme that the Council has rejected this offer.'* Marks emails below confirm that the Council will only engage with the draft SoCG after the appeal has been submitted and the appeal procedure has been confirmed by PINS as a Hearing. On my reading, that is a firm rejection by the Council of my offer to discuss the scope of the draft SoCG prior to the submission of the appeal.

The additional policies that I initially consider to be relevant to the proposed development/appeal are listed in the email below (now highlighted). None of these policies are referenced in the Officer Report so I do not know, and I should not have to guess, whether they may be disputed by the Council or not – again, that is why I have asked Mark to clarify.

If you are now suggesting that the Council does wish to discuss the draft SoCG prior to the submission of the appeal, please can you clarify the Council's position on these additional policies? If they are not in dispute, this can be confirmed in the SoCG and I should then not need to deal with them in significant detail in my Statement of Case.

Kind regards,

Chris

Chris Smith  
07968 774128  
[www.planalimited.co.uk](http://www.planalimited.co.uk)



---

**From:** Marno, David <[D.Marno@bury.gov.uk](mailto:D.Marno@bury.gov.uk)>  
**Sent:** Thursday, November 16, 2023 1:08 PM  
**To:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>; Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>  
**Cc:** Doherty, Sarah <[S.Doherty@bury.gov.uk](mailto:S.Doherty@bury.gov.uk)>  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Cris

Forgive me for butting in here, but can you tell me whether a SOCG has been drafted in any way, at all?

As the guidance says

13.1.2. A draft statement of common ground is a written statement containing factual information about the proposal **which the appellant reasonably considers will not be disputed by the LPA.**

Your stance sounds very much Chris that you've immediately jumped to the far extreme that the Council has rejected this offer. **That is not the case. I confirm that as of now.**

Do you think you can to highlight what policies (in your list below) you are seeking to introduce into the appeal, which were not subject of the officer report, and confirm whether *you* think they will or will not be disputed by the LPA?

We will have a look also.

Regards

David Marno | Head of Development Management  
Planning Services  
Department for Business Growth and Infrastructure  
Bury Council  
3 Knowsley Place,  
Duke Street,  
Bury  
BL9 0EJ

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Email to: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)

Web site: [www.bury.gov.uk/e-planning](http://www.bury.gov.uk/e-planning)



---

**From:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>

**Sent:** Thursday, November 16, 2023 12:36 PM

**To:** Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>

**Cc:** Marno, David <[D.Marno@bury.gov.uk](mailto:D.Marno@bury.gov.uk)>; Doherty, Sarah <[S.Doherty@bury.gov.uk](mailto:S.Doherty@bury.gov.uk)>

**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Hi Mark,

Thanks for confirming the Council position.

For clarity, the Appellant has offered to engage with the Council in an attempt to clarify the Council's position with regard to multiple policies in order to reduce the scope of matters to be considered at appeal. The Council's rejection of this offer, and the resultant failure to confirm its position on the policies identified, will be used by the Appellant as grounds to justify the Hearing procedure. Furthermore, the Council's resistance to engage will directly result in the scope of the appeal submission increasing significantly regardless of which procedure is confirmed by PINS. This is highly likely to result in the Appellant having to undertake extensive, and potentially abortive, work, and will encourage the Appellant to seek an award of costs against the Council.

Kind regards,

Chris

Chris Smith  
07968 774128  
[www.planalimited.co.uk](http://www.planalimited.co.uk)



---

**From:** Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>  
**Sent:** Thursday, November 16, 2023 12:14 PM  
**To:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Dear Mr Smtih,

Thank you. For clarity. The LPA will respond to the draft SoCG when the appeal has been submitted and the procedure set within the statutory timetable as the LPA will not carry out what may turn out to be abortive work.

Kind Regards

Mark Kilby PGDip (Building Conservation and Adaptation)

Conservation Officer

Bury Council  
Business, Growth & Infrastructure  
Development Management  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Tel: 0161 253 7639

E: [m.d.kilby@bury.gov.uk](mailto:m.d.kilby@bury.gov.uk)

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---

**From:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>  
**Sent:** Thursday, November 16, 2023 11:36 AM  
**To:** Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>  
**Cc:** Marno, David <[D.Marno@bury.gov.uk](mailto:D.Marno@bury.gov.uk)>; Doherty, Sarah <[S.Doherty@bury.gov.uk](mailto:S.Doherty@bury.gov.uk)>  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Hi Mark,

Many thanks for your swift response.

Whilst the Council may seek to oppose the Hearing procedure, and PINS may or may not agree, it is a matter of fact that the appeal procedure will not be confirmed by PINS until after the appeal has been submitted and validated.

As you will be aware, for both the Written and Hearing procedures, the Appellant must submit its full case when it submits the appeal. Accordingly, because the Appellant intends to request the Hearing procedure, the Regulations state that the appeal submission must include a draft Statement of Common Ground, as confirmed by paragraphs 10.4.1 and 13.1.1 of the procedural guide, screenshotted below. Conversely, the Appellant is unable to withhold the submission of the draft Statement of Common Ground pending confirmation from PINS on the appeal procedure.

## **10.4. The appellant**

10.4.1. The appellant must submit:

- Their appeal including their statement of case (see 12 for further information on the statement of case)
- A copy of the planning application
- The LPA's decision notice (if they issued a decision)
- The draft statement of common ground (see 13)
- Any other essential supporting documents

## **13.1. Draft statement of common ground**

13.1.1. For an appeal where the appellant wants to proceed by a hearing or an inquiry the appellant must provide a draft statement of common ground when making their appeal.

13.1.2. A draft statement of common ground is a written statement containing factual information about the proposal which the appellant reasonably considers will not be disputed by the LPA.

13.1.3. We advise the appellant to discuss the draft statement of common ground with the LPA before they make their appeal.

It is, therefore, irrelevant at this stage whether the Council agrees to the Hearing procedure or not. The Appellant intends to request a Hearing and a draft Statement of Common Ground must form part of the appeal submission.

We, therefore, thank you for confirming that the Council will engage with the Appellant to prepare a draft Statement of Common Ground, and look forward to receiving your response to the policy matters raised in the email below.

Kind regards,

Chris

Chris Smith  
07968 774128  
[www.planalimited.co.uk](http://www.planalimited.co.uk)



---

**From:** Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>  
**Sent:** Thursday, November 16, 2023 10:09 AM  
**To:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>  
**Cc:** Marno, David <[D.Marno@bury.gov.uk](mailto:D.Marno@bury.gov.uk)>; Doherty, Sarah <[S.Doherty@bury.gov.uk](mailto:S.Doherty@bury.gov.uk)>  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Dear Mr Smith,

Thank you for your email.

Your early engagement in the appeal process is greatly appreciated.

Whilst I appreciate your clients' request for the appeal to be determined by the Informal Hearing procedure Section 319a of The Town and Country Planning Act 1990 requires that the secretary of State shall provide a determination as to the appeal procedure in accordance with the published criteria for setting appeal procedures and then inform the appellant/agent and local planning authority (LPA). For ease of reference there is a link below to the published criteria.

The LPA does not consider this appeal to meet the published criteria to be determined by Informal Hearing for the following reasons:

- ) It will not be required for the Inspector to test evidence or clarify matters as this is a clear single issue appeal, that is, the impact of the proposal heritage conservation.
- ) The status or personal circumstances of the appellant are not an issue.
- ) The case has not created significant local interest, in fact there have been no objections.
- ) The heritage issues can be clearly understood from the documents and plans submitted and a site inspection and are not complex.

As such the LPA believes the appeal can be determined by the Written Representations procedure and will make representations PINs for the procedure to be set as Written Representations at appeal submission stage.

If PINs set the final procedure as an Informal Hearing, the LPA would engage immediately with you on the Statement of Common Ground.

<https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals>

Kind Regards

Mark Kilby PGDip (Building Conservation and Adaptation)

Conservation Officer

Bury Council  
Business, Growth & Infrastructure  
Development Management  
3 Knowsley Place  
Duke Street  
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BL9 0EJ

Tel: 0161 253 7639

E: [m.d.kilby@bury.gov.uk](mailto:m.d.kilby@bury.gov.uk)

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---

**From:** Chris Smith <[chris@planalimited.co.uk](mailto:chris@planalimited.co.uk)>  
**Sent:** Wednesday, November 15, 2023 5:05 PM  
**To:** Kilby, Mark D. <[M.D.Kilby@bury.gov.uk](mailto:M.D.Kilby@bury.gov.uk)>  
**Cc:** Development Control <[Development.Control@bury.gov.uk](mailto:Development.Control@bury.gov.uk)>  
**Subject:** Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Hello Mark,

You may recall that you were the case officer for a recent application to alter the windows of a former bank building on the corner of Union Street and The Rock in Bury Town Centre. The application was refused, and I have subsequently been instructed to prepare an appeal which the applicant wants to progress through the hearing procedure.

As part of the appeal submission for hearings, I am required to submit a draft Statement of Common Ground, which I suggest includes a description of the appeal site, relevant planning history, a description of the appeal proposals and identifies which development plan policies are relevant to the assessment of the proposal. It is with regard to this last matter that I write.

The Officer Report identifies the following policies as being relevant to the determination of the application:

EN2/1 Character of Conservation Areas  
EN2/2 Conservation Area Control  
EN1/1 Visual Amenity  
EN1/2 Townscape and Built Design  
NPPF National Planning Policy Framework

However, I note that this list does not identify several other UDP policies that are applicable to the proposal as a result of the site being located within Bury Town Centre and the Primary Shopping Area, to include:

**S1 - Existing Shopping Centres**

S1/1 - Shopping in Bury Town Centre  
S2/2 - Prime Shopping Areas and Frontages  
S3 – New Retail Development and Environmental Improvements  
S3/3 - Improvement and Enhancement (All Centres)  
TC1 – Town Centres  
TC2 – Town Centre Enhancement and Development  
TC3 – Bury Town Centre  
EN1/8 - Shop Fronts

I would be grateful for your thoughts on the Council's stance with regard to these additional policies and how they should be treated in the SoCG. They are not referenced in the Officer Report or Decision Notice, so does this mean that the Council contends they were not relevant to the assessment of the proposed development? Or were they relevant but not in breach?

Your advice on this matter will be greatly appreciated as it will directly influence the scope of an appeal submission. There will be a much broader scope of matters to be considered at appeal if the Council deems these additional policies not to have been applicable to the proposals, which could also influence the appellants decision on whether to apply for an award of costs against the Council. I suggest that it would, therefore, benefit both sides if this matter can be ironed out now.

I appreciate that you may not be the person that would represent the Council at an appeal, so please can you pass this email on to the relevant person if that is the case. Otherwise, I look forward to hearing from you within a reasonable timeframe.

Kind regards,

Chris

Chris Smith  
07968 774128  
[www.planalimited.co.uk](http://www.planalimited.co.uk)



## Chris Smith

---

**From:** Kilby, Mark D. <M.D.Kilby@bury.gov.uk>  
**Sent:** 16 November 2023 14:43  
**To:** Chris Smith  
**Cc:** Marno, David  
**Subject:** RE: Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Dear Mr Smith,

I respond to your list of policies.

S1 - Existing Shopping Centres – Not relevant.

S1/1 - Shopping in Bury Town Centre – Not relevant.

S2/2 - Prime Shopping Areas and Frontages – Not relevant.

S3 – New Retail Development and Environmental Improvements – Not relevant.

S3/3 - Improvement and Enhancement (All Centres) – Not relevant.

TC1 – Town Centres – Not relevant.

TC2 – Town Centre Enhancement and Development – Not Relevant.

TC3 – Bury Town Centre – Not relevant.

EN1/8 - Shop Fronts – Not relevant.

Kind Regards

Mark Kilby PGDip (Building Conservation and Adaptation)

Conservation Officer

Bury Council  
Business, Growth & Infrastructure  
Development Management  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Tel: 0161 253 7639

E: [m.d.kilby@bury.gov.uk](mailto:m.d.kilby@bury.gov.uk)

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---

**From:** Chris Smith <chris@planalimited.co.uk>  
**Sent:** Wednesday, November 15, 2023 5:05 PM  
**To:** Kilby, Mark D. <M.D.Kilby@bury.gov.uk>  
**Cc:** Development Control <Development.Control@bury.gov.uk>  
**Subject:** Application: 69914 - 10 Union Street and 40 The Rock, Bury, BL9

Hello Mark,

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As part of the appeal submission for hearings, I am required to submit a draft Statement of Common Ground, which I suggest includes a description of the appeal site, relevant planning history, a description of the appeal proposals and identifies which development plan policies are relevant to the assessment of the proposal. It is with regard to this last matter that I write.

The Officer Report identifies the following policies as being relevant to the determination of the application:

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EN2/2 Conservation Area Control  
EN1/1 Visual Amenity  
EN1/2 Townscape and Built Design  
NPPF National Planning Policy Framework

However, I note that this list does not identify several other UDP policies that are applicable to the proposal as a result of the site being located within Bury Town Centre and the Primary Shopping Area, to include:

S1 - Existing Shopping Centres  
S1/1 - Shopping in Bury Town Centre  
S2/2 - Prime Shopping Areas and Frontages  
S3 – New Retail Development and Environmental Improvements  
S3/3 - Improvement and Enhancement (All Centres)  
TC1 – Town Centres  
TC2 – Town Centre Enhancement and Development  
TC3 – Bury Town Centre  
EN1/8 - Shop Fronts

I would be grateful for your thoughts on the Council's stance with regard to these additional policies and how they should be treated in the SoCG. They are not referenced in the Officer Report or Decision Notice, so does this mean that the Council contends they were not relevant to the assessment of the proposed development? Or were they relevant but not in breach?

Your advice on this matter will be greatly appreciated as it will directly influence the scope of an appeal submission. There will be a much broader scope of matters to be considered at appeal if the Council deems these additional policies not to have been applicable to the proposals, which could also influence the appellants decision

on whether to apply for an award of costs against the Council. I suggest that it would, therefore, benefit both sides if this matter can be ironed out now.

I appreciate that you may not be the person that would represent the Council at an appeal, so please can you pass this email on to the relevant person if that is the case. Otherwise, I look forward to hearing from you within a reasonable timeframe.

Kind regards,

Chris

Chris Smith  
07968 774128  
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## Appendix 2

**DELEGATED REPORT**

|                                 |                                   |                                                                    |
|---------------------------------|-----------------------------------|--------------------------------------------------------------------|
| <b>Report by</b> Mark Kilby     | <b>Date of report:</b> 05/09/2023 | <b>Ref:</b> 69914/FUL                                              |
| <b>Registration:</b> 18/07/2023 | <b>LDFC:</b> 08/09/2023           | <b>Expiry Date:</b> 12/09/2023                                     |
| <b>Site Visit:</b> 10/08/2023   | <b>Site Notice:</b> 15/08/2023    | <b>Press Date:</b> 17/08/2023                                      |
| <b>Objections:</b> 0            | <b>Con Area:</b> BURY             | <b>Adv Type:</b> CA                                                |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA<br><b>Dec Level:</b> DEL<br><b>Stat Class:</b> MIOT |

**Proposal:** Modifications to existing window openings

**Location:** 10 Union Street and 40 The Rock, Bury, BL9 0NY

**Description**

The application site is within Bury Town Centre Conservation area and comprises the vacant former Royal Bank of Scotland (RBS) at 40 The Rock and the former solicitors offices at 10 Union Street which is attached to the former RBS building. The former solicitors offices now occupied by the applicant Specsart and the former RBS building have stone frontage to the ground floor with an ornate central entrance with detailed arched keystone windows either side and red brick to the first floor, stone string courses and swept parapets to the Union Street elevation. It adjoins the Millgate, a later addition and a covered shopping centre to the south side. The external fabric of the buildings, apart from some minor adaptations, are relatively intact. 40 The Rock has been included on Councils' draft local list of heritage assets and as such is a Non-Designated Heritage Asset (NDHA). 10 Union Street which was not included in the Councils' original draft local list of heritage assets is now considered to be and NDHA by virtue of its architectural merit and contribution to the special character and appearance of that part of the conservation area.

The building has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those "... that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."

The applicant Specsart is a small, independent optician who provide ophthalmology services including eye testing and the dispensing of spectacles and have a showroom to display their frames at their site in Bury town centre. Specsart currently occupy a small section (No 10 Union Street) of the larger (former RBS) building (No 40 The Rock), which they purchased in September 2019 and where they have reportedly struggled to find a town centre site with enough floor space to display their spectacles on the high street, and to also manufacture their own lenses in order to keep their costs down and remain competitive within their sector of the market.

It is proposed to enlarge the two ground floor windows to No10 Union Street and three ground floor windows to the north elevation to No 40 The Rock (RBS) by lowering the cill heights to plinth level, which are currently above eye level to create shop front display windows. It is also proposed to carry out works to restore alterations carried out for the installations of two cash machines and a night safe. The proposed restorative works for the cash machines and night safe could be carried out without the requirement for planning permission as they would not materially affect the external appearance of the building and

in any event have not been included in the application description.

The proposed internal window displays shown on the submitted plan C-0544-20 Revision A would require advertisement regulation consent if sited within one metre of the window or otherwise would have deemed consent.

**Relevant Planning History**

64369 - Lawful Development Certificate for the proposed change of use from Use Class A2 (Financial and Professional Services) to an opticians retail showroom (Use Class A1) with ancillary consulting rooms, spectacle assembly and admin use. - Lawful Development 08/08/2019.

64422 - A: 1 no. halo illuminated lettering sign (Sign 2); 1 no. window sticker (Sign 4)  
B: 2 No. externally illuminated projecting signs (Signs 1), 2 no. externally illuminated aluminium flat/tray signs (Signs 3), 1 no. non-illuminated vinyl banner sign (Sign 5) - Split Decision 20/08/2019.

**Publicity**

Press notice published 17/8/23, site notice posted 15/8/23 and letter dated 8/8/23 to nearby addresses. No objections or comments received.

**Statutory/Non-Statutory Consultations** - None

**Pre-start Conditions** - Not applicable.

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| EN2/1 | Character of Conservation Areas    |
| EN2/2 | Conservation Area Control          |
| EN1/1 | Visual Amenity                     |
| EN1/2 | Townscape and Built Design         |
| NPPF  | National Planning Policy Framework |

**Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their

comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

### **Policy and legislation**

The application site is considered to be a Non-Designated Heritage Asset (NDHA) and is sited within Bury town centre conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 199 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the building does possess architectural and historic value which makes it a strong contributor to the character and appearance of Bury town centre conservation area.

### **UDP Policies**

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.

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.

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.

EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

### **Impact on the Non-designated Heritage Asset**

The application buildings possess architectural and historic value. The former RBS building is in the classical revival style. With fine architectural details comprising ashlar stone, plinth, rusticated courses, arches with mouldings at ground floor forming regular proportioned window openings to The Rock and Union Street and in gradation with the upper storeys window openings. Red brick, string band and stone dressings with pedimented windows at first floor with quoins, bracketed cornice and balustraded parapet. The former solicitors is in the classical revival style with ashlar at ground floor, brick and stone dressings at first floor and swept parapets. The buildings illustrate the evolution and development of Bury town centres' commercial and civic influence during the 19th century. As such these buildings possess local heritage significance and represent a strong contributor to the character and appearance of that part of the conservation area.

The proposal is an attempt to turn part of the ground floor of the former RBS and solicitors offices into a retail window display area by increasing the length of the windows from the cill downwards. This would cause visual harm to the proportions of the front elevation of the former RBS building fronting The Rock and would be highly visible in the street scene. It would cause a disharmonious visual rhythm in the fenestrations at the ground floor to The Rock and Union Street elevations. Similarly the proposed increase in the window openings to the ground floor of the former offices fronting Union Street would have the same effect in altering the architectural proportions of the front elevation. The proposed changes would cause harm to the architectural value of the buildings leading to an unacceptable loss of architectural significance to the Non-Designated Heritage Assets.

### **Conservation Area**

The former RBS building and solicitors offices are NDHAs. By virtue of their architectural significance they make a strong contribution to the character and appearance of the conservation area. The harm caused by the proposed changes would not preserve the character or appearance of the conservation area. As such, this would represent less than substantial harm. Whilst there is a public benefit in the provision of eye care and lenses, this is already taking place in the part of the building the applicant currently occupies, also it is not considered that there would be any perceived significant increase in footfall than already exists by virtue of its adjacency to the entrance of the Mill Gate. It is therefore considered there is no public benefit that would outweigh the harm identified to the significance of the NDHAs and character and appearance of the conservation area.

The proposal would either be contrary to or not comply with adopted UDP policies;

EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, EN2/1 - Character of

## **DELEGATED REPORT**

Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 199, 202, 203 of the National Planning Policy Framework.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

### **Conditions and Reasons:**

- 1 The proposed window alterations by virtue of their design would introduce a disharmonious feature into the Bury Town Centre Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations. The proposed window alterations would neither preserve nor enhance the conservation area within which the site is located. The proposal would cause an unacceptable loss of architectural significance to Non-Designated Heritage Assets 40 The Rock and 10 Union Street. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design and paragraphs 199, 202 and 203 of the NPPF

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Mark Kilby          | 5/9/23      |                         |             |

## Appendix 3

# Shopping

- Introduction
- Strategy, objectives and targets
- S1 - Existing shopping centers
- S2 - Control of new retail and non-retail development
- S3 - New retail and environmental improvements
- S4 - New retail development outside town and district centers
- S5 - Large out-of-town shopping centers

## INTRODUCTION

Retailing is one of the most dynamic sectors of the economy and plays a vital role in the life of the Borough. The retail industry is constantly in a state of evolution as it strives for greater efficiency and responds to changing social and economic circumstances occurring in the market place. These changing trends lead to new consumer habits and retailer practices, which then exert pressure for change on the physical and locational aspects of shopping development. It follows, therefore, that land use planning in general, and the UDP in particular, will have a central role to play in maintaining and improving shopping provision within the Borough against a background of continuing change in the retail sector.

Because of the dynamic nature of retailing and persistent local development pressures, a retail study was commissioned ("Study of Retail Provision in Bury", Drivers Jonas, January 1990) to assist in understanding the changes taking place in retailing in general, particularly in relation to Bury, and to gain an insight into future retail requirements of the Borough, at the town, district and local level. The study highlighted the way in which the retail sector has responded rapidly to changing circumstances with a marked growth in multiple traders, together with a concentration of influence in the market by a few large groups, occupying larger stores. Horizontal expansion (through new stores and takeovers) and vertical expansion (through incorporation of different stages in production and distribution processes) has occurred in many areas, enabling multiple retailers to achieve large economies of scale. As a result retailers, especially those requiring large stores, have started to move out of the high street to locations on the edge-of-centres or near major road junctions. These new forms of retailing which have developed in response to consumer demand, can stimulate competition and may relieve congestion in the high street, thus providing town centres with new opportunities for innovation and change. More recently, this trend towards decentralisation has widened to include retail parks, twin or joint venture stores and new free standing sub-regional shopping centres, one of the latter now under construction on the western side of Greater Manchester and due to open in 1998.

Essentially, such schemes are primarily aimed at car borne shoppers, which can often be inconvenient for people who rely upon public transport. In addition, some major schemes may have a significant long-term impact, based for example on the levels of traffic generated, or by contributing to urban decay resulting from significant increases in vacant shop floorspace and reduced levels of investment in neighbouring town centres. There is valid concern, therefore, that the proliferation of such shopping facilities could seriously affect the vitality and viability of established shopping centres, particularly in an area like Greater Manchester with its somewhat unique hierarchy of sub-regional centres where there is already fierce competition for trade.

If these trends are allowed to continue without adequate control then there is a danger that this could manifest itself in terms of the loss of key stores or traders and the deferral of further retail investment, which could undermine the vitality and viability of the borough's town centres as a whole. This would make it increasingly more difficult for the Borough's shopping centres to reassert themselves, and make it particularly difficult for Bury Town Centre, one of Greater Manchester's eight sub-regional centres, to maintain or even expand its current share of trade.

In terms of specific consideration of retailing activity within the Borough, the retail study highlighted general weaknesses in terms of current retail provision, especially in relation to comparison/durable goods and retailer representation. The importance and competitiveness of Bury Town Centre, as the Borough's premier shopping centre, was also given special consideration. The analysis confirmed that the centre is gradually being "taken apart", on the basis of significant levels of expenditure leakage, by stronger and more attractive neighbouring sub-regional centres and other new shopping/leisure alternatives, such as new free standing retail/leisure parks. In the absence of a co-ordinated retail strategy, prior to the production of the UDP, these neighbouring centres have managed to attract trade away from this Borough by fulfilling the needs and aspirations of an increasingly affluent and mobile population, primarily by offering greater choice, in terms of goods and retailers, but also by providing modern shopping environments with complementary facilities. The message is clear, if Bury is to combat these trends, the town centre must respond with the expansion of its comparison/durable shopping provision and an improved shopping environment.

In terms of convenience shopping facilities, however, the converse is true and there would appear to be little if any need for additional floorspace provision, when assessed against limited expenditure growth projections and levels of expenditure leakage, without it affecting existing retailers (except where this would replace outdated facilities within a recognised shopping centre). Indeed, the Borough has the highest convenience floorspace/population ratio of all ten Greater Manchester districts.

The retail study has provided a sound and durable information base on which to develop shopping policies and proposals within the UDP. As a result, the main findings and conclusions of the study have been incorporated in, and form a major part of, this section of the Plan. This is particularly the case in relation to qualitative and quantitative considerations and the approach adopted for the maintenance and improvement of the Borough's hierarchy of shopping centres.

The UDP must attempt to strike a balance between maintaining accessible shopping facilities within the Borough's town, district and local shopping centres whilst at the same time allowing for the possibility of appropriately located and complementary edge-of-centre or out-of-centre facilities. Although there are ways in which the UDP can help to shape the pattern of shopping provision, it is important to recognise that retailing is strongly influenced by market forces and consumer demand.

Retailers will only trade where profits can be made and development will only take place where a developer can expect to receive an adequate return on what is often a substantial investment. In 1989, the retail sector provided approximately 5,185 jobs, 10.1% of the Borough's overall employment total. On the basis that the Borough's main shopping centres offer substantial opportunities for new and improved shopping facilities it is expected that this sector of the economy will continue to expand during the Plan period, bringing with it additional employment opportunities. The policies and proposals of the UDP will aim to facilitate and direct this development in order to benefit shoppers, retailers and developers.

## **STRATEGY, OBJECTIVES AND TARGETS**

### **Strategy**

In considering the future retailing needs of the Borough the Strategy for the Plan has taken account of such issues as the attractiveness and competitiveness of Bury Town Centre and other shopping centres within the Borough, the vitality and viability of the existing hierarchy of shopping centres and the recognition that measures are required to improve and modernise shopping facilities, particularly within the Borough's town centres. In addition, the strategy fully takes into account national planning policy guidance and Strategic Guidance for Greater Manchester, which are again concerned with maintaining the vitality and viability of the existing hierarchy of shopping centres as well as ensuring that development and growth in retailing is sustainable.

The strategy to be pursued adopts a two-way approach. Firstly, policies have been formulated to develop a strong policy framework to control and guide development likely to affect the existing hierarchy of shopping centres. Secondly, further policies and proposals have attempted to identify opportunities and allocate land with the aim of enabling retailing activities to expand in the Borough, in line with the recommendations of the Bury Retail Study. These recommendations place a particular emphasis on providing additional retailing facilities within the Borough's town centres, particularly within Bury Town Centre, together with complementary edge or out-of-centre facilities. It is considered that this will assist and contribute towards the authority's approach in relation to sustainable development, for example, in reducing journey times, integrating development with public transport and by consideration of issues such as design, materials and energy efficiency. It is recognised, however, that the enhancement of the town centres cannot be achieved through retailing alone and that it must be associated with expansion in other sectors. The inter-dependence of activities in the town centres is considered further in the Town Centres section of the Plan (Section 13).

The main aims, therefore, for the shopping policies in the UDP will be to consolidate and enhance the existing hierarchy of shopping centres through physical and environmental improvements, together with the promotion and expansion of retailing activities where this contributes to the pursuit of sustainable development.

### **Objectives and Targets**

To achieve the broad aims for shopping policies set out in the strategy, a number of more detailed objectives and targets have been identified below. Each of these objectives is listed, followed by the relevant targets. It should be noted that some of the targets may relate to more than one objective, and where this occurs the target has been listed with what is felt to be the most appropriate objective.

#### **Objective 1: To maintain and enhance the vitality and viability of established shopping centres at the town, district and local level.**

- Identifying sites for retail and commercial development and investment opportunities.
- Encouraging a programme of environmental and functional improvements.
- Limiting the proliferation of non-retail uses in shopping areas.
- Identifying opportunities for complementary and appropriate non-retail uses.
- Encouraging adequate, efficient and reliable public and private transport facilities to make centres more accessible and safer, particularly for pedestrians.

#### **Objective 2: To ensure that the range and distribution of shops and shopping facilities are convenient, appropriately located and provide shoppers with a balanced level of provision and choice.**

- Maintaining a balanced hierarchy of shopping centres to serve the needs of residents, including those who are less mobile.
- Encouraging a diverse range of shopping alternatives which are both convenient and accessible.
- Restricting inappropriate retail and non-retail development.
- Identifying under provision and need.
- Encouraging opportunities for speciality shopping.

#### **Objective 3: To protect and enhance the role of Bury Town Centre as a sub-regional shopping centre and to promote the centre as a focal point for further development.**

- Maximising the development and identified market potential of the centre, particularly for further comparison goods facilities.

- Increasing Bury Town Centre's overall market share of retail expenditure.
- Encouraging the provision of further modern, high quality and complementary shopping facilities.
- Encouraging the improvement and modernisation of particular shopper attractions, including the phased refurbishment and expansion of Bury's shopping precinct, the indoor and outdoor markets and parking facilities.
- Maximising the benefits and potential of the transport infrastructure for users of all modes of transport.

**Objective 4: To resist inappropriate out-of-centre retail and commercial development.**

- Encouraging an appropriate balance between in-town and out-of-town retailing facilities.
- Identifying sites in and around the Borough's town centres to counteract further pressure for out-of-centre retail activities.
- Monitoring the cumulative impact of retail permissions and their potential effect upon the vitality and viability of established shopping centres.

**Objective 5: To minimise conflicts with the surrounding environment and to ensure satisfactory standards of design.**

- Ensuring appropriate design in terms of criteria such as materials, access, parking and landscaping.
- Minimising the environmental impact on surrounding land uses.
- Ensuring that the economic and environmental benefits to be gained from the existing transport infrastructure are fully utilised.

## **POLICIES AND PROPOSALS**

The detailed development control policies and proposals for shopping are presented below. Following each of the policies there is a reasoned justification. The appropriate general land use policies, or Part I policies, which can be found collectively in Part I of the Plan, are included in this section preceding the relevant Part II policies. The reasoned justifications for these policies are also included here. All references to the Use Classes made in this section relate to those Use Classes contained in "The Town and Country Planning (Use Classes) Order 1987", as amended.

### **S1 - EXISTING SHOPPING CENTRES**

**The Council will seek to protect, maintain and enhance the role and function of the existing hierarchy of shopping centres within the Borough.**

#### **Justification**

The Council considers that the maintenance and improvement of the existing hierarchy of shopping centres is essential in order to cater for the shopping and social needs of the Borough's residents, to make efficient use of the public transport system and to make optimum use of infrastructure investment. The concentration of shopping within centres, in association with other services such as administration, entertainment and cultural facilities, confers a number of very important benefits, in particular:

- the provision of jobs, shops and other facilities within established centres is likely to offer one of the best prospects for reducing journeys by road and assisting in the pursuit of sustainable development;
- it helps consumers by providing competition, choice and the opportunity to make a variety of purchases and use non-retail services in a single trip;

- it can assist accessibility for shoppers using either private or public transport;
- it helps to provide a focus of community identity;
- it helps public transport by focusing demand at a limited number of locations where it can be served efficiently;
- it supports substantial levels of infrastructure investment which has taken place in the centres, which should be used to maximise and realise further urban regeneration;
- it can help to support the main buildings/areas of historical and architectural interest in centres which, if these are to be conserved, rely on commercial viability being maintained;
- it can help to enhance the image, character and well-being of a centre which, in turn, can influence visitor's perceptions of the wider area as a whole and help to attract further investment.

Strategic Guidance for Greater Manchester recognises that existing town centres, in particular, should continue to be the main focus for the provision of shopping facilities as part of their wider functions of providing employment, cultural, social and business services for the community. The Council fully supports this principle and regards measures to maintain and enhance the vitality and viability of existing town centres as the first priority of its shopping policies.

The Council itself will play a leading role in revitalising the Borough's main shopping centres in recognition of the importance and need for attractive and viable facilities. In the course of this work the Council will encourage additional investment by the private sector and will enter into partnerships where this is required to make a particular scheme viable or in order to obtain financial assistance or grant aid. In order to co-ordinate these activities the Council will, where appropriate, prepare more detailed strategies or briefs for centres in order to prioritise and direct resources in an effective manner, for example within the context of town centre management.

Shopping centres identified under this policy have been classified on the basis of the range of shops and complementary facilities they offer, and the total scale of activity carried on within them (See Appendix 2 for a list of shopping centres and their classification). In addition, the function that each centre performs, the scale of the catchment area served and the potential within each centre for further development has been assessed and incorporated within the policies and proposals of the Plan.

In adopting this policy framework, the Council also recognises the need to accommodate the new types of retailing generated by changes in consumer preference, retail organisation and technology, such as superstores and retail warehouses. The Council wishes to ensure that wherever possible such developments are sited either within existing centres or in close proximity thereto (See Policies under S4).

### **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.**

#### **Justification**

Bury Town Centre, by virtue of its size, the range of services and the function it performs, draws visitors and shoppers from an area wider than just that of the Borough. The vitality of the centre is therefore of sub-regional importance. The Council wishes to maintain and enhance this role and recognises the commercial potential for further shopping development, which will add to the centre's overall vitality and viability.

Reinforcement of the role of Bury Town Centre as a sub-regional shopping centre and as an important concentration of economic, cultural and administrative activity in the northern part of the conurbation is an essential element of the UDP strategy. The detailed proposals contained within

various sections of the Plan, in particular Section 13 on Town Centres, aim to provide a framework for the ongoing process of renewal, expansion and conservation of the town centre, which is essential if Bury is to remain a viable shopping alternative. The boundaries of the main shopping area and the town centre are shown on the Bury Town Centre Inset Map. Retail proposals which are located in the town centre will be assessed against the policies in both this section and that on Town Centres (See Section 13).

The retail aspect of the town centre's role will accordingly be maintained and enhanced through a series of improvements associated with accessibility, transportation, a quality environment, links with other activities and an extended range of shopping facilities.

New retail development or renewal within the town centre will be encouraged and a number of Opportunity Sites have been identified under Policy S3/1. Schemes already in the pipeline, including the phased refurbishment of the central shopping area, will be supported and modest increases in floorspace will be sought during the Plan period.

Specialist retail provision will be appropriate in connection with other uses in the wider town centre, such as the developing cultural zone, leisure and tourism developments and other mixed use proposals, at a scale appropriate to the primary use of these areas.

Retail warehouse development will not be permitted in the core of the town centre, but will be encouraged in locations adjacent to the ring road provided that this complements activities within the centre as a whole.

### **S1/2 - Shopping in Other Town Centres**

**The Council will seek to maintain and strengthen the retail roles of Ramsbottom, Radcliffe and Prestwich Town Centres. The Council will support modest increases in shopping floorspace, however, the main emphasis will be on consolidation and enhancement.**

#### **Justification**

The main shopping areas of the Borough's smaller town centres, as identified on the Proposals Map, will be encouraged to evolve in line with local circumstances. Where centres have a capacity for additional growth, this will be encouraged. In all cases, the objective of the UDP will be to ensure that these centres remain as attractive as possible, and that their vitality and viability is maintained.

### **S1/3 - Shopping in District Centres**

**The Council will support proposals for new shopping development within the Borough's district centres at Tottington, Whitefield, and Sedgley Park, provided that such development is of a size, scale, function and character appropriate to serve the needs of the local area.**

#### **Justification**

There are four district centres in the Borough, identified on the Proposals Map, namely Tottington, Whitefield (north), Whitefield (south), and Sedgley Park. They are smaller centres than Bury and the other town centres and offer local people accessible and convenient shopping facilities for predominantly convenience goods. The Council wishes to sustain and support the role of these centres. Proposals will normally have to be within the identified centre and be appropriate in terms of size, function and character when considered against the criteria set out within Policies S2/1 and S3/2.

Whilst the main emphasis in all district centres will be on consolidation and enhancement of existing shopping facilities, there are a number of opportunities for limited growth in each of the centres. The Council sees the UDP as a vehicle for drawing attention to these opportunities, but recognises that implementation of schemes will be largely dependent on market forces. The identification of opportunities should not be considered as exhaustive and the Council will, of course, give

consideration to other proposals, provided that these do not conflict with the shopping, and other, policies of the Plan.

#### **S1/4 - Local Shopping Centres**

**The Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.**

##### **Justification**

Local centres, as listed in Appendix 2 and indicated on the Proposals Map, primarily serve the day to day needs of residents who live nearby, some may cater for more limited specialist needs from a wider area and often have a special importance for certain sections of the community, such as ethnic minorities, the elderly and mobility impaired. They are situated in predominantly residential areas, often on main road frontages and for the purposes of this Plan are defined as containing in excess of 15 shops which cater for basic or essential local needs including, for example, a newsagents/confectioner, greengrocer, chemist, grocer/minimarket, post office, baker and butcher.

The main emphasis will be on consolidation and enhancement of existing retail provision. Major increases in floorspace will not normally be encouraged, but it is possible that opportunities may arise for developments which would add to the facilities of a centre and help maintain its role. Such schemes may be acceptable, provided that they are not detrimental to existing provision in that centre or elsewhere, and can be satisfactorily integrated into the centre. For the purposes of clarification new retail development proposals, which are considered to be serving purely local needs, will be treated on their merits and against other policies and proposals of the Plan. In circumstances where a proposal is not considered to be serving purely local needs, for example in terms of its size, location and/or character, a location within or adjoining a town or district centre would be considered more appropriate.

#### **S1/5 - Neighbourhood Centres and Local Shops**

**The Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.**

##### **Justification**

Neighbourhood centres, as listed in Appendix 2 and indicated on the Proposals Map, and traditional corner shops provide a similar role to those in local centres, being easily accessible to all the community, convenient and located within residential areas. Local neighbourhood centres and local shops can also cater for the daily or casual needs of the nearby residents or those passing by, thus reducing the need for additional trips and assisting in the pursuit of sustainability.

Within this tier of the shopping hierarchy it is recognised, however, that it may not always be possible to safeguard existing facilities or retain shops, especially where there is not enough consumer demand to make a shop viable. The duration of vacancy of shop premises will therefore be taken as an indication of likely viability. The Council will, however, try to retain and encourage essential convenience goods shops and local services within reasonable walking distance of every home (a maximum distance of 800 metres (half a mile)).

For the purposes of this policy local shops will generally be taken to include all shops with a gross retail floorspace of 200 sq. m. (2,150 sq. ft.) or below.

#### **S1/6 - Additions to the Shopping Hierarchy**

**The Council will review and, where appropriate, look favourably upon the need for further local shopping provision to serve new and existing residential areas inadequately served by the present pattern of retail provision.**

**At this stage the following areas have been identified as potential additions to the shopping hierarchy to accommodate new neighbourhood shopping facilities:**

S1/6/1 - Radcliffe Moor Road, Bradley Fold, Radcliffe

An area with established retail and commercial uses close to a major area of new housing.

S1/6/2 - Ringley Road West, Outwood Village, Radcliffe

The Council considers that any future demand for retailing activities could be accommodated either as a new development on a small area of vacant land (0.06 ha.) at the junction of Ringley Road West and Elm Avenue, or as a change of use within existing properties, adjacent to this site.

**Justification**

It is considered that the UDP will apply some restraint on the establishment of further local shopping provision outside identified centres. The main reason for this approach is to help to maintain the vitality and viability of established centres, which could be seriously undermined by too free a policy towards new retailing facilities elsewhere.

It is accepted that it is difficult to apply a rigid definition, in floorspace terms, of what is meant by local facilities. But as a general rule proposals for single shops of up to 200 sq.m. (2,150 sq.ft.) gross floorspace, or small groups of such units, will usually be regarded as falling into this category. The acceptable scale for new local shopping provision in any location must, however, be judged in the light of local circumstances, including the nature of the retailing that is envisaged, the characteristics of the site, and the relationship and potential impact upon existing shopping facilities in the area.

In view of particular local circumstances two new areas for neighbourhood facilities have been identified to serve new and existing housing development at Bradley Fold and Outwood, Radcliffe.

**S2 - CONTROL OF NEW RETAIL AND NON-RETAIL DEVELOPMENT**

**The Council will seek to protect and enhance the vitality and viability of the Borough's shopping centres by encouraging and controlling the type and location of retail and non-retail development to benefit the retailing activities of the centres.**

**Justification**

The purpose of this policy is to channel retail investment into shopping centres whilst at the same time ensuring that all new retail development either within or outside recognised centres is appropriately located and of a high standard. It is important that the primary function of the Borough's shopping centres continues to be underpinned through the provision of a wider range of convenience and comparison goods. Priority must be given towards the consolidation of this role through the development and maintenance of compact and attractive shopping areas, predominated by retail uses. It is the intention of this policy to retain and consolidate the retail core of central shopping areas, whilst enabling those non-retail uses that add vitality to a shopping area suitable opportunities to locate within or close to the centre.

In order that this may be achieved it will be necessary to control both the type and amount of non-retail uses acceptable within the main shopping areas of each centre where a potential problem is envisaged. Without restriction there is a danger that non-retail uses would begin to dominate shopping areas, particularly where in the short term, demand for retail representation may be low or where new forms of semi-retailing activities develop during the Plan period. As well as seeking to control the displacement of pure retail uses, associated Part II policies seek to control potential disturbance to nearby residents through increased traffic, noise, amenity and environmental impact. This is particularly relevant in assessing the impact of food and drink uses and amusement centres. Where appropriate, the Council will prepare further supplementary planning guidance as a more detailed basis for determining applications in shopping areas. Any such supplementary planning guidance will be issued solely for the guidance and assistance of planning applicants and will be

consistent with the Plan and subject to Council approval. Where appropriate, public consultation will be carried out.

### **S2/1 - All New Retail Proposals: Assessment Criteria**

**The Council will support new retail development proposals which accord satisfactorily with the following factors:**

- **are within or immediately adjoining the main shopping area of existing centres;**
- **sustain or enhance the vitality and viability of a centre;**
- **are accessible by and would encourage greater use of public transport;**
- **are in conformity with other policies and proposals of the Plan.**

Having successfully established the principle of development, all retail proposals will be considered with regard to their environmental impact and must take account of the following factors:-

- they should have regard to their surroundings in terms of design, scale, height, bulk, use and colour of materials and landscaping;
- the effects on the environment of the area as a result of increased traffic generation and servicing;
- the design of the proposal with regard to safety and security for shoppers, workers, visitors and surrounding occupiers;
- the effects on the amenity of nearby residents or businesses by reason of noise, smell, litter or opening hours;
- access and, where appropriate through negotiation, facilities for the mobility impaired;
- the provision of associated facilities. Where applicable, proposals should attempt to provide an appropriate level of additional community benefit and/or offset the loss of or impact on any amenity or resource present on the site. The following facilities serve as examples; creche/children's play, baby changing and feeding, public conveniences (including provision for the disabled) and recycling facilities;
- the provision of adequate car parking and servicing.

### **Justification**

This policy provides more specific guidance for the control of all retail development and associated non-retail development within the Borough whether this is within or outside recognised shopping centres. In considering development proposals it will be necessary to establish the principle of development under criteria (a) to (d) of this Policy. Proposals for out-of-centre locations which fail criterion (a) will automatically be considered against Policy S4, prior to considering their environmental impact against criteria (e) to (k) of this Policy. The adequacy of car parking provision (criterion (k)) will be assessed against Highways and Transportation Policy HT2/4 - Car Parking and New Development.

In directing new retail proposals to the Borough's main shopping centres the Council is concerned that this is adequately controlled and that it is of a type, size and quality to maintain and enhance the centre's overall vitality and viability. Where appropriate, the Council will also endeavour to secure planning obligations in association with retail development proposals, covering for example, the provision of highway works and improved access, car parking, landscaping or other infrastructure works and/or additional community benefits and facilities. This will be assessed against guidance on the use of planning obligations set out within Circular 1/97 "Planning Obligations" and rules governing agreements under Section 106 of the Town and Country Planning Act, 1990.

Shopping environments tend to be a focal point for community activity and are perhaps the part of the overall environment experienced most frequently by the Borough's residents and visitors. A good quality of design and layout in shopping areas and new shopping developments can, therefore, make a major contribution to the overall quality of the environment. This policy has been drawn up in order to improve and assess the environmental impact of proposals within shopping centres, whilst taking

account of the needs of all members of the community, their safety and security. New development proposals should be carefully integrated within centres to help maintain and enhance their role. In the limited circumstances where development may be allowed out-of-centre, particular regard will be paid to its environmental impact in terms of the factors identified above.

### **S2/2 - Prime Shopping Areas and Frontages**

**Within prime shopping areas identified in the Borough's town centres, the Council will seek to maintain retailing (Class A1) as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:**

- the design and appearance of the proposed frontage;
- the maintenance or provision of a display window at ground floor level, where appropriate;
- access for the mobility impaired, where appropriate and through negotiation with the developer;
- whether the proposal will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 10% of any identified prime shopping frontage being in non-retail (Class A1) use, the Council will also take into account the following factors:

- the location and prominence of the proposal within the prime shopping frontage;
- the number, distribution and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses;
- the particular nature and character of the use proposed, including the level of activity associated with it.

### **Justification**

This policy seeks to protect prime shopping frontages at ground floor level by preventing or limiting the loss of prime retail units in the heart of the Borough's town centres. If unrestricted, the loss of prime retail units could not only lead to an unacceptable dispersal of shopping facilities and deter new investment, but could also serve to bring about the long term decline of a particular town centre as a whole by constraining its ability to meet the needs of shoppers.

The prime shopping frontages are listed in Appendix 3 and together with the prime shopping areas, are identified on the Proposals Map (Town Centre Insets). Appendix 3 also contains a method for calculating the percentage figure referred to in the policy above. Primary shopping areas are traditionally the busiest parts of a shopping centre, often occupied by specialist or fashion trades, markets, major department stores, chainstores and foodstores. These areas attract high levels of pedestrian flows and are, therefore, sought after locations by non-retail businesses.

In formulating this policy, detailed surveys and assessments of prime shopping areas have been undertaken as well as consideration of specific local circumstances. In many of the identified prime shopping frontages opportunities still exist for non-retail uses and the Council recognises the contribution that these uses can make to the retail character and vitality of shopping centres. However, the imposition of a relatively low percentage threshold in the policy ensures that non-retail uses can be fully assessed and considered on their merits. In addition, this policy will assist the Council in controlling the concentration or grouping of such uses.

### **S2/3 - Secondary Shopping Areas and Frontages**

**Within secondary shopping areas identified in the Borough's town centres, and in the main shopping areas of district centres, the Council will seek to maintain retailing (Class A1) as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:**

- the design and appearance of the proposed frontage;
- the maintenance or provision of a display window at ground floor level, where appropriate;
- access for the mobility impaired, where appropriate and through negotiation with the developer;
- whether the proposals will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail (Class A1) use, the Council will also take into account the following factors:

- the location and prominence of the proposal within the secondary shopping frontage;
- the number, distribution, and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses;
- the particular nature and character of the use proposed, including the level of activity associated with it.

### **Justification**

In line with Government guidance, the Council has adopted a much more flexible approach to non-retail uses in secondary shopping areas, compared with primary shopping areas, in order to strike a balance between the vitality and viability of the centres. In formulating this policy detailed surveys and assessments of shopping areas have been undertaken as well as consideration of specific local circumstances. As a result, a limited number of important secondary shopping frontages have been identified within town and district centres where factors (e) to (g) of this policy are considered appropriate in order to assess the concentration of, and prevent the proliferation of, non-retail uses which would be to the detriment of retailing.

The secondary shopping frontages are listed in Appendix 3 and, together with the secondary shopping areas, are identified on the Proposals Map. Appendix 3 also contains a method for calculating the percentage figure referred to in the policy above.

### **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.**

**In 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 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;
- the length of time the unit has remained vacant and the viability of 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.

### **Justification**

Outside the main shopping area of town and district centres, the Council will also endeavour to retain Class A1 retailing as the predominant use. The Council recognises, however, that other shopping areas can also benefit from a balanced mix of retail and non-retail services.

By controlling the number of non-retail uses the Council hopes to protect existing shopping facilities, particularly those which meet the essential shopping requirements of local communities. Inappropriate non-retail uses can weaken the attractiveness of a centre and threaten the viability of

existing retail uses. The protection and concentration of local shops can also be of particular benefit to those in the community who are less mobile.

Appropriate non-retail uses which serve a local need, or community service uses (such as a doctor's surgery or dentist), may be acceptable, provided that this does not result in the loss of an essential shop, and subject to other factors identified above. Access for the mobility impaired will be provided, where appropriate, through negotiation with the developer.

## **S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres**

**Outside shopping centres shown on the Proposals Map, the Council will support small scale local shopping provision (within Class A1).**

**In determining proposals for new local shops or change of use applications, the Council will assess the balance of advantage and disadvantage of the proposal with regard to the following factors:**

- whether or not there is a local need that cannot be met by existing provision in the area;
- the effect on the vitality and viability of established local shopping facilities;
- whether or not the proposed use would be more appropriately located within a recognised shopping centre;
- the availability of alternative vacant shop premises and/or the level of unimplemented planning permissions in the vicinity that could accommodate the proposed use;
- the potential nuisance that would be created for neighbouring residents. More specifically, the establishment of shops in terraced properties adjoining residential accommodation will not normally be permitted;
- the parking and servicing provision associated with the proposed development and its effects in terms of road safety and traffic generation.

### **Justification**

This policy provides more specific guidance for evaluating change of use applications and proposals for new local shops. The main principles underlying this policy are concerned with protecting the shopping role of established centres, ensuring that new shops do not cause amenity or traffic problems, and that shops are as well related as possible to existing provision, where applicable. For the purposes of this policy, local shops will be taken to include all shops with a gross retail floorspace of 200 sq. m. (2,150 sq. ft.) or below.

Proposals in excess of this threshold would be more appropriately located within a recognised shopping centre. Essential local shops will usually be taken to comprise a newsagents/confectioner, greengrocer, chemist, grocer/mini-market, post office, baker and butcher.

## **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.

### **Justification**

This policy is designed to control development which falls within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or as subsequently amended). Class A3 uses pose a number of potential associated environmental and highway safety problems which need to be carefully controlled. The factors to be considered when assessing planning applications mainly relate to the effect on amenity, particularly where residential properties are in close proximity, road safety and traffic flow.

Such uses are most appropriately located within town and district centres and other mixed use areas, where their impact will tend to be least damaging and demand for their services is arguably greatest. Proposals for Class A3 uses in other parts of the built-up area may be considered acceptable, provided that they meet the detailed requirements of this policy, and other policies of the Plan.

The Council also considers that where a development is acceptable in principle, conditions may be imposed in order to ameliorate the potentially damaging effects of these uses and/or protect the amenity of nearby residents. These conditions may include measures to control the hours of opening, noise, smell, the storage of refuse and the collection of litter.

### **S2/7 - Amusement Centres and Arcades**

**Amusement centres and arcades will be appropriate, in certain circumstances, within town and district centres or in other areas of mixed commercial development. Proposals in other locations will not be permitted.**

**Within the areas specified above, planning permission will not be granted if:**

- **the proposal is located within a primary shopping frontage;**
- **the proposal would be likely to adversely affect the amenity of nearby existing dwellings or other sensitive uses such as schools and places of worship, by reason of noise or disturbance;**
- **the proposal would adversely affect the appearance or setting of a listed building, or the character or appearance of a conservation area.**

**Where permission is to be granted for a proposal in a retail frontage, provision of a shop front and display window will be required. In addition, conditions may be attached to limit noise and disturbance.**

### **Justification**

Proposals for amusement centres and arcades give rise to a number of issues, including displacement of retail uses, potential disturbance to nearby residents and businesses, together with the visual impact on the street scene. This term covers such activities as bingo halls and clubs, and amusement-with-prizes machines for example fruit machines (pin tables and video games). This policy seeks to direct proposals towards those centres, and parts of centres, which are considered best able to accommodate these uses, away from more sensitive locations. Where a small number of amusement machines are installed in premises used for other purposes, for example in cafes and hotels, planning permission may not be required if the use is ancillary to the primary use of the building. In cases of doubt, the local planning authority should be consulted. In granting planning permission for amusement centres and arcades, the Council may impose conditions to limit potential loss of amenity, noise and disturbance.

### **S3 - NEW RETAIL DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENTS**

**The Council will encourage and permit appropriately located retail development and environmental improvements within or immediately adjoining the main shopping area of the Borough's main shopping centres.**

## **Justification**

The Council is concerned that all the Borough's shopping centres reaffirm their roles as important retail, commercial and social activity centres, that they are able to attract appropriate new facilities and that environmental quality is improved. New development will be expected to be of a high standard and appropriate in terms of its environmental impact (Policy S2/1). This approach is entirely consistent with the requirements of PPG12 "Development Plans and Regional Planning Guidance", which requires authorities to have regard to environmental considerations when preparing UDP policies.

### **S3/1 - New Retail Development Opportunities Within or Adjoining Town Centres**

**On land within or immediately adjoining the main shopping area of the Borough's town centres proposals for new retail development will be permitted. Proposals will, however, be expected to be appropriate in scale and character to the areas which they serve, make provision for adequate access, car parking and servicing, and accord satisfactorily with other policies and proposals of the Plan.**

**The Council considers that the following sites are suitable for retail development purposes:**

#### S3/1/1 - Land at Back Bridge Street/Paradise Street, Ramsbottom (0.04 ha.).

A small site within the prime shopping area capable of accommodating a small craft/speciality shopping development.

#### S3/1/2 - Land Bounded by King Street/Palatine Street, Ramsbottom (0.22 ha.).

This site provides an opportunity for a formal market area or other prime retail facilities.

#### S3/1/3 - Land at the Junction of Railway Street/Irwell Street, Ramsbottom (0.16 ha.).

This site is being temporarily used for a car/coach park for a minimum period of 3 years (up to 1994). In the medium to long term the site has retail/speciality retail development potential, although any development will be dependent upon the provision of replacement car parking, see Highways and Transportation Policy HT2/6.

#### **S3/1/4 - Existing Buildings Bounded by King Street/Prince Street/Irwell Street and Palatine Street, Ramsbottom (0.56 ha.).**

This site is allocated as an Opportunity Site on the Ramsbottom Town Centre Inset Map and occupies a central position within the heart of the town centre. The Council recognises the redevelopment potential this site offers for a range of complementary town centre uses including retailing, business (B1) and offices. In terms of retailing, the Council considers that the site could accommodate a medium sized supermarket/foodstore or smaller scale retail development in order to counteract significant levels of expenditure leakage from the local area, and to provide additional choice and convenience facilities for a growing local population. See also Economy Proposal EC1/2/3.

#### **S3/1/5 - Land Bounded by Railway Street/Irwell Street and Square Street, Ramsbottom (1.27 ha.).**

This edge of centre site would be suitable for complementary town centre retailing in order to counteract significant expenditure leakage from this area of the Borough, and to provide additional choice and convenience facilities for a growing local population. The Council will, however, in considering a retail development scheme, take into account any potential cumulative effects on the town centre or other retail development sites identified within or immediately adjacent to the town's main shopping area. The site has been identified as an Opportunity Site and consideration may also be given to alternative proposals involving, for example, business (B1), offices, leisure and tourism related uses, or a mixture of these. A planning application for a children's nursery has recently been granted approval by the Council (May 1993). See Economy Proposal EC1/2/1 and Recreation and Tourism Proposal RT4/1/1.

**S3/1/6 - Moor Street/ Hornby Street, Bury (1.43 ha.).**

This Opportunity Site on the northern edge of Bury Town Centre is considered suitable for non-food retailing (outline approval granted April 1993) or B1, B2 and B8 employment uses, see Economy Proposal EC1/1/6.

**S3/1/7 - Woodfields, Bury (6.88 ha.).**

Woodfields provides a unique opportunity to establish complementary food and non-food retailing and leisure facilities adjacent to Bury Town Centre. As well as complementing activities within the town centre this allocation will help to strengthen the role of Bury as a sub-regional centre and counteract the threat of inappropriately located proposals elsewhere, which could significantly affect the vitality and viability of the centre as a whole. A development brief will be prepared for this Opportunity Site which will include: further investigations regarding the physical suitability of the site for development, siting, acceptable/preferred uses, access, and identification of areas to be maintained and/or protected as open space, etc., See Recreation and Tourism Proposal RT4/5/1.

**S3/1/8 - Land at Moorgate, Bury (2.42 ha.).**

A prominent Opportunity Site at Moorgate, which is currently in commercial and business use. The site has already been identified for retailing and has outline planning permission for a food store and car park. A number of buildings on the site have subsequently been demolished. In addition to retailing, the Council also recognises the site's potential as a business/office location and as such would consider favourably proposals for business (B1) and office uses, or a mixture of these. A planning application for a new car showroom and ancillary facilities has been granted approval by the Council on part of the site (May 1993). See Economy Proposal EC1/2/5.

**S3/1/9 - Land Adjacent Bury Fire Station, The Rock, Bury (0.07 ha.).**

Small Opportunity Site within Bury Town Centre suitable for retail/office development. A planning application for a 3 storey office block development has been approved by the Council (May 1993). See Economy Proposal EC5/1/1.

**S3/1/10 - Land and Buildings at the Junction of Rochdale Road and The Rock, Bury (1.54 ha.).**

In developing town centre retail proposals, the importance of retaining accessible car parking has been stressed. In response to this view it is proposed, as a first stage in the redevelopment of the central shopping area, that this Opportunity Site be reserved as a potential site for additional car parking (see Highways and Transportation Proposal HT2/5/3), which may possibly include ground floor retailing. In the event that car parking requirements are accommodated elsewhere within the town centre, the Council considers that this site provides an opportunity for additional retail warehousing or other complementary comparison shopping facilities. Provided that this does not prejudice overall parking provision within the centre as a whole.

**S3/1/11 - The Rock/Tithebarn Street, Bury (0.21 ha.).**

This site provides opportunities for redevelopment or refurbishment of the existing properties which could provide modern retail/speciality retail facilities.

**S3/1/12 - Land Bounded by Union Arcade/ Angouleme Way/Rochdale Road/The Rock, Bury (1.82 ha.).**

The Council will encourage and support an extension to Bury Town Centre's prime shopping area on this prestigious town centre redevelopment site. Development of this site will give a major boost to the local economy and provide for an identified shortage of prime comparison floorspace, helping to strengthen and reaffirm the centre's role as a sub-regional shopping centre. As well as helping to fulfil the needs of both retailers and shoppers, the development will need to be designed in such a way as to enhance the physical fabric of the town centre and improve the appearance of an important gateway into the town. Taken together with other policies of the Plan, the Council is looking to substantially increase comparison retail floorspace (up to a maximum of 18,580 sq.m. (200,000 sq.ft.) by 2001) and car parking provision within the centre to meet existing and future demand, possibly in

a multi-storey facility located either within the development or on an adjacent site (see S3/1/10). The Council considers that a development of this kind will help to meet the shopping demands of residents and increase the centre's market share of retail expenditure well into the 21st Century.

**S3/1/13 - Site of Central Methodist Church, The Haymarket/Crompton Street, Bury (0.18 ha.).**

A planning application for 4 retail units and a new church has been approved by the Council.

**S3/1/14 - Rochdale Road, Bury (0.15 ha.).**

Small Opportunity Site within Bury Town Centre suitable for retail/office development, see Economy Proposal EC5/1/2.

**S3/1/15 - George Street/Foundry Street, Bury (0.98 ha.).**

This site may provide an opportunity for additional retail warehousing or other complementary comparison shopping facilities adjoining the town centre. Satisfactory new and replacement car parking will be expected as part of any redevelopment proposal and overall parking provision within the centre as a whole must not be prejudiced, see Highways and Transportation Policy HT2/6.

**S3/1/16 - Minden Parade/Market Parade, Bury (0.10 ha.).**

Potential redevelopment site within the prime shopping area.

**S3/1/17 - Princess Parade/Murray Road/Hilton Road, Bury (0.36 ha.).**

This site could provide an opportunity to rationalise existing servicing, parking and market access arrangements. The site could be redeveloped to provide a large retail unit fronting onto Princess Parade or facilities complementary to the market area.

**S3/1/18 - Angouleme Way/Spring Street, Bury (1.13 ha.).**

This Council owned site provides an opportunity for additional retail warehousing or other complementary comparison shopping facilities adjoining the town centre. Satisfactory new and replacement car parking will be a requirement of any redevelopment proposal, and overall parking provision within the centre as a whole must not be prejudiced, see Highways and Transportation Policy HT2/6.

**S3/1/19 - Land South of Church Street West, Radcliffe (1.64 ha.).**

This site, a large part of which is vacant, has been identified as an Opportunity Site and has the advantages of a large river frontage and proximity to Metrolink. Although housing is the preferred use, as reflected within the Radcliffe Renewal initiative, the Council also recognises the commercial potential of the site and the business/employment needs of the area. As such the Council has identified a number of alternative development opportunities for the site and will consider favourably proposals for complementary town centre retailing, business (B1) and office uses. Any development would have to meet a high standard of design at this important gateway into the town centre and developers will be required to incorporate the river frontage into the design of any development, including the provision of landscaping and public access to the riverside (see Environment Policy EN10/2). The site is in part private and part Council ownership. See Housing Proposal H1/1/35 and Economy Proposal EC1/2/11.

**S3/1/20 - Land Between 23 and 37 Church Street West, Radcliffe (0.04 ha.).**

Small retail infill development site.

**S3/1/21 - Land Between 51-63 Blackburn Street/Foundry Street, Radcliffe (0.06 ha.).**

This site is currently semi-derelict and provides an opportunity for a small retail infill development. The Council has granted planning permission for 3 shop units with offices above (December 1991).

**S3/1/22 - The Asda Store, Green Street, Radcliffe (0.79 ha.).**

The Council recognises that this site has an existing use for retailing. However, in the event that the focus of retailing activity within the centre changes to more up to date retailing accommodation, (for example at Riverside Retail Park, off Pilkington Way), the Council will encourage redevelopment or

reuse of this Opportunity Site for retailing, business (B1), office and leisure uses. See Economy Proposal EC1/2/12 and Recreation and Tourism Proposal RT4/5/3.

**S3/1/23 - Land Between Dale Street and Railway Street, Radcliffe (0.11 ha.).**

This Council owned site occupies a prominent and central position within the town centre, adjacent to Pilkington Way. The site has deemed planning consent for retail (Class A1 and A2) and office use (Class B1).

**S3/1/24 - Sion Street/Phoenix Way, Radcliffe (0.20 ha.).**

An Opportunity Site located on the fringe of the town centre, which already has planning permission for a car showroom. The Council will also consider proposals for office use, see Economy Proposal EC5/2/2.

**S3/1/25 - Land Bounded by Pilkington Way/Sion Street and River Irwell, Radcliffe (4.55 ha.).**

This is a major Opportunity Site in a prime location, adjacent to Pilkington Way and the prime shopping area of Radcliffe Town Centre. Development of the site for retailing would enhance the strategic retail function of the town centre and provide more modern retailing facilities. Although retailing is the preferred use and outline planning consent has been granted, the Council also recognises the site's potential as a business/office location together with the business/employment needs of the area. As such, the Council will also consider favourably proposals for business (B1) and office uses (see Economy Proposal EC1/2/10 ), where this would not undermine the strategic retail function of the centre as a whole. A high standard of design on road and river frontages will be expected and improvements to the riverside frontage should be included in any scheme, see Environment Policy EN10/2.

**S3/1/26 - Pilkington Way/Mill Bank/Mellor Street, Radcliffe (0.37 ha.).**

Prominent town centre retail redevelopment site fronting Pilkington Way. The Council owns a major part of the site and will encourage the development of a small to medium sized retail unit which will enhance the retail function of the town centre.

**S3/1/27 - Pilkington Way/Outwood Road, Radcliffe (0.18 ha.).**

A prominent Opportunity Site fronting Pilkington Way, which already has outline planning permission for a car showroom (September 1991). As well as retail development the Council will also consider proposals for business (B1) and office uses, see Economy Proposal EC1/2/13.

**S3/1/28 - Land at the Junction of New Road/Stand Lane, Radcliffe (0.27 ha.).**

Prominent redevelopment site located at a major gateway into Radcliffe Town Centre.

**S3/1/29 - The Longfield Centre, Prestwich (0.04 ha.).**

A small infill/open space area within the Longfield Centre. In developing this site, proposals will be required to demonstrate that sufficient and/or alternative open space can be provided within the Centre as a whole. This could be achieved through refurbishment and/or wider environmental improvements, including more efficient use of public space. Such an approach was incorporated into a scheme to refurbish the whole shopping centre, including the construction of four new retail units on this site, granted full planning permission in May 1991.

**S3/1/30 - Land Adjacent to 440 Bury New Road, Prestwich (0.10 ha.).**

Vacant site adjoining the prime shopping area.

**S3/1/31 - Land to the Rear of the Red Lion, Bury New Road, Prestwich (0.34 ha.).**

The Council recognises the retail/office development potential of this Opportunity Site which could be integrated more closely with existing commercial activities fronting Bury New Road or combined to provide a prominent frontage redevelopment site, see Economy Proposal EC5/2/4.

## **Justification**

Town centres are in the main the most accessible locations for retailing and commercial activities and, as such, provide the prime locations for new shopping development. Priority has been given to the identification of suitable sites within and immediately adjoining the Borough's town centres. The aims and objectives of this policy fully accord with the main thrust of national planning policy (PPG6 "Town Centres and Retail Development") and also Strategic Guidance for Greater Manchester, which emphasise that existing town centres should be the main focus of shopping facilities and that local planning policies, which promote and encourage their modernisation and refurbishment, are fully justified. In addition, retail and commercial development opportunities can play an important part in the regeneration of town centres and inner areas. Proposals on all the sites identified above will be expected to be appropriate in scale, make provision for adequate access, car parking and servicing and accord satisfactorily with other policies of the Plan.

### **S3/2 - New Retail Development Opportunities Within District Centres**

**The Council will encourage and permit appropriate new retail development within or immediately adjoining the main shopping area of the Borough's district centres.**

**Where a proposal is to be considered, the following factors will be taken into account:**

- **that it is of a size, scale and function in keeping with the character of the local area;**
- **that it fulfils the requirements and needs of the local area;**
- **whether or not the proposal is a replacement within the same centre for obsolete shopping floorspace which is to be, or has recently been, demolished or changed to non-retail use;**
- **whether or not the proposal would be more appropriately located within a town centre.**

**The Council considers that the following sites are suitable for retail development purposes:**

#### **S3/2/1 - 33-35 Market Street, Tottington (0.02 ha.).**

The site provides an opportunity for limited infill shopping facilities, development would improve amenity and fill an unsightly gap in the street scene. The design and materials of any redevelopment should be sympathetic with the surrounding area.

#### **S3/2/2 - Land off Green Lane, Whitefield (0.71 ha.).**

The Council considers that this area of vacant land adjoining The Elms Precinct is suitable for additional retailing/car parking provision, appropriate to a district centre. This allocation reflects initial proposals to expand and refurbish the precinct for which an outline planning application has been approved (October 1992).

#### **S3/2/3 - Land North of the New Grove Inn/Mills Street/Bury New Road, Whitefield (0.06 ha.).**

Small infill development site suitable for retailing.

#### **S3/2/4 - Land Bounded by Bury New Road/Victoria Lane/Recreation Ground, Whitefield (0.40 ha.).**

A prominent site, occupied by a number of uses, which is considered to have potential for comprehensive redevelopment. The site is allocated as an Opportunity Site on the Proposals Map and a retail, business (B1) or office afteruse is considered most appropriate, see Economy Proposal EC1/2/14.

#### **S3/2/5 - Land Adjacent to 16 Bury New Road, (garage/former Odeon Cinema), Sedgley Park (0.53 ha.).**

This site provides a unique redevelopment opportunity within Sedgley Park district centre. The site currently has outline planning permission for a nursing home with communal facilities and a number of retail permissions have lapsed. The Council will continue to support retail development appropriate to a district centre. A high standard of design will be required in such a prominent gateway location together with satisfactory access and parking provision.

## **Justification**

The sites identified above either create gaps in the street scene, or detract from the overall appearance of the relevant district centres. Their redevelopment for shopping purposes in a sensitive manner would serve both to improve amenity and add to the provision of shopping facilities within the centres. The developments would be private undertakings and would be evaluated against criteria set out within this and other relevant policies of the Plan.

### **S3/3 - Improvement and Enhancement (All Centres)**

**The Council will encourage the refurbishment and improvement of shopping centres within the Borough in order to actively promote the regeneration of these centres for retailing activities. Particular emphasis will be placed on those centres, or parts thereof, which:**

- **contain outdated, inadequate or substandard shopping facilities;**
- **are in need of enhancement due to poor environments, poor building condition or under occupancy;**
- **suffer from problems associated with traffic, parking or inadequate servicing;**
- **are inadequately served by public transport facilities or suffer from poor accessibility;**
- **are experiencing a decline in shopping patronage;**
- **do not properly cater for pedestrians.**

**The Council considers that the following centres would benefit from particular attention when assessed against the above criteria.**

### **Town Centres**

#### **S3/3/1 - Ramsbottom.**

During recent years the centre has experienced renewed investment interest, mainly as a spin-off from tourist related projects. In addition, a number of environmental and physical improvements have been progressed, mainly through the efforts of the Council, English Heritage and local traders. The Council is keen to encourage further improvements, particularly where this would reduce or control the volume of traffic using Bolton Street and Bridge Street, enhance car parking and servicing provision, and improve the River Irwell/ East Lancashire Railway corridor.

#### **S3/3/2 - Bury.**

The town centre has experienced a decline in shopping patronage not only as a result of competition from more attractive shopping facilities elsewhere, but because the centre has suffered from neglect and a lack of investment over the last few years. The Council is keen to reverse this trend and will encourage both physical and environmental improvements, refurbishment and new retail development schemes, to help retain and extend shopping facilities. The refurbishment of part of the Millgate Centre is considered to be the first step in reversing this trend and it is hoped that this will act as a catalyst and springboard for further investment.

#### **S3/3/3 - Radcliffe.**

The number of vacant and substandard units in the town centre suggests that Radcliffe has experienced some decline in its popularity as a shopping centre. The completion of Pilkington Way opens up several new opportunities for retail development and enables a host of additional highway and environmental schemes to be implemented, improving access, circulation, parking and pedestrian movement. Combined with other qualitative improvements to the physical structure of the town centre the Council considers that this approach will create a more attractive environment, and possibly stimulate national multiple interest and further retail investment.

#### **S3/3/4 - Prestwich.**

The majority of Prestwich's shopping facilities are located within the Longfield Centre, a 1960's pedestrianised shopping precinct. The Council is keen to encourage refurbishment along with the

provision of appropriate new retail floorspace to help to retain and improve shopping facilities. The remainder of the centre, which consists of mainly older shopping parades located on both sides of the A56 Bury New Road, suffers primarily from problems associated with traffic, servicing and inadequate parking. Here, as with the Longfield Centre, there is a need for environmental improvement and enhancement. The designation of the St. Mary's Park Conservation Area over the southern part of the town centre may assist in improving environmental conditions.

### District Centres

#### **S3/3/5 - Whitefield North.**

The Council will encourage measures to refurbish and/or extend The Elms precinct, to improve its environment and to increase its attractiveness to shoppers. In order to prevent further deterioration of this 1960's precinct, the Council will support proposals for its sensitive upgrading which might, for instance, include a partial covering over of the main square, along with other appropriate improvements or extensions (See also Shopping Proposal S3/2/2).

#### **S3/3/6 - Sedgley Park.**

Suffers from problems associated with traffic (the A56 Bury New Road), servicing and, in particular, inadequate parking provision. The Council recognises, however, that opportunities to resolve these problems are limited.

### Local Centres

#### **S3/3/7 - Walmersley Road/ Moorgate, Bury.**

Rundown shopping area located at an important gateway into Bury Town Centre, suffers mainly from traffic and environmental problems.

#### **S3/3/8 - Bolton Road/ Bury Bridge, Bury.**

Linear shopping centre suffering from traffic, parking difficulties and environmental problems.

#### **S3/3/9 - Ainsworth Road/Water Street, Radcliffe.**

Contains a large number of vacant and substandard properties which have been identified for clearance. Traffic, parking, servicing and environmental problems all need to be resolved.

#### **S3/3/10 - Whittaker Lane/Bury Old Road, Prestwich.**

Contains a large number of vacant premises and suffers from problems associated with traffic and inadequate parking. Indeed, as the centre is located adjacent to Heaton Park Station, parking difficulties may well be exacerbated with the introduction of Metrolink.

### Neighbourhood Centres

#### **S3/3/11 - Manchester Road, Sunnybank, Bury.**

Suffers from inadequate and substandard parking facilities and would benefit from minor environmental improvements.

#### **S3/3/12 - Water Street, Radcliffe.**

Contains several substandard shopping facilities and suffers from environmental and traffic problems, particularly in relation to pedestrian crossing facilities.

#### **S3/3/13 - Albert Place/Ribble Drive, Whitefield.**

Rundown and outdated neighbourhood shopping centre suffering a decline in investment, patronage and occupancy. Environmental improvements and a new car park between Ribble Drive and Albert Place would make the centre more attractive, particularly to passing trade.

### **S3/3/14 - Moss Shaw Way, Radcliffe.**

Contains a number of vacant units and is experiencing a decline in shopping patronage.

### **S3/3/15 - Thatch Leach Lane, Besses o'th' Barn, Whitefield.**

Problems associated with inadequate parking facilities.

#### **Justification**

The Council will monitor the health of centres in terms of factors such as the incidence of vacant premises, accessibility and environmental quality. Given the financial constraints that are likely to limit the scale and pace of the Council's own programme of improvements, it will be necessary to explore energetically any other possible approaches that might attract resources towards the regeneration of shopping centres. Indeed, the Council may assist improvements by identifying problems and co-ordinating an appropriate response by the private sector, local traders or in partnership.

### **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.**

#### **Justification**

Markets can add vitality, interest and colour to the attraction of a shopping centre and can have positive effects on the shops in the area by generating increased pedestrian flows. Existing markets within Bury, Ramsbottom and Radcliffe Town Centres serve as major attractions to the shopping public. The Council recognises their popularity and will explore opportunities which might attract resources towards visual and functional improvements, including improved access and circulation for pedestrians and service vehicles, improved refuse storage and collection, (including recycling facilities), and hard and soft landscaping.

### **S4 - NEW RETAIL DEVELOPMENT OUTSIDE TOWN AND DISTRICT CENTRES**

**The Council will not permit new retail development to be located outside the main shopping area of the Borough's town and district centres, unless it is to meet purely local needs or satisfies the criteria set out in Policy S4/1 or S4/2.**

#### **Justification**

In the interests of shopping concentration the Council will require all retail developments to be located in or immediately adjoining the main shopping area of identified shopping centres. The Council recognises, however, that retailing is a dynamic and evolving industry and that its requirements may change over time or that certain retail developments may not be easily accommodated in or adjoining identified shopping centres e.g. foodstores, retail warehouses, builders merchants and garden centres. The public too can often benefit from a widening choice of shopping facilities and increased competition, in particular, where additional provision is to meet purely local needs.

For the purposes of this policy the term "purely local needs" is taken to mean facilities which cater for the essential day to day needs of a local community and which do not generate trips other than on foot or by bicycle.

### **S4/1 - Retail Development Outside Town and District Centres**

**The following retail facilities are considered appropriate to be located outside the main shopping area of the Borough's town and district centres:**

- facilities required to serve purely local needs;
- facilities which come within the following categories:

- **builders and plumbers merchants, timber suppliers, hire depots and other outlets providing a service mainly to the trade;**
- **car and caravan sales, petrol filling stations, car accessory shops, tyre and exhaust and other outlets whose goods are almost entirely related to motoring;**
- **nurseries and garden centres requiring large external storage and display areas;**
- **small scale shops catering primarily for tourists and visitors particularly within the Upper Irwell Valley, as identified in the Draft Tourism Strategy e.g. Summerseat and Holcombe Village; and**
- **factory/mill shops or farm shops occupying a relatively small area and selling predominantly goods manufactured on the premises or produced on the farm.**

**All development permitted under this policy must also take account of its environmental impact and satisfactorily accord with other relevant policies and proposals of the Plan.**

### **Justification**

This policy reflects and refines existing Council policy aimed at maintaining the existing hierarchy of shopping centres. As well as setting out general requirements in terms of location, scale and character, the policy identifies a number of retailing activities which may, in principle, be acceptable in out-of-centre locations, subject to compliance with other policies of the Plan, in particular, Policy S2/1- All New Retail Proposals: Assessment Criteria; S4/2 - Assessing Out-of-Centre Retail Development; S4/3 - Nurseries, Farm Shops and Garden Centres; and S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations.

Where permissions are granted under this policy, conditions may be attached preventing changes of use to other types of retailing. Other considerations may also include conditions regulating the hours of opening and/or goods sold and, in terms of facilities identified in (b)(i), use by the trade only via a trade counter. Shops associated with a major industrial use, for example, mill shops, and/or farm shops (not covered by permitted development rights) may also be acceptable provided that they are truly ancillary to the main use i.e. occupying a relatively small area and selling predominantly goods manufactured on the premises or produced on the farm. However, if the primary use ceases or substantially reduces in scale, retail use is not retained.

The public can often benefit from a widening choice of shopping facilities and increased competition, in particular, where additional provision is to meet purely local needs. For the purposes of this policy, the term purely local needs is taken to mean facilities which cater for the essential day to day needs of a local community and which do not generate trips other than on foot or by bicycle.

### **S4/2 - Assessing Out-Of-Centre Retail Development**

**Proposals for out-of-centre retail development (other than those covered by Policy S4/1) will be assessed according to the following criteria:**

- **the effect on, and contribution to, urban regeneration;**
- **the economic effects, including employment, particularly on the vitality and viability of any existing shopping centre as a whole and the cumulative impact with other recent or proposed large scale retail developments, both within and outside the Borough boundary;**
- **the environmental and social effects on the locality and on any existing shopping centre;**
- **the effects on the highway network, and the impact on amenity, traffic movement and road safety;**
- **accessibility by public and private transport;**
- **the feasibility of using any alternative site in or immediately adjoining the main shopping area of an appropriate shopping centre;**
- **the need for, and suitability of, the site for other land uses.**

**Proposals which comply with the above criteria should not be on sites within the Green Belt or on other protected open land.**

## **The following out-of-centre sites are allocated for retail development:**

### **S4/2/1 - Bridge Hall Lane, Bury (4.90 ha.).**

This Opportunity Site located at Junction 2 of the M66 is considered suitable for restricted non-food retailing and/or B1, B2 and B8 employment use, see Economy Proposal EC1/1/8. Any non-food retailing will be restricted in broad terms to the sale of bulky goods and/or goods and services for the construction, repair, maintenance and improvement of the home, garden and car and will be subject to a detailed agreement under Section 106 of the Town and Country Planning Act 1990. A Traffic Impact Assessment may also be required with any development proposals for this site.

### **S4/2/2 - Land at Prestwich Hospital, Bury New Road, Prestwich (4.63 ha.).**

This site is allocated for a retail superstore following the granting of outline planning permission (April 1993).

## **Justification**

The Council acknowledges that in certain circumstances, out-of-centre development may be permissible, but that this needs to be well justified in respect of particular factors. Efforts will be made to accommodate such proposals within or adjoining the main shopping area of recognised shopping centres and to this end the Council has identified a number of Opportunity Sites where retail development will be considered, (see under Policy S3).

Proposals for out-of-centre development will be considered against the criteria above, which are intended to ensure that:

- development of the site would not jeopardise the Council's objectives in terms of urban regeneration.
- the proposal would not affect the trading position of any existing town centre so seriously as to threaten its vitality and viability as a whole. In accordance with PPG6 "Town Centres and Retail Development", the Council will take into account the cumulative impact of other retail permissions in assessing this issue. Developers may also be required to demonstrate the potential impact of a proposal on existing shopping centres through an independent retail impact study. It is clear that major retail proposals can raise many complex issues that need to be thoroughly examined before a decision can be made. In circumstances where the impact of a development can not be adequately considered by the Council without an appropriate technical study, this will be requested.
- the local environment and the environment of existing shopping centres should not be adversely prejudiced.
- the proposal should be acceptable in terms of highway and safety considerations.
- the proposal should be easily accessible for people of all levels of mobility, including those without access to private transport.
- consideration has been given to any alternative site which may be more appropriately located (the sequential test).
- the proposal should not prejudice other policies of the Plan.
- Where out-of-centre retailing units are approved subject to the above criteria, limitations may be imposed on the main range of goods to be sold, in order to protect the vitality and viability of existing centres.

## **S4/3 - Nurseries, Farm Shops and Garden Centres**

**The Council will permit proposals for nurseries, farm shops and garden centres where:**

- **the proposal does not detract from the appearance and character of its surroundings;**
- **the proposal does not prejudice road safety;**

- **the proposal conforms with the other policies of the Plan including Green Belt, other open land and environmental policies.**

### **Justification**

Nurseries, farm shops and garden centres can incorporate both retail and leisure activities and are expected to increase in popularity and number over the Plan period. As this type of development tends to locate on the periphery of the built up area and in open countryside, the Council is concerned that this type of development should not have a detrimental impact on the local environment. Proposals for the conversion of existing buildings, which are considered worthy of retention, will normally be encouraged, subject to Green Belt and other Plan policies. New schemes should be designed to be appropriate to their setting.

In approving such schemes, however, the Council recognises that developments of this kind are beginning to provide an extensive product range which may affect the vitality and viability of existing shopping centres. In assessing planning applications, the Council may wish applicants to enter into agreements or impose conditions to ensure these developments do not subsequently change their character or to restrict the type of goods sold, in the interests of protecting established shopping centres.

### **S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations**

**Car showrooms, car sales areas and petrol filling stations should be located within or adjoining established shopping areas, along classified roads or within other industrial and commercial areas within the Borough. Proposals should also take account of the following factors:**

- **potential disruption to the free flow of traffic;**
- **the provision of adequate, well laid out car parking and display facilities together with safe and convenient arrangements for access, circulation and egress;**
- **road safety and the safety of pedestrians;**
- **the amenity of nearby residents and businesses.**

### **Justification**

Car showrooms, car sales areas and petrol filling stations can cause a number of environmental problems which can be avoided by selecting suitable locations where the continuity of shopping frontages or the free flow of traffic is not disrupted. When determining applications of this kind the Council will ensure that satisfactory parking, access arrangements, landscaping and other measures are considered in order to prevent any unnecessary detrimental impact on the locality.

In addition, the Council recognises that petrol filling stations, in particular, have diversified in recent years because of the increasingly wide range of convenience and durable goods offered to both motorists and non-motorists. In certain circumstances they make a significant contribution to local retailing activity and provision, especially where essential local shops are inadequate. However, in assessing new proposals, the Council may wish applicants to enter into agreements to restrict the type of goods sold, in the interests of protecting established shopping centres.

### **S5 - LARGE OUT-OF-TOWN SHOPPING CENTRES**

**The Council will oppose new shopping proposals, within Bury or elsewhere in or around the Greater Manchester conurbation, which by reason of their scale, nature or location would significantly prejudice the implementation of development plan policies and proposals and/or the vitality and viability of established town centres.**

### **Justification**

Experience has shown that major out-of-town retail centres can have a substantial impact over a wide area. They should only be allowed where they would fulfil an important retail need, taking full

account of all the likely impacts. The Council considers that, in any foreseeable circumstances over the Plan period, further approvals for major retail development would be totally inappropriate if the vitality and viability of the Borough's town centres is considered to be seriously threatened. The Council is particularly concerned about the impact of, and pressures for, large out-of-centre shopping developments which could eventually affect the vitality and viability of the Borough's town centres and the range of facilities and services they offer.

This approach is entirely consistent with PPG6 "Town Centres and Retail Development" and Strategic Guidance for Greater Manchester, which both state that Local Planning Authorities should consider the threat to the vitality and viability of existing town centres from proposed large new retail developments. Although the same policy guidance advocates that planning policies should respond flexibly and positively to market forces this should not be to the detriment of the vitality and viability of existing town centres.

# Town Centres

- Introduction
- Specific Town Centre Wide policies
- Bury Town Centre
- Ramsbottom Town Centre
- Radcliffe Town Centre
- Prestwich Town Centre

## INTRODUCTION

The purpose of this section of the Plan is to set out the policies and proposals which relate to the Borough's four town centres of Bury, Ramsbottom, Radcliffe and Prestwich. Many of the policies and proposals put forward for the centres are drawn from the previous "topic-based" sections of the Plan. However, the opportunity has been taken in this section to incorporate these policies and proposals into an "area-based" approach with the introduction of "area policies".

Each town centre has been divided into a number of small areas for which "area policies" have been formulated and these have been combined with more detailed policies and proposals from other sections of the Plan as applicable. The result is that for the complex, inter-related land use patterns which exist in the Borough's town centres, there will be a comprehensive framework to guide and control future development in an effective way.

## The Changing Role of Town Centres

The Borough's town centres are considered to be of vital importance to the well-being of the Borough as a whole. Not only do the Borough's town centres act as a focal point for economic, social and cultural activities, they also make a major contribution to the image people have of the Borough through their character and appearance. Over recent years, however, the Council has become increasingly aware of the need to take action to overcome a number of problems and deficiencies which are having an adverse effect on the performance of the Borough's town centres. Many of these problems and deficiencies can be seen to stem from the changing roles now affecting all town centres.

Traditionally, town centres have served a discrete catchment population held captive by accessibility constraints, particularly in relation to public transport routes. For most people there was neither the means nor the inclination to travel further afield.

Today, however, increased mobility and awareness, together with new trends in the development of edge-of-town and/or out-of-town facilities, means that town centres are facing increasing competition. The flexibility and mobility provided by the private car, together with people's increased affluence and leisure time, mean that people can now exercise a far higher degree of choice in terms of which town centres they visit and to what degree they make use of out-of-centre facilities.

Faced with increasing competition, town centres are having to employ all the means at their disposal to attract investment and provide modern facilities. The Borough's town centres have found it particularly difficult to compete with many of the larger centres to be found in neighbouring districts. The result has been a failure to attract sufficient investment for the improvement and expansion of retailing, the creation of new and more diverse employment opportunities and the provision of other new facilities. By concentrating on town centres in the UDP, it is intended to halt, and hopefully reverse, some of the past trends and set a framework which will provide opportunities for revitalisation, expansion and improvement.

## **Town Centres**

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## **The UDP and Town Centres**

The UDP is seen to offer a unique opportunity to develop a Borough-wide planning framework capable of drawing attention to, and tackling, many of the problems affecting the Borough's town centres. The intention is to provide a comprehensive range of policies and proposals which will give employers, retailers, investors and developers the confidence and certainty they require to pursue long term planning and investment programmes.

In matters relating to land use issues, which are primarily the areas where the UDP can make a contribution, the Council is keen to demonstrate its confidence in the Borough's town centres and its commitment to achieving a sustainable environment. Steps are being taken, through the UDP, to identify a wide range of development opportunities for improved retailing and employment provision; measures have been incorporated to protect vital elements, such as prime shopping frontages and the appearance and quality of new development; environmental improvement priorities have been identified and the need to make town centres safer, healthier and more user friendly will be given priority consideration.

## **STRATEGY, OBJECTIVES AND TARGETS Strategy**

### **Strategy**

The well-being of the Borough's town centres is considered to be central to the overall strategy of the UDP. Themes which run through the UDP, such as achieving a sustainable environment, encouraging urban regeneration and concentrating development within the urban area, will have a much better chance of achieving success if they are complemented by increasingly attractive town centres.

Improvement and development of the Borough's town centres is, therefore, seen as one of the main objectives of the UDP strategy. Enhancing shopping provision is seen to be a key element in this strategy, particularly in Bury Town Centre, which is currently facing fierce competition and experiencing substantial expenditure leakage to centres in neighbouring districts. However, it will be the combination of initiatives, and not just shopping improvements, which will have the greatest impact.

In Bury Town Centre the challenge will be to build on recent investments, such as the refurbishment of the Mill Gate shopping centre and the introduction of Metrolink, by attracting further investment in retailing, office and service employment, tourism, hotel and conference facilities, and arts and cultural facilities, together with promoting environmental improvements and traffic management.

Elsewhere, in the Borough's smaller town centres, the strategy will be to promote regeneration and encourage development in order to improve attractiveness and vitality.

In Ramsbottom, the emphasis will be on continuing recent initiatives associated with tourism and retailing provision, with special attention being directed towards preserving and enhancing the heritage value and environmental quality of the centre and its buildings.

In Radcliffe, the recent construction of Pilkington Way, the town centre by-pass, is seen to provide the key to major environmental enhancement in the central shopping area associated with pedestrianisation and traffic management. These improvements will, in turn, it is intended, open up opportunities for improved retailing provision and other town centre related developments. Further improvements in Radcliffe will also be promoted through the Radcliffe Renewal initiative.

Finally, in Prestwich it is recognised that the centre suffers from its split linear layout and the adverse effects of the heavy traffic volumes which use the A56 as it passes through the centre. However, whilst improvements will be encouraged in Prestwich, for example, through schemes like the proposed refurbishment of the Longfield Centre and the designation of the St. Mary's Park Conservation Area, it is considered that the scope to overcome problems associated with the A56 will remain limited, at least during the period of the Plan.

To summarise, therefore, the overall aims for the Borough's town centres can be described as follows:-

- To expand and diversify the retailing and economic base of the Borough's town centres to enable them to compete more effectively.
- To bring about environmental and traffic management improvements in order to make centres more attractive, user-friendly and accessible.
- To encourage the improved provision of facilities to develop the role of town centres as focal points for local community and visitor needs.

## **Objectives and Targets**

To achieve the broad aims for town centres set out in the Strategy, a number of more detailed objectives and targets have been identified below. Each of these objectives is listed, followed by the relevant targets. It should be noted that some of the targets may relate to more than one objective and where this occurs the target has been listed with what is felt to be the most appropriate objective.

### **Objective 1: To protect, maintain and improve the town centres of Bury, Ramsbottom, Radcliffe and Prestwich.**

- Improving the attractiveness of town centres by conserving and enhancing their character.
- Providing flexible, but clear, land use guidance.
- Guiding and directing investment and development interest and activity.
- Improving and extending facilities, and access to facilities, for the disabled and mobility impaired.
- Promoting measures to assist crime prevention.

### **Objective 2: To enhance and develop town centres as the principal focal points for new cultural, leisure, business, professional services, residential, commercial and retailing development.**

- The identification and promotion of development opportunities in and around town centres.
- Maintaining and whenever possible increasing job opportunities.
- Improving existing commercial/office areas and by encouraging new office development.

### **Objective 3: To resist inappropriate out-of-centre developments which would have a detrimental effect on the vitality and viability of the Borough's town centres.**

- Encouraging a diverse range of complementary town centre uses.
- Providing opportunities for the introduction of new and improved visitor and resident attractions.
- Identifying town centre or edge-of-centre development/redevelopment sites.

**Objective 4: To consolidate and enhance the role of Bury Town Centre as a sub-regional shopping centre and as the Borough's main administrative, employment and commercial centre.**

- Diversifying the local economy by encouraging new office and commercial uses.
- Encouraging additional comparison shopping facilities.
- Promoting improvements to the environment of the centre.

## **POLICIES AND PROPOSALS**

This section differs from preceding sections in that as well as containing the appropriate general land use policies, or Part I policies and relevant Part II policies, it also contains an area based approach giving guidance on preferred land uses within a particular area. The Council considers that this approach is best able to deal with the complex and competing land use pressures experienced within town centres.

The inclusion of an area based approach means that policies and proposals for town centres are arranged as follows:-

- Specific town centre wide policies, Part I and Part II.
- Reference to relevant Part I and Part II policies and proposals from other sections of the Plan.
- General area policies for sectors identified within each town centre.
- Reference to individual site allocations from various sections of the Plan, including, where applicable, references to Opportunity Sites.
- Specific town centre wide policies

### **TC1 - TOWN CENTRES**

**The Council will seek to protect, maintain and improve the town centres of Bury, Ramsbottom, Radcliffe and Prestwich.**

#### **Justification**

The Council has identified the four main centres of Bury, Ramsbottom, Radcliffe and Prestwich as areas which need special attention, firstly, to affirm their roles as important commercial, retail and social activity centres, secondly, to encourage the provision of appropriate new facilities and, thirdly, to improve the quality of the local environment.

#### **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.

#### **Justification**

Areas of open space in town centres are considered to be particularly vulnerable to pressures for development, due to the inherent complex and competing land use demands to be found in town centres. For this reason, open spaces which accord with this policy have been identified on the Town

Centre Inset Maps to give them greater protection from development. By identifying such sites it is intended to help balance and guide competing town centre land uses, in the interests of the community. However, in addition to the identified areas, there are smaller incidental open spaces. These areas, which include grass verges and other soft spaces around and between buildings, are not considered appropriate for identification under the terms of this policy. In the majority of cases, these small incidental sites will be protected in accordance with the intentions of Open Land Policy OL3/1.

Open spaces in the town centres, which are considered to fall within the scope of this Policy, will generally be protected against development unless adequate compensatory provision is made or other significant benefits are derived from any specific development proposal.

### **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. In particular, the following locations have been identified for the type of action indicated:**

TC1/2/1 - Bolton Street/Market Place/The Rock/Market Street/Broad Street/Silver Street, Bury.  
Proposed traffic management/calming measures.

TC1/2/2 - Angouleme Way Between Rochdale Road and Spring Street, Bury.  
Review of pedestrian crossing facilities.

TC1/2/3 - Dale Street/Deansgate/Church Street West/Blackburn Street, Radcliffe.  
Proposed traffic management/calming measures.

TC1/2/4 - Blackburn Street Between Dale Street and Church Street West, Radcliffe.  
Proposed pedestrianisation.

### **Justification**

Pedestrians are amongst the most vulnerable section of the community in terms of road traffic accidents and conflict between pedestrians and vehicles is probably at its greatest in town centres. There are many points of conflict within the Borough's town centres and various locations will come forward for consideration during the Plan period. However, the locations identified in this section of the UDP merit early consideration if the pedestrian environment is to be improved. The details of the measures considered appropriate will need to be determined in the light of the local circumstances in each case.

### **TC2 - TOWN CENTRE ENHANCEMENT AND 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.**

### **Justification**

The Borough's town centres play a fundamental role in providing for the employment, leisure, shopping, personal and professional service requirements of Bury's residents, businesses and visitors. These centres are well placed by virtue of their access, existing facilities and attractiveness to investment to retain this role. However, if they are to retain and hopefully expand this role, then their development needs to strike a balance between securing sufficient investment to maintain their vitality and viability, whilst at the same time restricting development which would impair their attractiveness.

## **TC2/1 - Upper Floors**

**Within the town centres the Council will support proposals which bring underused and vacant space on upper floors of premises into beneficial use.**

### **Justification**

There is particular concern over the amount of underused and vacant space on upper floors of premises, which represents a waste of a valuable resource and the under-utilisation of space. Many floors above shops and other commercial properties are used for storage or left partially or completely empty, which generally leads to poor standards of maintenance and visual appearance. Other premises have vacant and obsolete office space which is difficult to let because of poor accommodation.

The Council is keen to encourage a range of uses, such as offices and living accommodation, within upper floors which will contribute to the overall vitality of town centres and help to retain and improve their liveliness and attractiveness. Utilisation of this type of accommodation will also result in proper maintenance and repair of the building fabric, which is particularly important in conservation areas and for individual listed buildings.

It is important that the full and efficient use of upper floors is not prevented by developments at lower levels, which could potentially limit or remove independent access. In determining applications for the change of use of upper floors the Council will have regard to; the individual merits of specific proposals; the need to service shops and to provide a high degree of security; and to other normal development control considerations, such as effects on amenity, noise etc.

## **TC2/2 - Mixed Use Development**

**The Council will encourage and support compatible mixed use development within the town centres.**

### **Justification**

This policy recognises that town centres are made up of a mixture and variety of uses. These different uses interact with, and support one another, and help to enrich the atmosphere and well-being of the area. The vitality and viability of the Borough's town centres could, therefore, be greatly enhanced by encouraging variety and diversity in development proposals.

Situations where mixtures of new activities can add to the attractions of a centre are many and varied. For example, in the main shopping areas of town centres, retail activities could be complemented by the addition of other uses which can serve and attract more shoppers, workers and other visitors. Cafes, public houses, entertainment, leisure, incidental open space and cultural facilities, are all obvious examples of complementary uses.

This policy, however, is not intended to permit or encourage the introduction of incompatible uses within town centres and attention will be paid towards ensuring that incompatible uses are kept apart. Mixed use development proposals which attempt to combine incompatible uses or detract from the primary use of an area within a town centre will not normally be permitted. Any schemes which are permitted must demonstrate that they satisfactorily accord with other policies and proposals of the Plan.

## **TC2/3 - Vacant and Cleared Sites**

**The Council is concerned that vacant and cleared sites should not detract from the overall appearance of the town centres. Where it appears that sites may remain undeveloped for some time, the Council will support proposals for their temporary use or improvement prior to their long term redevelopment.**

### **Justification**

There is particular concern that cleared land can remain unused and vacant for some time. Such sites can often have an adverse affect on the environment until they are developed for a permanent use and, therefore, it is considered important to seek temporary uses to improve their appearance. Cleared land awaiting redevelopment will generally be acceptable, in principle, for temporary uses including car parking subject to satisfactory boundary treatment, landscaping and access. The Council will also encourage the provision of temporary landscaping on cleared and vacant land.

### **TC3 - BURY TOWN CENTRE**

**The Council will be particularly concerned 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.**

#### **Justification**

This policy sets out the Council's commitment to expand and enhance a wide range of activities within Bury Town Centre. As well as helping to consolidate its position as the Borough's principal town centre, this approach will also strengthen the centre's position and competitiveness in relation to other important sub-regional centres. This approach also takes into account Government guidance which encourages Local Authorities, through their development plans, to identify opportunities for retail and other development which could contribute to the modernisation or refurbishment of town centres.

### **OTHER POLICIES AFFECTING TOWN CENTRES**

In addition to the specific town centre policies identified above, there are a number of additional policies from other sections of the Plan, listed below, which equally apply to town centres in providing general planning guidance for development proposals. These will need to be referred to, where appropriate, when assessing individual proposals.

## **Section 4 - Economy**

### **Part I Policies**

- EC1 - Employment Land Provision.
- EC2 - Existing Industrial Areas and Premises.
- EC3 - Improvement of Older Industrial Areas and Premises.
- EC4 - Small and Growing Businesses.
- EC5 - Offices.
- EC6 - New Business, Industrial and Commercial Development.

### **Part II Policies**

- EC1/1 - Land for Business (B1), General Industrial (B2) and Warehousing Uses (B8).
- EC1/2 - Land Suitable for Business (B1), and Office Use.
- EC1/3 - Land Suitable for Business (B1), Office and Hotel/Conference Facility Uses.
- EC2/2 - Employment Land and Premises Outside the Employment Generating Areas.
- EC3/1 - Measures to Improve Industrial Areas.
- EC4/1 - Small Businesses.
- EC5/1 - Office Development in Bury Town Centre.
- EC5/2 - Other Centres and Preferred Office Locations.
- EC6/1 - Assessing New Business, Industrial and Commercial Development.
- EC6/2 - Hazardous Installations.

## **Section 5 - Housing**

### Part I Policies

- H1 - Housing Land Provision.
- H2 - Housing Environment and Design.
- H3 - Incompatible Uses in Residential Areas.
- H4 - Housing Need.
- H5 - Housing Improvement.

### Part II Policies

- H1/1 - Housing Land Allocations.
- H1/2 - Further Housing Development.
- H1/3 - Provision for Gypsies and Travellers.
- H2/1 - The Form of New Residential Development.
- H2/2 - The Layout of New Residential Development.
- H2/3 - Extensions and Alterations.
- H2/4 - Conversions.
- H2/5 - Conversion of Residential Property to Hotels and Guest Houses.
- H2/6 - Garden and Backland Development.
- H3/1 - Assessing Non-Conforming Uses.
- H3/2 - Existing Incompatible Uses.
- H4/1 - Affordable Housing.
- H4/2 - Special Needs Housing.
- H5/1 - Area Improvement.

## **Section 6 - Environment**

### Part I Policies

- EN1 - Built Environment.
- EN2 - Conservation and Listed Buildings.
- EN3 - Archaeology.
- EN4 - Energy Conservation.
- EN5 - Flood Protection and Defence.
- EN6 - Conservation of the Natural Environment.
- EN7 - Pollution Control.
- EN8 - Woodland and Trees.
- EN9 - Landscape.
- EN10 - Environmental Improvement.

### Part II Policies

- EN1/1 - Visual Amenity.
- EN1/2 - Townscape and Built Design.
- EN1/3 - Landscaping Provision.
- EN1/4 - Street Furniture.
- EN1/5 - Crime Prevention.
- EN1/6 - Public Art.
- EN1/7 - Throughroutes and Gateways.
- EN1/8 - Shop Fronts.
- EN1/9 - Advertisements.
- EN1/10 - Telecommunications.
- EN1/11 - Public Utility Infrastructure.
- EN2/1 - Character of Conservation Areas.
- EN2/2 - Conservation Area Control.
- EN2/3 - Listed Buildings
- EN3/1 - Impact of Development on Archaeological Sites.

- EN3/2 - Development Affecting Archaeological Sites.
- EN3/3 - Ancient Monuments.
- EN4/1 - Renewable Energy.
- EN4/2 - Energy Efficiency.
- EN5/1 - New Development and Flood Risk.
- EN6/3 - Features of Ecological Value.
- EN6/4 - Wildlife Links and Corridors.
- EN7/1 - Atmospheric Pollution.
- EN7/2 - Noise Pollution.
- EN7/3 - Water Pollution.
- EN7/4 - Groundwater Protection.
- EN7/5 - Waste Water Management.
- EN8/1 - Tree Preservation Orders.
- EN8/3 - Red Rose Forest.
- EN10/1 - Derelict Land.
- EN10/2 - Riverside and Canalside Improvement in Urban Areas.

## **Section 7 - Open Land**

### **Part I Policies**

- OL3 - Urban Open Space.
- OL5 - River Valleys.

### **Part II Policies**

- OL3/1 - Protection of Urban Open Space.
- OL5/1 - Designation of River Valleys.
- OL5/3 - Riverside and Canalside Development in Urban Areas.

## **Section 8 - Recreation And Tourism**

### **Part I Policies**

- RT1 - Existing Provision for Recreation in the Urban Area.
- RT2 - New Provision for Recreation in the Urban Area.
- RT3 - Recreation in the Countryside.
- RT4 - Tourism.

### **Part II Policies**

- RT1/1 - Protection of Recreation Provision in the Urban Area.
- RT1/2 - Improvement of Recreation Facilities.
- RT2/1 - Provision of New Recreation Sites.
- RT2/2 - Recreation Provision in New Housing Development.
- RT2/3 - Education Recreation Facilities.
- RT2/4 - Dual-Use of Education Facilities.
- RT3/4 - Recreational Routes.
- RT4/1 - Tourism Development.
- RT4/2 - Safeguarding Tourism Assets.
- RT4/3 - Visitor Accommodation.
- RT4/4 - Tourism Support Facilities
- RT4/5 - Special Tourism and Leisure Provision.
- RT4/6 - East Lancashire Railway.

## **Section 9 - Shopping**

### **Part I Policies**

- S1 - Existing Shopping Centres.
- S2 - Control of New Retail and Non-Retail Development.
- S3 - New Retail Development and Environmental Improvements.
- S4 - New Retail Development Outside Town and District Centres.

### **Part II Policies**

- S1/1 - Shopping in Bury Town Centre.
- S1/2 - Shopping in Other Town Centres.
- S2/1 - All New Retail Proposals: Assessment Criteria.
- S2/2 - Prime Shopping Areas and Frontages.
- S2/3 - Secondary Shopping Areas and Frontages.
- S2/4 - Control of Non-Retail Uses in All Other Areas.
- S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
- S2/6 - Food and Drink.
- S2/7 - Amusement Centres and Arcades.
- S3/1 - New Retail Development Opportunities Within or Adjoining Town Centres.
- S3/3 - Improvement and Enhancement (All Centres).
- S3/4 - Markets.
- S4/1 - Retail Development Outside Town and District Centres.
- S4/2 - Assessing Out-of-Centre Retail Development.
- S4/3 - Nurseries, Farm Shops and Garden Centres.
- S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations.

## **Section 10 - Highways And Transportation**

### **Part I Policies**

- HT1 - A Balanced Transportation Strategy.
- HT2 - Highway Network.
- HT3 - Public Transport.
- HT4 - New Development.
- HT5 - Accessibility for Those with Special Needs.
- HT6 - Pedestrians and Cyclists.
- HT7 - Freight.

### **Part II Policies**

- HT2/1 - The Strategic Route Network.
- HT2/2 - Improvements to the Strategic Route Network.
- HT2/3 - Improvements to Other Roads.
- HT2/4 - Car Parking and New Development.
- HT2/5 - Public Car Parks.
- HT2/6 - Replacement Car Parking.
- HT2/7 - Lorry Parking.
- HT2/8 - Taxi and Private Hire Businesses.
- HT3/1 - Schemes to Assist Bus Movement.
- HT3/2 - Bus Services.
- HT3/4 - Schemes to Assist Metrolink.
- HT5/1 - Access for Those With Special Needs.
- HT6/1 - Pedestrian and Cyclist Movement.
- HT6/2 - Pedestrian/Vehicular Conflict.

- HT6/3 - Cycle Routes.
- HT7/1 - Freight Facilities.

## **Section 11 - Community Facilities**

### **Part I Policies**

- CF1 - Proposals for New and Improved Community Facilities.
- CF2 - Education Land and Buildings.
- CF3 - Social Services.
- CF4 - Healthcare Facilities.
- CF5 - Childcare Facilities.

### **Part II Policies**

- CF1/1 - Location of New Community Facilities.
- CF2/1 - Bury College.
- CF3/1 - Residential Care Homes and Nursing Homes.
- CF5/1 - Childcare Facilities in New Developments.

## **Section 12 - Minerals and Waste**

Note: There are no specific Minerals and Waste Policies and Proposals which directly affect Town Centres.

## **Bury Town Centre**

Bury is the most important and largest town centre in the Borough and the one most likely to be equated with the vitality and image of the Borough as a whole. The centre performs a very important role in the life and economy of the Borough, and is the main centre for shopping, business, financial and other services, local government and other civic functions.

The Council recognises the importance of this role and is seeking, partly through the UDP, to maintain and enhance the centre so that new investment and further growth can be encouraged. As well as helping to stimulate further confidence in the surrounding area, the Council considers that this approach will assist in attracting a wider range of facilities for local people.

Various sections of the Plan have already demonstrated the potential that could be realised if a more proactive approach was to be adopted. This section on Bury Town Centre, however, serves to highlight how the various opportunities can be brought together in order to promote a co-ordinated approach towards the development, change and improvement of the centre. The underlying aim is to promote and improve all aspects of life and activity within the centre, and to encourage, enhance and expand facilities where this is of benefit to the local community, economy and environment. This approach will help to develop a prosperous and attractive town centre, which will give a positive impression to shoppers, visitors and other users.

In seeking to develop opportunities within Bury Town Centre, the Plan also aims to build upon Bury's character as an attractive, traditional town centre with a good balance between the provision of modern facilities and the conservation of its historic interest, while at the same time exploiting the centre's strengths and resolving identified weaknesses.

One of the Plan's major objectives identified for the town centre, is to expand and enhance overall shopping provision, particularly for durable goods. This will be done by identifying and generally supporting new retail development schemes and by protecting primary and secondary shopping areas. Bury has clearly fallen behind other competing centres which have been able to maintain growth by providing additional shopping floorspace and by improving and adding to the range of shopping facilities.

The "Study of Retail Provision within Bury" (Drivers Jonas, 1990), demonstrates that only Bury Town Centre stands a realistic chance of attracting back any significant amounts of comparison expenditure leakage and accommodating projected retail expenditure growth within the Borough. Clearly, as a bare minimum, Bury's existing market share should be maintained. However, the retail study suggests that there is substantial economic scope to provide additional comparison facilities of a scale that would increase Bury's attractiveness, market share and standing within the Greater Manchester shopping hierarchy. In addition, attempting to increase Bury's market share would further the aims of national and strategic policy guidance by enhancing the strength, diversity and vitality of the town centre, while at the same time contributing towards the overall goal of urban regeneration.

The diversification and expansion of the centre's employment base by capitalising on the public transport system, in particular Metrolink, and by exploiting potential growth sectors, is also seen to be a major objective of the Plan. As well as engaging in positive promotion of business, office and service employment opportunities, policies for the town centre also seek to consolidate and enhance existing employment locations. The Council considers that increased employment opportunities, both in terms of the number and type of jobs available within the centre, will also have a beneficial knock-on effect for other activities.

As well as seeking to encourage new development and create further job opportunities, the Council also recognises the role the Plan can have in terms of protecting and enhancing the overall quality of the centre's environment. The appearance and attractiveness of the centre is of primary importance,

and environmental and aesthetic improvements will be programmed so that residents, visitors, retailers and investors gain a positive impression of the town centre and the Borough as a whole.

Ease of access to and from the town centre, particularly on public transport, and improved accessibility within the centre, will also be encouraged through various policies of the Plan. Indeed, direct action will be taken with regard to problems associated with pedestrian/ vehicular conflict, servicing, safety, access for the mobility impaired and overall car parking provision, all of which will help to make the centre more user friendly.

In summary, therefore, the policies and proposals put forward for Bury Town Centre and the relevant policies and proposals in other sections of the Plan, are intended to address over the Plan period, the objectives and targets identified in the introduction to the Town Centres section of the Plan. On the basis of these objectives and targets, the following local priorities have been identified:

- diversification of the local economy;
- an increase in, and improvement of, the range and type of shopping facilities;
- the maintenance and improvement of the town centre's community, recreation and leisure facilities;
- encouragement of new tourism development;
- the protection and renewal of the town centre's residential communities;
- improved accessibility and safety;
- the protection and improvement of the environment.

By concentrating on the priorities identified above it is hoped to improve the vitality and viability of the centre, enabling the centre to compete more effectively with neighbouring town centres. The types of measures being put forward to address these broad priorities include; the identification of development opportunities as well as encouraging refurbishment and renewal; landscaping and conservation works, including riverside improvement and the protection of valuable open space areas; traffic management/calming measures; improved parking and accessibility; measures to encourage and support further tourism growth; and a more co-ordinated approach to overall management, which could involve the development of a Town Centre Strategy.

## **AREA POLICIES AND PROPOSALS**

### **Area BY1 - Tetersfield/Millett Street/Tenterden Street**

**The Council will consider favourably proposals for business (B1), office, civic uses, car parking and residential development in the Tetersfield/Millett Street/Tenterden Street area of the Town Centre. The change of use from residential to other uses will not be permitted.**

#### **Justification**

The Tetersfield area is an area of mixed land uses to the west of the town centre, which has witnessed considerable investment and redevelopment in recent years e.g. Bury Magistrates Court, Radcliffe Road Garage car showroom/garage on Bolton Street, Regency Chambers, Millett Street office developments, and sheltered housing off Fold Street.

The area forms one of the most important "Gateways" into the town centre and Bolton Street (Bury Bridge) and Jubilee Way carry all traffic approaching the town centre from the west. Although these traffic routes have been upgraded and rationalised, with the rebuilding of Bury Bridge, the free flow of traffic at peak periods continues to give cause for concern.

The Council's primary concerns in this area are that the major throughroutes be improved and landscaped, with areas adjoining the roads maintained to a high standard of amenity. The Council will welcome proposals for the area's enhancement or redevelopment which are in keeping with the above policy framework. In addition, proposals which will occupy prominent locations will be expected to reflect this in terms of the quality of the development. Opportunities for additional car parking

facilities will normally be looked upon favourably in order to alleviate a recognised shortfall for local residents, visitors and workers in the area.

The western boundary of this area is formed by the River Irwell. Development on Millett Street backs on to the river, effectively cutting the river off from public view and use. The eastern bank of the river is, as a consequence, overgrown and neglected. As a means of improving this land the Council will initially encourage the provision of access to the river as and when opportunities arise. Long term, it is hoped that a riverside walkway can be established.

In order to protect existing residential properties within the area the Council does not consider that any of these houses should be converted to office or business uses. Indeed, they should be maintained and improved for residential purposes.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### EN1/7 - Bury Bridge, Bury.

Important throughroute and gateway, main river crossing into the Town Centre.

#### EN1/7 - Bolton Street, Bury.

Important gateway within the Town Centre.

#### EN1/7 - River Irwell.

Important throughroute.

#### EN6/4 - Land West of Millett Street, Bury.

Wildlife corridor.

#### EN10/2 & OL5/3 - Land West of Millett Street, Bury.

Riverside improvement and development.

#### HT2/2/2 - A58 (Bury Bridge), Bury.

Highway improvement.

#### TC1/1 - Bolton Street/Doctors Lane, Bury (0.25 ha.).

Protected open space.

#### TC1/1 - Jubilee Way/Bolton Street/Phoenix Street, Bury (0.46 ha.).

Protected open space.

#### TC1/1 - Fold Street (0.05 ha.).

Protected open space.

### **Area BY2 - Bridge Road/Buckley Wells**

**The Council will consider favourably proposals for the enhancement of the Bridge Road/Buckley Wells area of the town centre for education, residential, car parking and railway related uses. The change of use from residential to other uses will not be supported.**

### **Justification**

This is an extensive area to the south west of the town centre which may be divided into three distinct parts, namely:

#### Land to the west of the East Lancashire Railway.

This area is devoted exclusively to school use. The school buildings are in good condition and are well maintained. Playgrounds, tennis courts and sports pitches combine to set the school buildings within a large area of open space. The Girls Grammar School (east of Bridge Road) is a particularly fine, brick building. Educational uses in the area are well established and the Council will support and protect their continuance. The western boundary of the area is formed by the River Irwell. The Council is seeking to improve and enhance river frontages and as such, the Council will encourage the provision of access to the river. Long term, it is hoped that a riverside walkway can be established as development opportunities arise.

#### The East Lancashire Railway (ELR).

The track and engine sheds within this part of the town centre form an important part of current and proposed ELR operations, in particular, the proposed extension of the ELR via the Heywood Link (Recreation and Tourism Policy RT4/6/4). The Council fully supports the continued expansion of the ELR and recognises that the railway is a major visitor attraction for the Town Centre, which can draw additional attractions and facilities into the town centre.

#### Residential area south of Belle Vue Terrace.

This housing area consists of eight rows of well maintained terraced houses. Their condition is indicative of the popularity of the area with residents and their confidence in its future. In order to maintain the residential character of the area the Council does not consider that any of these houses should be converted to office or business uses.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### EN1/7 - River Irwell.

Important throughroute.

#### EN6/4 - Land west of Bury Grammar School and ELR land.

Wildlife corridor.

#### EN10/2 & OL5/3 - Land Adjacent to the River Irwell/Bury Grammar School for Boys, Bury .

Riverside improvement and development.

#### RT4/6/4 - East Lancashire Railway, Bury.

Heywood Link Extension.

#### HT2/5/2 - Land at Belle Vue Terrace, Bury (0.53 ha.).

Car parking.

#### HT6/3/2 & RT3/4/2 - Former Bolton to Bury/Radcliffe.

Railway Line Potential cycle/recreational route.

#### TC1/1 - Former Railway Line, West of Bridge Road, Bury (1.08 ha.).

Protected open space.

#### TC1/1 - Land West of Jubilee Way/Manchester Road, Bury (0.20 ha.).

Protected open space.

#### TC1/1 - Land at the Junction of Manchester Road and Manchester Old Road, Bury (0.04 ha.).

Protected open space.

### **Area BY3 - Bolton Street/Market Place**

**The Council will encourage and consider favourably proposals for cultural, leisure and tourism, shopping, business (B1), office and car parking uses in the Bolton Street/Market Place area of the town centre.**

### **Justification**

This area lies at the heart of the town centre and contains some of the Borough's main cultural, financial and leisure facilities, together with important local car parking. The majority of this area also lies within the Bury Town Centre Conservation Area, which contains a number of late Georgian and Victorian buildings, some of which are listed buildings of architectural or historic interest.

The Council already recognises the potential of this area and the opportunities which can arise from the promotion and development of a cultural/tourism zone. Indeed, it is hoped that the Council can build upon a number of projects and initiatives which have already been successful, including, the East Lancashire Railway, which is now the biggest tourist attraction in the Borough; Castle Leisure Centre - the Borough's major indoor leisure facility; and the Derby Hall which includes the new centre for the performing arts and The Met cafe bar. A revitalisation scheme for the Bolton Street area also includes the excavation and permanent display of the remains of Bury Castle. In combination, these various projects and schemes are beginning to act as catalysts for a number of other sectors of the leisure and tourism market including speciality shopping, accommodation, transportation and catering facilities.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### **EC5/1/3 - Peel Way/Bolton Street, Bury (0.19 ha.).**

Offices.

#### **EC5/1/4 - Irwell Street, Bury (0.09 ha.).**

Offices.

#### **EN1/7 - Bolton Street, Bury.**

Important gateway within the town centre.

#### **EN1/7 - Bolton Street Station, Bolton Street, Bury.**

Important gateway for visitors to the East Lancashire Railway.

#### **EN3/3/3 - Bury Castle, Bury.**

An identified scheduled ancient monument for preservation and enhancement.

#### **EN6/4 - East Lancs Railway land.**

Wildlife link.

#### **S2/2 - Crompton Street, Bury.**

Prime shopping frontages.

#### **S2/3 - Market Street/Broad Street/Silver Street/Bolton Street, Bury.**

Secondary shopping frontages.

#### **HT2/5/1 - Land at Bolton Street/Irwell Street, Bury (0.22 ha.).**

Car parking.

#### **HT6/3/1 & RT3/4/1 - The Kirklees Valley, Bury.**

Potential cycle/recreational route.

TC1/1 - Market Place, Bury (0.08 ha.).

Protected open space.

TC1/1 - Sparrow Park, Silver Street/Moss Street, Bury (0.10 ha.).

Protected open space.

TC1/1 - St Mary's Church Gardens, The Wylde, Bury (0.12 ha.).

Protected open space.

TC1/1 - Castlecroft Road/Bolton Street, Bury (0.06 ha.).

Protected open space.

TC1/2/1 - Bolton Street/Market Place/The Rock/Market Street/Broad Street, Bury.

Traffic management/calming measures.

#### **Area BY4 - Manchester Road/Knowsley Street**

**The Council will consider favourably proposals for business (B1), office, hotel/conference facilities, car parking and civic uses within the Manchester Road/Knowsley Street area of the town centre.**

#### **Justification**

This is predominantly the administrative/business/office area of the town. There are large local government offices, including the Town Hall, and a variety of small private firms, particularly on Manchester Road, St Mary's Place and Knowsley Street. There are heavy demands for long stay car parking by employees within the area.

The area has a number of important open spaces including Library Gardens and Tower Gardens. The latter acts as a formal setting to the Town Hall and as a gateway to the town centre from the south.

This area of the town centre contains a number of development sites which have the potential to accommodate business (B1), office, and/or car parking uses. In particular, the Opportunity Site adjacent to the Town Hall, bounded by Knowsley Street and Angouleme Way provides a unique opportunity to locate a new hotel/conference/office complex in the heart of the town centre's business district. The site is also well situated for all other town centre facilities, in particular the Bury Interchange and Metrolink.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

OPPORTUNITY SITE - Land off Knowsley Street, Bury (1.30 ha. including existing car park).

Site suitable for business (B1), office and hotel/conference facilities. See Economy Proposal EC1/3/1 and Recreation and Tourism Proposal RT4/3/1.

EC5/1/5 - Haymarket Street, Bury (0.16 ha.).

Offices.

EC5/1/6 - Land Off Glenmore Street, Bury (0.08 ha.).

Offices.

EC5/1/7 - Land off Ashlor Street, Bury (0.16 ha.).

Offices.

EN1/7 - Manchester Road/Knowsley Street, Bury.

Important throughroute and gateway within the town centre.

EN1/7 - Metrolink and East Lancs Railway.

Throughroutes.

EN6/4 - Metrolink and East Lancs Railway.

Wildlife links.

RT4/6/4 - East Lancashire Railway, Bury.

Heywood Link Extension.

TC1/1 - Library Gardens, Silver Street, Bury (0.20 ha.).

Protected open space.

TC1/1 - Tower Gardens, Manchester Road/Knowsley Street, Bury (0.30 ha.).

Protected open space.

### **Area BY5 - The Rock/Peel Way**

**The Council will encourage and promote proposals for retailing and ancillary uses, business (B1), office and car parking uses within The Rock/Peel Way area of the town centre.**

#### **Justification**

This is an area of mixed town centre uses forming the northern edge of the town centre. Peel Way runs along the northern boundary whilst The Rock forms the southern boundary. The area around the junction of Peel Way and The Rock, adjacent to the Fire Station, forms an important gateway and there are a number of opportunities to improve the area's overall appearance.

The majority of premises fronting The Rock are devoted to shopping and other commercial uses. Most of the uses are considered to be largely secondary in nature, and properties are generally of a lower standard than those in the prime shopping area, which offers the potential for their improvement and/or redevelopment. Other land uses within the area include industry/business uses on John Street and Parsons Lane, and two large town centre car parks.

The Council is seeking to enhance and consolidate existing land uses within this area. There is little opportunity for further large scale development, but there is scope to improve and/or refurbish existing properties, particularly in the area around The Rock/Tithebarn Street. In addition, improved and/or additional pedestrian access points to the town centre, across Peel Way (A58), will be investigated in association with the development of the proposed Opportunity Sites at Woodfields and Hornby Street adjacent to this area.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

OPPORTUNITY SITE - Land Adjacent Bury Fire Station, The Rock, Bury (0.07 ha.).

Site suitable for retailing and office uses. See Shopping Proposal S3/1/9 and Economy Proposal EC5/1/1.

EN1/7 - Peel Way/Moorgate/The Rock, Bury.

Important throughroute and gateway within the town centre.

S2/3 - The Rock and Tithebarn Street, Bury.

Secondary shopping frontages.

### **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.**

#### **Justification**

This area is at the very heart of the town centre and contains the main shopping precinct (Mill Gate), markets and the Bury Interchange. The area is bordered principally by main roads which form part of the Town Centre Circulatory Road system, which allows the easy and rapid movement of traffic across the town whilst keeping through traffic away from the central shopping area. These roads also provide access to most of the centre's large car parks, which surround the central shopping area.

This is the most important shopping area within the Borough and the Council will welcome proposals which will increase or improve the comparison goods element of the town centre. It is hoped that the recent Mill Gate refurbishment will help to transform the central shopping area of the town centre and bring further benefits, both in aesthetic and commercial terms. The refurbishment should also create new opportunities for trade and the opportunity to introduce and attract new retailers to the centre. It is intended that this refurbishment will act as a springboard for further investment and development to increase retail floorspace, strengthen the retail base and complement Bury's strong market tradition.

The Council has responded positively to opportunities within the centre by identifying a number of potential development/redevelopment Opportunity Sites. In particular, the area identified around Union Arcade, see Shopping Proposal S3/1/12, would assist in overcoming deficiencies in comparison shopping provision and provide a focus for a major development within the town centre's prime shopping area.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

##### EN1/7 - Bury Interchange, Bury.

Important gateway, major public transport focal point within the town centre.

##### EN1/7 - Rochdale Road/Angouleme Way, Bury.

Important throughroute and gateway within the town centre.

##### S2/2 - The Precinct/Market Street and The Rock, Bury .

Prime shopping frontages.

##### S2/3 - The Rock/Tithebarn Street, Bury.

Secondary shopping frontages.

##### S3/1/11 - The Rock/Tithebarn Street, Bury (0.21 ha.).

Shopping

##### S3/1/12 - Land Bounded by Union Arcade/Angouleme Way/Rochdale Road The Rock, Bury (1.82 ha.).

Shopping.

##### S3/1/13 - Site of Central Methodist Church, The Haymarket/Crompton Street, Bury (0.18 ha.)

Shopping.

##### S3/1/16 - Minden Parade/ Market Parade, Bury (0.10 ha.).

Shopping.

S3/1/17 - Princess Parade/ Murray Road/ Hilton Road, Bury (0.36 ha.).  
Shopping.

TC1/1 - Kay Gardens, Bury (0.18 ha.).  
Protected open space.

TC1/1 - Bury Lions Garden, Crompton Street, Bury (0.06 ha.).  
Protected open space.

TC1/2/1 - Bolton Street/Market Place/The Rock/Market Street/Broad Street, Bury.  
Traffic management/calming measures.

TC1/2/2 - Angouleme Way Between Rochdale Road and Spring Street, Bury.  
Review of pedestrian crossing facilities.

### **Area BY7 - Townside/Market Street**

**The Council will encourage and promote proposals for community facilities, business (B1), office, leisure, recreation and car parking uses within the Townside/Market Street area of the town centre. This area is not considered appropriate for large scale retail development.**

### **Justification**

This area of the town centre contains some of the town's main community facilities including Bury Metropolitan College, Holy Trinity and St. Marie's primary schools, the Mosses Community Centre, Peel Health Centre and Humphrey House, a large office block fronting Angouleme Way, occupied by the Department of Social Security.

This area of the town centre currently contains a number of underused open spaces, some of which provide opportunities to attract business (B1) and office based uses requiring high quality environmental settings. The Council recognises that uses of this kind can make a significant contribution to the strengthening and diversification of the local economy and can enhance the appearance of the urban environment when designed to a high standard.

In addition to the area's potential as a business location, the Council will support proposals to concentrate Further Education provision within this area of the Borough. Initially, this will be focused upon the current Bury College sites at Market Street and Peel College. However, there may be a need to provide additional accommodation and, by allocating Townside Fields for both education and business/office use, there is the opportunity for Bury College to expand, as and when required, and also the opportunity for a physical link to be established between the two currently separate college sites which are situated on opposite sides of Townside Fields.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

OPPORTUNITY SITE - Townside Fields, Market Street, Bury (3.07 ha.).  
Site suitable for business (B1), office and education use. See Economy Proposal EC1/2/6 and Community Facilities Proposal CF2/1/2. The site also has outline planning permission for leisure use.

H1/1/19 - Southbank Road, Bury (0.80 ha.).  
Housing.

EN1/7 - Market Street and Angouleme Way, Bury.  
Important gateway and throughroute within the town centre.

EN1/7 - Metrolink and East Lancs Railway.  
Important throughroutes.

EN6/4 - Metrolink and East Lancs Railway.  
Wildlife links.

RT4/6/4 - East Lancashire Railway, Bury.  
Heywood Link Extension.

CF2/1/1 - Existing Site of Bury College, Market Street and Peel College Site, Bury.  
Education land and buildings.

TC1/1 & RT1/1 - Market Street Athletics Track, Market Street/Wellington Road, Bury (3.37 ha.).  
Protected open space and recreational outlet.

### **Area BY8 - The Rock/Moorgate**

**The Council will encourage and promote proposals for retailing, business (B1), office and car parking uses within The Rock/Moorgate area of the town centre.**

#### **Justification**

This is an important gateway area to the north east of the town centre, containing a variety of mainly business and commercial land uses, some of which have been in decline over recent years. The area is now considered to offer a number of opportunities for redevelopment. The Council is seeking a comprehensive approach and recognises the retail and business potential of the area. In particular, the two Opportunity Sites contained within this area are considered to offer significant redevelopment potential. The Council will consider the need for further planning guidance in connection with the redevelopment potential of this area to deal with matters of a detailed planning nature.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### **OPPORTUNITY SITE - Land at Moorgate, Bury (2.42 ha.).**

Site suitable for food or non-food retailing, business (B1) and office uses, or a mixture of these. See Shopping Proposal S3/1/8 and Economy Proposal EC1/2/5.

#### **OPPORTUNITY SITE - Land and Buildings at the Junction of Rochdale Road and The Rock, Bury (1.54 ha.).**

Site suitable for town centre car parking and shopping. See Highways and Transportation Proposal HT2/5/3 and Shopping Proposal S3/1/10.

#### **EN1/7 - Peel Way/Moorgate/The Rock, Bury.**

Important throughroutes and gateways within the town centre.

#### **HT2/2/3 - A58 Rochdale Road, Bury.**

Road Improvement, Angouleme Way to Bond Street.

#### **TC1/1 - Former St John's Churchyard, The Rock, Bury (0.21 ha.).**

Protected open space.

### **Area BY9 - George Street**

**The Council will encourage and promote proposals for additional non-food retailing and/or car parking facilities within the George Street area of the town centre. Retail development will be**

**expected to complement activities within the centre's prime shopping area and provide replacement car parking.**

### **Justification**

This area has established itself as an important and complementary extension to the town centre's prime shopping area. The area contains a number of non-food retail warehouses and a large food store together with extensive and valuable town centre car parking. The Council is keen to build upon the success of this area as an attraction to shoppers, and has identified two further sites for retail development. However, a major factor in considering the development of these sites is that of replacement car parking provision for the wider town centre area. This will not be an easy problem to solve and the ramifications are likely to be complex. Nevertheless, the Council will try to balance the need for additional retail facilities against overall car parking provision.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### EN1/7 - Rochdale Road/Angouleme Way, Bury.

Important throughroute and gateway within the town centre.

#### S3/1/15 - George Street/Foundry Street, Bury (0.98 ha.).

Shopping.

#### S3/1/18 - Angouleme Way/Spring Street, Bury (1.13 ha.).

Shopping.

#### HT2/2/3 - A58 Rochdale Road, Bury.

Road Improvement, Angouleme Way to Bond Street.

#### TC1/2/2 - Angouleme Way Between Rochdale Road and Spring Street, Bury.

Review of pedestrian crossing facilities.

### **Area BY10 - Rochdale Road/Lord Street/York Street**

**The Council will encourage and promote proposals for business (B1) and industrial (B2 and B8) uses within the Rochdale Road/Lord Street/York Street area of the town centre. Within the identified secondary shopping area fronting Rochdale Road, appropriate retail/mixed retail development will also be permitted. Further residential development within this area will not be encouraged.**

### **Justification**

This is primarily an industrial area within the town centre. Although mainly industrial in nature, the area also contains several rows of terraced houses and an established secondary shopping area located along both sides of Rochdale Road, which forms an important gateway into the town centre. In environmental and physical terms the industrial area north of Rochdale Road has experienced some decline over recent years, which is reflected in the conditions and more marginal uses to be found in this area. In contrast, the area south of Rochdale Road is occupied by larger and more established industrial concerns. The Council is keen to instill new life into this area as a whole and will promote and encourage both physical and environmental improvements, whilst still retaining the primarily industrial/business nature of the area.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### OPPORTUNITY SITE - Rochdale Road, Bury (0.15 ha.) .

Site suitable for shopping and office uses. See Shopping Proposal S3/1/14 and Economy Proposal EC5/1/2.

EN1/7 - Rochdale Road/Heywood Street, Bury.

Important throughroute and gateway within the town centre.

HT2/2/3 - A58 Rochdale Road, Bury.

Road improvement, Angouleme Way to Bond Street.

**Area BY11 - Heywood Street/Spring Street**

**The Council will maintain housing as the predominant land use within the Heywood Street/Spring Street area of the town centre. The Council will also encourage and support proposals which enhance the residential character of the area and provide opportunities for housing/environmental improvement and/or additional amenity open space.**

**Justification**

This is predominantly a residential area located on the fringe of the town centre. The area consists of mainly older terraced housing, some of which is in the course of being improved. The Council is concerned to maintain the residential character of the area and will encourage suitable measures to improve its environmental and physical appearance.

**Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

EN1/7 - East Lancs Railway.

Throughroute.

EN6/4 - East Lancs Railway.

Wildlife link.

RT4/6/4 - East Lancashire Railway, Bury.

Heywood Link Extension.

# Ramsbottom

## INTRODUCTION

Ramsbottom, the Borough's most northerly town centre, has experienced considerable change in recent years and now has a far more diverse economy than at any time in its history. The town, although still retaining a number of important manufacturing industries, has managed to build upon its distinctive character, local historical interest and heritage, together with its location within the Irwell valley and surrounding West Pennine hills.

Arguably, the major forces behind the changes to the town and its centre have been the growth in tourism related activities and the substantial population influx over recent years. The tourism growth has stemmed to a large extent from the success of the East Lancashire Railway which opened in 1987 and the population influx has arisen because of the extensive house building which has taken place in the Ramsbottom area over recent years. The effect of these factors can be seen in terms of a significant expansion and improvement in the Town Centre, which has led to increased viability and growth in both the retail and service sectors. As well as expansion in terms of the variety of shops, particularly regarding the growth of speciality shops, tea rooms, restaurants, and the markets, the overall fabric of the centre has also improved. Substantial investment has been put into building improvements and environmental enhancement, including stone cleaning, new shop fronts, landscaping and environmental schemes.

Much of the town centre also falls within the Ramsbottom Conservation Area, and contains a number of interesting buildings, of mainly Victorian origin, which provide a valuable reminder of the town's heritage. In recognition of this, and in partnership with English Heritage, the Council has developed the Ramsbottom Town Scheme initiative, which seeks to encourage investment in, and improvement of, the centre's overall environment. This approach has already had a beneficial impact and will hopefully help to maintain much of the town's original character.

Ramsbottom is not only important as a visitor attraction. The town centre is a major source of employment, home to a number of important community facilities, including the library, civic hall, theatre, and an important local shopping centre catering for a variety of local convenience and comparison needs.

The recent improvements in Ramsbottom have reversed past trends of decline. The challenge for the 1990's and the next millennium will be to continue the improvement and bring about further growth. The Plan aims to promote further environmental improvements, particularly in backland areas, and identify opportunities for developments which will complement the town centre's new role.

In conjunction with the town's location and its renewed vitality and viability, the centre is now experiencing problems associated with traffic congestion and inadequate parking provision, especially at peak periods and at weekends. The Council recognises these changing circumstances and will, during the period of the Plan, investigate potential solutions in order to rationalise or reduce the impact of traffic growth.

The policies and proposals put forward for Ramsbottom Town Centre, and the relevant policies and proposals in other sections of the Plan are intended to address, over the Plan period, the objectives and targets identified in the introduction to the Town Centres section of the Plan. On the basis of these objectives and targets, the following local priorities have been identified:

- diversification of the local economy;
- encouragement of new tourism development;
- an increase in, and improvement of, the range and type of shopping facilities;
- the maintenance and improvement of the town centre's community, recreation and leisure facilities;

- improved accessibility and safety;
- the protection and improvement of the centre's residential communities;
- the protection and improvement of the environment.

By concentrating on the priorities identified above it is hoped to improve the vitality and viability of the centre, by enabling the centre to compete more effectively with neighbouring towns and by allowing the centre to further develop its growing speciality/visitor appeal.

The types of measures being put forward to achieve these broad priorities include: the identification of development opportunities as well as encouraging refurbishment and renewal; landscaping and conservation works, including riverside improvements; protection of valuable open space; traffic management, improved parking and better accessibility; and a more co-ordinated approach to overall management, which could involve the development of a Town Centre Strategy.

## **AREA POLICIES AND PROPOSALS**

### **Area RM1 - Market Place/Carr Street/Ramsbottom Lane.**

**The Council will maintain and seek to improve community facilities, recreation and housing within the Market Street/Carr Street/Ramsbottom Lane area of the town centre.**

#### **Justification**

This westernmost area of the town centre is dominated by community facilities, recreation and housing land uses, and is identified as an area for consolidation and improvement of existing uses. The presence of the civic hall, library, health centre and youth club make this an important area for community facilities. The Council wishes to ensure that this situation continues, so that the relative accessibility of these facilities is maintained.

This area, a large part of which is within the Ramsbottom Conservation Area, also includes the majority of the recreation and open space provision in the town centre. This includes the lodge off Carr Bank Road, the Grant Arms Hotel bowling green, and the open spaces on Rothwell Street and Ramsbottom Lane. The Market Place, with its pleasant ornamental garden and open sett-paved area, is an important focal point at one of the main gateways to the town centre. These urban open spaces will be protected. Not only are they attractive features in their own right, but they help to increase the diversity and attractiveness of the urban area by providing a contrast to the built environment.

There are a small number of residential properties in this part of the town centre which make a useful contribution to the area's diversity. A site off Carr Street has been identified for further residential development.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

H1/1/1 - Land to the North of Carr Street, Ramsbottom (1.25 ha.).

Housing.

EN1/7 - Ramsbottom Lane, Ramsbottom.

Important throughroute and gateway within the town centre.

HT2/2/1 - A676, Ramsbottom Town Centre (Bolton Street/Ramsbottom Lane).

Review of traffic conditions.

TC1/1 - Market Place, Ramsbottom (0.04 ha.).

Protected open space.

TC1/1 - Rothwell Street, Ramsbottom (0.15 ha.).  
Protected open space.

TC1/1 & EN6/3 - Lodge, Off Carr Bank Road, Ramsbottom (0.46 ha.).  
Protected open space of ecological value.

TC1/1 - Ramsbottom Lane, Ramsbottom (0.53 ha.).  
Protected open space.

TC1/1 & RT1/1 - Bowling Green to the Rear of the Grant Arms Hotel, Market Place, Ramsbottom (0.15 ha.).  
Protected open space and recreational outlet.

### **Area RM2 - St Paul's/Crow Lane**

**The Council will maintain housing and community facilities as the predominant land uses in the St Paul's/Crow Lane area of the town centre. The Council will also encourage and support proposals which enhance the residential character of the area and provide opportunities for housing/ environmental improvement and/or additional amenity open space.**

### **Justification**

This is an area for consolidation and includes the largest single concentration of housing in the town centre, together with St Paul's church, St Paul's primary school and the town's Police Station. The concentration of housing and the presence of the school and church means that this area has an important part to play in the life and vitality of the town centre. The Council will maintain the existing mix of uses in this area for this reason and will encourage measures to improve its environmental and physical appearance. A large part of this area is located within the Ramsbottom Conservation Area and Ramsbottom Town Scheme.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

TC1/1 - St. Paul's Church Garden, Bridge Street, Ramsbottom (0.09 ha.).  
Protected open space.

### **Area RM3 - Bolton Street/Bridge Street.**

**The Council will encourage and support proposals for retailing and appropriate ancillary uses within the Bolton Street/Bridge Street area, the town's main shopping area.**

### **Justification**

This area contains the majority of the town's existing shopping and car parking facilities. The main shopping area has been defined in terms of its primary and secondary nature, located principally along Bolton Street and Bridge Street. These same streets are also located within the Ramsbottom Conservation Area and the Ramsbottom Town Scheme initiative. New shopping development and improvements should, therefore, be in character and complement the area's overall appearance.

In recent years the local convenience and comparison shopping functions of this area have been augmented by the appearance of a number of speciality shops, restaurants and tearooms, catering for not only local needs, but also the growing tourist trade. These changes have brought added life to the centre, an increase in investment and an improvement in the centre's appearance. The Council wishes to ensure that such improvements continue to the benefit of both local residents and visitors and, in so doing, has taken the opportunity to identify a number of retail redevelopment sites, as well as attempting to protect identified shopping frontages.

## **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

### EN1/7 - Ramsbottom Lane, Ramsbottom.

Important throughroute and gateway within the town centre.

### EN1/7 - Bolton Street, Ramsbottom.

Important throughroute and gateway within the town centre.

### EN1/7 - Bridge Street/Railway Street, Ramsbottom .

Important gateway into the town centre and for visitors to the East Lancashire Railway.

### S2/2 - Bolton Street/Bridge Street/Ramsbottom Lane, Ramsbottom.

Prime shopping frontages.

### S2/3 - Bolton Street/Bridge Street, Ramsbottom.

Secondary shopping frontages.

### S3/1/1 - Land at Back Bridge Street/Paradise Street, Ramsbottom (0.04 ha.).

Shopping.

### S3/1/2 - Land Bounded by King Street/Palatine Street, Ramsbottom (0.22 ha.).

Shopping.

### S3/1/3 - Land at the Junction of Railway Street/Irwell Street, Ramsbottom (0.16 ha.).

Shopping.

### HT2/2/1 - A676, Ramsbottom Town Centre (Bolton Street/Ramsbottom Lane).

Review of traffic conditions.

## **Area RM4 - Square Street**

**The Council will consider favourably proposals for retail, business (B1), office, leisure, tourism, community and car parking uses in the Square Street area of the town centre. However, the mill site, west of Square Street, is not considered suitable for retail use, although in addition to the other uses listed above, the site would be considered appropriate for residential use.**

## **Justification**

A large part of this area of the town centre has been identified as a potential area for major change. In the past it has been dominated by industrial uses and a number of mill buildings still remain. The Council wishes to encourage the process of regeneration and change in Ramsbottom by promoting the redevelopment of this area. A number of new uses are considered suitable to complement the changing nature of the town centre, these include retailing (particularly speciality and food retailing), business (B1) and office uses, leisure and community uses, together with car parking. A residential scheme including special needs and affordable housing may also be considered in relation to refurbishment and/or redevelopment of the existing mill site to the west of Square Street.

The redevelopment of this area will not only improve its appearance, it will contribute to the overall enhancement of the town centre as a whole. The sites identified for development within this area may benefit from comprehensive treatment and, therefore, site amalgamation or supplementary planning guidance may be considered necessary.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### OPPORTUNITY SITE - Existing Buildings Bounded by King Street/Prince Street/ Irwell Street and Palatine Street, Ramsbottom (0.56 ha.).

Site suitable for complementary town centre retailing, business (B1) and office uses. See Shopping Proposal S3/1/4 and Economy Proposal EC1/2/3.

#### OPPORTUNITY SITE - Land Bounded by Railway Street/Irwell Street and Square Street, Ramsbottom (1.27 ha.).

Site suitable for business (B1), office, complementary town centre retailing, leisure and tourism related uses, or a mixture of these. See Economy Proposal EC1/2/1, Shopping Proposal S3/1/5, and Recreation and Tourism Proposal RT4/1/1.

#### OPPORTUNITY SITE - Mill Site, Square Street/Kay Brow, Ramsbottom (0.43 ha.).

Site suitable for business (B1), office, leisure, tourism, and housing (particularly special needs and affordable housing) uses, or indeed a mixture of these. See Economy Proposal EC1/2/2, Recreation and Tourism Proposal RT4/1/2, and Housing Proposal H1/1/3.

### **Area RM5 - Railway Street/Bridge Street/Peel Brow**

**The Council will consider favourably proposals for leisure and tourism related uses, business (B1), office and industrial uses (within Classes B2 and B8), and car parking uses within the Railway Street/Bridge Street/Peel Brow area of the town centre. Measures to improve the area's environmental and physical appearance will also be encouraged.**

### **Justification**

This area of the town centre is an important gateway area, both for those entering the town by road, and for those, especially tourists, entering the town on the East Lancashire Railway. The area around Ramsbottom Station and Bridge Street is also within the Ramsbottom Conservation Area. Initial impressions of an area are very important and the Council is keen, therefore, that this area, particularly around the station, is attractive, inviting and has a good quality environment. The Council will seek to achieve this by promoting improvements to the riverside, informal recreation areas and the appearance of existing buildings, and by sympathetic siting, design and screening of new buildings. A number of sites have been identified for development/redevelopment within this area, which offer the potential to provide additional visitor attractions/facilities and employment opportunities.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### EC1/1/1 - Trinity Paper Mills, Bridge Street, Ramsbottom (1.03 ha.).

Business (B1) and industrial uses (B2 and B8).

#### EN1/7 - Bridge Street/Railway Street, Ramsbottom.

Important gateway into the town centre and for visitors to the East Lancashire Railway.

#### EN1/7 - East Lancs Railway and River Irwell.

Important throughroutes lying within the town centre.

#### EN6/4 - East Lancs Railway and River Irwell.

Wildlife link and corridor

#### EN10/2 & OL5/3 - River Irwell.

Riverside improvement and development.

RT2/1/2 - Land North of Bridge Street, Ramsbottom (0.65 ha.).

Proposed informal riverside recreation area.

TC1/1 - Bridge Street, Ramsbottom (0.04 ha.).

Protected open space.

# Radcliffe

## INTRODUCTION

Radcliffe is an old established manufacturing town which has arguably fared worse than many other parts of the Borough due to changes in economic conditions and its legacy of a varied range and mix of often conflicting land uses, which have deteriorated over recent years. More than any other of the Borough's town centres, Radcliffe continues to suffer from problems associated with a poor environment, declining shopping activity including a loss of prestige, a depressed economic base with relatively high levels of unemployment, poor housing and a lack of other community facilities.

Many of the town's problems stem from the decline of traditional manufacturing industries, particularly in textiles, paper and engineering. As companies have contracted, closed, or moved away, the town centre has deteriorated in terms of its overall quality and appearance. As a result many sites remain vacant and/or derelict and some suffer from problems associated with industrial pollution.

Despite these problems, however, the centre still provides an important focus for economic and social activity, not only in terms of employment, but also as a centre which provides important social facilities for the community, including retailing, leisure, services and housing, as well as fulfilling many other local needs.

The problems of Radcliffe have been recognised for some time and a number of initiatives have already been progressed or are under consideration. The whole of Inner Radcliffe has been designated as a Renewal Area. In addition, the opening of Pilkington Way, a town centre by-pass scheme, has brought the prospect of improvement to the once congested main streets of the centre. The combination of major environmental improvements and traffic management in the town centre will, it is intended, be brought together with opportunities for improved housing, retailing, employment and provision of community facilities.

Against this background the UDP sets out to provide a land use framework for this regeneration and improvement, as well as helping to promote development opportunities, which it is intended will give the centre a new lease of life.

In particular, the Plan will be keen to realise the opportunities that the removal of through-traffic has provided in terms of developing a safer, traffic free environment in the main shopping areas. This, in turn, will help to improve the general environment of the town centre and help to stimulate badly needed investment in retailing and other activities.

Elsewhere, the emphasis will be on providing opportunities for long term employment growth, housing renewal and environmental enhancement.

The policies and proposals put forward for Radcliffe Town Centre, and the relevant policies and proposals in other sections of the Plan are intended to address, over the Plan period, the objectives and targets identified in the introduction to the Town Centres section of the Plan.

On the basis of these objectives and targets, the following local priorities have been identified:

- diversification of the local economy;
- an increase in, and improvement of, the range and type of shopping facilities;
- the maintenance and improvement of the town centre's community, recreation and leisure facilities;
- the protection and renewal of the centre's residential communities;
- improved accessibility and safety;
- the protection and improvement of the environment.

By concentrating on the priorities identified above it is hoped to improve the vitality and viability of the centre, enabling the centre to compete more effectively with neighbouring towns. The types of measures being put forward to address these broad priorities include; the identification of development opportunities as well as encouraging refurbishment and renewal, landscaping and conservation works, including riverside improvement, protection of valuable open space, traffic management/calming and pedestrianisation, improved accessibility and car parking along with a more co-ordinated approach to overall management, which could involve the development of a Town Centre Strategy.

## **AREA POLICIES AND PROPOSALS**

### **Area RD1 - Blackburn Street/Dale Street/Church Street West**

**The Blackburn Street/Dale Street/Church Street West area of the town centre contains the town's main shopping facilities, and, as such, proposals for retailing, appropriate ancillary Town Centre uses and environmental improvements will be acceptable. Proposals for the development of new or improved community facilities and for improvements to transport facilities will also be viewed favourably.**

#### **Justification**

The town's main shopping area is located at the southern end of Blackburn Street around its junction with Dale Street, Deansgate and Church Street West, and mainly serves day to day shopping needs. In recent years the central area of Radcliffe has suffered from a combination of problems associated with a poor environment, declining shopping activity and a loss of trade to other centres, notably Bury and Bolton. A major repercussion of this loss of trade has been an increase in the number of vacant properties in the area. The Council recognises the need to encourage the improvement and modernisation of the centre's shopping facilities in order to stem any further decline. Indeed, it is hoped that further pedestrianisation and traffic calming measures, proposed for the town centre within the Plan, will help to increase the prospect of further investment in retailing.

This central area is also important as a location for community facilities, such as the Post Office and Police Station, and transport facilities such as the bus station and car parking. The Council, in attempting to ensure that the accessibility of such facilities is maintained, will generally look favourably on proposals for new and improved facilities of this kind.

The River Irwell passes through the heart of the town centre in this area, and has been largely ignored in the past as a potential asset. However, water quality has improved substantially in recent years and the Council is now keen to improve riverside areas and provide access to, and views across, the river. As well as riverside improvements, the Council is also seeking to control new development which immediately adjoins the river, in order to reduce its impact and improve the river's setting. Over time it is hoped that this approach will create opportunities for riverside walkways, which will link up with other parts of the river valley.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

##### **EN1/7 - Stand Lane/Pilkington Way/New Road, Radcliffe.**

Important throughroute and gateway within the town centre.

##### **EN1/7 - River Irwell.**

Important throughroute within the town centre.

##### **EN6/4 - River Irwell.**

Wildlife corridor.

EN10/2 & OL5/3 - River Irwell.

Riverside improvement and development.

S2/2 - Blackburn Street/Deansgate/Church Street West/Dale Street and The Market Area, Radcliffe.  
Prime shopping frontages.

S2/3 - Blackburn Street/Dale Street/Church Street West/Stand Lane, Radcliffe.  
Secondary shopping frontages.

S3/1/20 - Land Between 23-37, Church Street West, Radcliffe (0.04 ha.) .  
Shopping.

S3/1/21 - Land Between 51-63, Blackburn Street/Foundry Street, Radcliffe (0.06 ha.).  
Shopping.

S3/1/23 - Land Between Dale Street and Railway Street, Radcliffe (0.11 ha.).  
Shopping.

S3/1/26 - Pilkington Way/Mill Bank/Mellor Street, Radcliffe (0.37 ha.).  
Shopping.

TC1/1 - Land Between 32-44, Church Street West, Radcliffe (0.03 ha.).  
Protected open space.

TC1/1 - Land to the Rear of 44-58, Church Street West, Radcliffe (0.13 ha.).  
Protected open space.

TC1/2/3 - Dale Street/Deansgate/Church Street West/Blackburn Street, Radcliffe.  
Traffic management/calming measures.

TC1/2/4 - Blackburn Street, Between Dale Street and Church Street West, Radcliffe.  
Pedestrianisation.

**Area RD2 - Green Street/New Church Street**

**The Council will maintain community facilities and public open space as the predominant land uses within the Green Street/New Church Street area of the town centre. Should the opportunity arise, the Council will also support retailing, business (B1), office and leisure uses on the Opportunity Site identified on Green Street.**

**Justification**

This area of the town centre, directly to the north of the main shopping area, is expected to remain an important focus for recreation and community facilities. The Civic Hall, the town's main health centre, Radcliffe public baths and St Thomas's and St John's church are all located in this area. The Council wishes to ensure that this situation continues, so that the relative accessibility of these facilities is maintained. The Council's long term objective, through its Radcliffe Renewal exercise, is to build upon this situation by relocating the library adjacent to the Civic Hall.

The main potential redevelopment area within this part of the town centre is the existing Asda store site on Green Street. The Council recognises that this site contains an existing retail use. However, in the event that the focus of retailing activity within the town centre changes to more up to date retailing accommodation and this site presents itself for redevelopment, the Council will encourage redevelopment of this Opportunity Site for one or a number of the uses outlined below.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### OPPORTUNITY SITE - The Asda Store, Green Street, Radcliffe (0.79 ha.).

Site suitable for food or non-food retailing, business (B1), office and leisure uses, or a mixture of these. See Shopping Proposal S3/1/22, Economy Proposal EC1/2/12 and Recreation and Tourism Proposal RT4/5/3.

#### EN1/7 - Blackburn Street/Pilkington Way, Radcliffe.

Important throughroute and gateway within the town centre.

#### CF1/1/2 - Land Adjoining Radcliffe Civic Hall, Radcliffe (0.40 ha.).

New library.

#### TC1/1 - Land Adjoining Radcliffe Civic Hall, Radcliffe (1.00 ha.).

Protected open space.

#### TC1/1 - Land Adjoining Pilkington Way, Radcliffe (0.52 ha.).

Protected open space.

### **Area RD3 - South of Pilkington Way**

**The Council will consider favourably proposals for complementary town centre retailing, business (B1), office and industrial uses (B2 and B8), within the area of the town centre south of Pilkington Way. Measures to improve the area's environmental and physical appearance will also be encouraged.**

### **Justification**

This southernmost area of the town centre has been identified as an area for major change. Traditionally, the area has been predominantly industrial, however, recent changes and the completion of Pilkington Way have opened up the area for development. The area now has a number of vacant sites suitable for redevelopment with direct access onto the new town centre bypass. The introduction of new uses into this area will lead to improvements in its appearance, which is important because of the area's prominence and location adjacent to an important throughroute and important gateways into the town centre. The redevelopment of this area will also help to strengthen and diversify the local economy. A further consideration in this area is the potential effect development may have on the River Irwell and the Council's long term objectives of improving riverside areas and providing a network of walkways and access points into the Irwell valley.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### OPPORTUNITY SITE - Land Bounded by Pilkington Way/Sion Street and River Irwell, Radcliffe (4.55 ha.).

Site suitable for complementary food and non-food retailing, business (B1) and office uses. See Shopping Proposal S3/1/25, and Economy Proposal EC1/2/10.

#### OPPORTUNITY SITE - Sion Street/Phoenix Way, Radcliffe (0.20 ha.).

Site suitable for non-food retailing and office uses. See Shopping Proposal S3/1/24, and Economy Proposal EC5/2/2.

#### OPPORTUNITY SITE - Pilkington Way/Outwood Road, Radcliffe (0.18 ha.).

Site suitable for shopping, business (B1) and office uses. See Shopping Proposal S3/1/27, and Economy Proposal EC1/2/13.

EC1/1/23 - Mill Street, Radcliffe (0.17 ha.) .  
Business (B1) and industrial uses (B2, B8).

EC1/1/24 - Lodge Brow, Radcliffe (0.31 ha.) .  
Business (B1) and industrial uses (B2, B8).

EN1/7 - Outwood Road, Radcliffe.  
Important gateway within the town centre.

EN1/7 - River Irwell.  
Important throughroute within the town centre.

EN1/7 - Stand Lane/Pilkington Way/New Road, Radcliffe.  
Important throughroute and gateway within the town centre.

EN6/4 - River Irwell.  
Wildlife corridor.

EN10/2 & OL5/3 - River Irwell.  
Riverside improvement and development.

S3/1/28 - New Road/Stand Lane, Radcliffe (0.27 ha.) .  
Complementary town centre retailing.

HT6/3/4 & RT3/4/4 - The Irwell Valley South of Bury Town Centre.  
Part of potential cycle/recreational route.

TC1/1 - New Road/Stand Lane, Radcliffe (0.05 ha.) .  
Protected open space.

TC1/1 - Lodge Brow/Lodge Road, Radcliffe (0.22 ha.) .  
Protected open space.

TC1/1 - Former Railway Embankment, Phoenix Way, Radcliffe (0.54 ha.) .  
Protected open space.

#### **Area RD4 - Stand Lane/Milltown Street**

**The Council will maintain housing as the predominant land use within the Stand Lane/Milltown Street area of the town centre. The Council will also encourage and support proposals which improve commercial properties on Stand Lane and New Road, enhance the residential character of the area and which provide opportunities for housing/environmental improvements and/or additional amenity open space.**

#### **Justification**

This area of the town centre has been identified for consolidation and improvement. The dominant land use is housing, and the Council will seek to maintain this situation into the future. Improvements to the housing stock in particular, and the environment in general, will be welcomed. By maintaining and improving the standard of housing in the town centre, important residential communities, which add to the vitality of the town centre, can be retained and encouraged to make improvements, which will help to sustain the centre's long term future.

The town's main library, together with a number of rundown commercial properties, are located to the west of this area fronting directly onto Stand Lane. The library itself is in relatively good condition and could potentially accommodate a range of community facilities if the library use was to be relocated.

The remaining commercial premises, however, provide an opportunity for redevelopment and/or environmental improvement.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### EN1/7 - Stand Lane/Pilkington Way/New Road, Radcliffe.

Important throughroute and gateway within the town centre.

#### EN1/7 - River Irwell.

Important throughroute within the town centre.

#### EN6/4 - River Irwell.

Wildlife corridor.

#### EN10/2 & OL5/3 - River Irwell.

Riverside improvement and development.

#### TC1/1 - Peel Street, Radcliffe (0.16 ha.).

Protected open space.

### **Area RD5 - St. Thomas's/Bridgefield Street**

**The Council will maintain housing as the predominant land use within the St Thomas's/Bridgefield Street area of the town centre. The Council will also encourage and support proposals which enhance the residential character of the area and provide opportunities for housing/environmental improvements and/or additional amenity open space.**

### **Justification**

This area of the town centre has been identified as an area for consolidation and improvement. The dominant land use is housing, and the Council will seek to maintain this situation into the future. Improvements to the housing stock in particular, and the environment in general, will be welcomed. The Council itself will wish to play a leading role in this process and will attempt to develop new initiatives, through exercises like the Radcliffe Renewal Area and Estate Action, which aim to secure further financial assistance for physical and environmental improvements. By maintaining and improving the standard of housing within this area of the town centre, it is hoped that the vitality of the town centre as a whole will be enhanced.

Note: There are no site specific proposals which affect this area.

### **Area RD6 - Spring Lane/Church Street West/Radcliffe Metrolink Station**

**The Council will encourage the consolidation of existing employment generating uses within the Spring Lane/Church Street West/Radcliffe Station area of the town centre, and will, where appropriate, support the introduction of further employment generating uses, such as business (B1) and offices, industrial (B2 and B8), and complementary town centre retailing uses. Housing development will also be welcomed, where appropriate, together with measures to improve the area's environmental and physical appearance.**

### **Justification**

This most northerly area of the town centre forms an important gateway for those entering the town centre both by road, along Water Street, Spring Lane and Church Street West, and by rail on Metrolink. Unfortunately, and due mainly to the inadequacies of the Blackburn Street/Spring Lane junction, for both pedestrians and traffic, the area suffers from problems associated with peak period

traffic congestion. Consideration will be given to ways in which these problems can be resolved. The outcome of this consideration could have implications for future development opportunities.

The improved transport provision associated with Metrolink presents a unique opportunity to build upon, and diversify, the employment uses already present in this area of the town centre. To this end an Opportunity Site and specific redevelopment sites have been identified within this area. As well as encouraging further employment generating uses, the Council also recognises the need, particularly within Radcliffe, for new and improved housing together with measures to improve the area's overall environmental and physical appearance.

### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

#### OPPORTUNITY SITE - Land South of Church Street West, Radcliffe (1.64 ha.).

Site suitable for business (B1), office, housing and complementary town centre retailing uses. See Economy Proposal EC1/2/11, Housing Proposal H1/1/35, and Shopping Proposal S3/1/19.

#### EC1/2/9 - Land North of Church Street West, Radcliffe (0.44 ha.).

Business (B1) and office use.

#### EC5/2/1 - Former Radcliffe Town Hall, Spring Lane, Radcliffe (0.10 ha.).

Offices.

#### EN1/7 - Spring Lane/Blackburn Street, Radcliffe.

Important throughroute and gateway within the town centre.

#### EN1/7 - Spring Lane Bridge, Spring Lane, Radcliffe.

Important gateway into the town centre and for users of Metrolink.

#### EN1/7 - Church Street West, Radcliffe.

Important gateway into the town centre and for users of Metrolink.

#### EN1/7 - River Irwell/Railway Viaduct.

Important gateway into the town centre identified for riverside and environmental improvements.

#### EN1/7 - Metrolink line and River Irwell.

Important throughroutes within the town centre.

#### EN6/4 - Metrolink line and River Irwell.

Wildlife link and corridor.

#### EN10/2 & OL5/3 - River Irwell.

Riverside improvement and development.

#### HT2/2/4 - A665 Blackburn Street/Spring Lane Junction, Radcliffe.

Junction improvement.

#### TC1/1 - Blackburn Street/Spring Lane, Radcliffe (0.08 ha.).

Protected open space.

#### TC1/1 - Darbyshire Street, Radcliffe (0.64 ha.).

Protected open space.

# **PRESTWICH TOWN CENTRE**

## **INTRODUCTION**

Prestwich is the Borough's southernmost town centre and is situated on the main road (A56) and Metrolink between Bury and the regional centre of Manchester. The town developed rapidly during the late nineteenth/early twentieth century with the spread of suburbia, facilitated by the establishment of more efficient communication facilities. Today, Prestwich is still a popular residential area and the town centre itself is important as a local centre for shopping, employment and community facilities.

The centre has developed as a linear centre, along the A56, the major route between Bury and Manchester. As a result, with ever increasing traffic volumes, the centre now suffers problems from being spilt along both sides of this road.

Retail and commercial development over recent years has been focused predominantly to the east of the A56, with such schemes as the Longfield Centre (which is now the subject of a proposed refurbishment scheme), Sainsbury's and a more recent mixed retail development scheme constructed on the site of the former Co-op at Tower Buildings. The area to the west has become increasingly secondary to the main area of activity to the east and now contains a number of run down properties which have poor parking and servicing facilities.

Whilst problems exist in Prestwich, the scope to bring about significant improvements is seen to be limited without major upheaval. The scope for change and improvement is extremely limited, in what is a very tightly developed area, with little prospect of having any significant impact on the effects of the A56.

The main areas where improvements can be made are in promoting development opportunities associated with Metrolink, the improvement and expansion of the Longfield Centre and in areas to the south of the centre, where a number of Opportunity Sites have been identified for development.

The policies and proposals put forward for Prestwich Town Centre, and the relevant policies and proposals in other sections of the Plan are intended to address, over the Plan period, the objectives and targets identified in the introduction to the Town Centres section of the Plan. On the basis of these objectives and targets, the following local priorities have been identified:

- diversification of the local economy;
- an increase in, and improvement of, the range and type of shopping facilities;
- the maintenance and improvement of the town centre's community and leisure facilities;
- the protection and improvement of the centre's residential communities;
- improved accessibility and safety;
- the protection and improvement of the environment.

By concentrating on the priorities identified above it is hoped to improve the vitality and viability of the centre, enabling the centre to compete more effectively with neighbouring towns, while at the same time attempting to reduce the impact of traffic volumes on the A56. The types of measures being put forward to address these broad priorities include: the identification of development opportunities as well as encouraging refurbishment and renewal; landscaping and conservation works; improved accessibility and car parking; and a more co-ordinated approach to overall management of the shopping environment, which could involve the development of a Town Centre Strategy.

## **AREA POLICIES AND PROPOSALS**

### **Area PR1 - The Longfield Centre/Bury New Road**

**The Council will encourage and support proposals for retailing and other appropriate ancillary town centre uses within The Longfield Centre and the Bury New Road area of the town centre.**

#### **Justification**

This area contains the majority of the town's shopping facilities, including the defined prime shopping area centred on the Longfield Centre, and secondary shopping facilities located along Bury New Road. Prestwich is a well used shopping centre which has a good range of convenience shopping facilities. In contrast, however, comparison shopping facilities are limited, and there is only minor national multiple representation. The Council wishes to build upon the existing strengths of the centre by limiting non-retail development in identified shopping frontages, and by encouraging physical and environmental improvements to the fabric of the centre. There are also a number of small sites identified for further shopping development in this area.

The area also contains Prestwich Station which, with the introduction of Metrolink services, now presents an added opportunity to build upon, and diversify, the employment uses already present in this area of the town centre.

A number of important ancillary town centre uses and community facilities are also located within this area of the town centre, including the town's main library, health centre and the Longfield Suite which provides for a range of community events and activities. The Council, in attempting to develop a balanced town centre, will generally support proposals which provide additional community facilities and/or enhance the centre's overall vitality and viability.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

##### **EN1/7 - A56, Bury New Road, Prestwich.**

Important throughroute.

##### **EN1/7 - Metrolink line.**

Important throughroute.

##### **EN6/4 - Metrolink line.**

Wildlife link.

##### **S2/2 - The Longfield Centre and Bury New Road, Prestwich.**

Prime shopping frontages.

##### **S2/3 - Bury New Road, Prestwich.**

Secondary shopping frontages.

##### **S3/1/29 - The Longfield Centre, Prestwich (0.04 ha.).**

Shopping.

##### **S3/1/30 - Land adjacent to 440 Bury New Road, Prestwich (0.10 ha.).**

Shopping.

##### **HT3/4/3 - Land adjacent to Prestwich Station (0.70 ha.).**

Metrolink car parking.

### **Area PR2 - Warwick Street/Derby Street**

**The Council will maintain housing as the predominant land use within the Warwick Street/Derby Street area of the town centre. The Council will also encourage and support proposals which enhance the residential character of the area and provide opportunities for housing/environmental improvements and/or additional amenity open space.**

#### **Justification**

Housing is the dominant land use within this area of the town centre. The area contains a mixture of both public and private sector housing, some of which would benefit from improvement. North of Warwick Street, properties consist mainly of modern semi-detached and terraced houses. The area south of Warwick Street (Sherbourne Court), contains mainly public sector flats and maisonettes together with sheltered housing for the elderly (St Mary's Court). Improvements to the housing stock in particular, and the environment in general, will be welcomed and encouraged by the Council. By maintaining and improving the standard of housing in the town centre, important residential communities, which add to the vitality of the town centre, can be retained and their long term future assured.

TC1/1 - Land adjacent 427 Bury New Road/Jewish Burial Ground, Prestwich (0.03 ha.)

Protected open space.

### **Area PR3 - Rectory Lane**

**The Council will maintain housing and community facilities as the predominant land uses within the Rectory Lane area of the town centre.**

#### **Justification**

This area of the town centre is relatively stable and contains a number of residential properties and community facilities which have been provided through redevelopment. Further change is not envisaged during the Plan period and any new development will be expected to be in keeping with the existing dominant land uses. Improvements to the housing stock in particular, and the environment in general, however, will be welcomed. By maintaining and improving the standard of housing in the town centre, important residential communities, which add to the vitality of the town centre, can be retained and their long term future sustained. The existing St. Mary's Primary School provides an important facility for the local community and is not expected to change.

Note: There are no site specific proposals which affect this area.

### **Area PR4 - Church Lane/Bury New Road/Clark's Hill**

**The Council will consider favourably proposals for office, residential, retail and complementary town centre retail uses within the Church Lane/Bury New Road/ Clark's Hill area of the town centre. The existing housing and community facilities should be retained wherever possible. Where appropriate, proposals will be required to provide independent car parking and demonstrate satisfactory means of access and egress.**

#### **Justification**

This southernmost area of the town centre offers the greatest opportunities for change. The area includes the southern end of the main shopping area along Bury New Road, and a number of business and community uses, together with some housing on Church Lane. Most of this area lies within St. Mary's Conservation Area.

#### **Site Specific Proposals**

Summarised below are the previously identified site specific proposals for this area. For full details of the proposals refer to the appropriate topic section of the Plan.

OPPORTUNITY SITE - Church Lane, Prestwich (0.82 ha.).

Site suitable for office or housing uses. See Housing Proposal H1/1/48 and Economy Proposal EC5/2/3.

OPPORTUNITY SITE - Land to the Rear of the Red Lion, Bury New Road, Prestwich (0.34 ha.).

Site suitable for shopping and office use. See Shopping Proposal S3/1/31 and Economy Proposal EC5/2/4.

EN1/7 - Bury New Road, Prestwich.

Important throughroute and gateway within the town centre.

## Appendix 4

To Bury Council Planning department :

Pre Application Request.

Address : Specscart. 10 Union Street, 40 The Rock BL9 0NX.

Date : 26.10.2023

By : Sid, Managing Director - Specscart.





**Issue:**

- Blocked ATM area which needs to be removed and done correctly.
- Blocked Drop Box which has no channel inside but needs to be reinstated.



Issue:

- Blocked area again in the building which needs properly reinstating

## 2 Proposed Solutions

**Solution 1 for Front of building** - We will extend the windows so that it gives visibility inside the store making it good for the centre. We will also extend the pillars so that the architecture of the building remains consistent. We will also move the sign to the corner of the building by making it good.



## **Solution 2 - For side of the building.**

### **Innovative Virtual Try - On**

Outside Smart retail stores there is a new technology for people to look at a screen and virtually try on products. This is getting popular in high-tech stores we intend to glaze this part with glass and inside there will be a screen which will allow people to stand in front and virtually try glasses. It will be an experience for the high street. This will be an innovative solution.



**I truly believe in conserving the the heritage of the building. However, I do think that we have valid ask to sustain here. We will be making the town centre good and I hope we can conduct a short meeting about this.**

**Kind Regards  
Sid & Team Specscart.**



# Proposed pictures of new store



## Appendix 5

## Chris Smith

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**From:** Richard Shuttleworth <richard@equilibriumarchitects.co.uk>  
**Sent:** 25 January 2024 11:51  
**To:** Chris Smith  
**Cc:** Sid Sethi; Beki  
**Subject:** FW: Specscart, 10 Union Street and 40 The Rock, Bury, BL9 0NY

Dear Chris

Further to our meeting with Mark Kilby from Bury Metro at 9am on Monday 22<sup>nd</sup> January at Specscart, 10 Union Street and 40 The Rock, Bury, BL9 0NY, please see bullet points below of the key points discussed at the meeting - for your reference:

Attendees:

Sid Sethi – Specscart  
Mags Wilcock – Specscart (HR)  
Mark Kilby – Conservation Officer Bury Metro  
Richard Shuttleworth – Equilibrium Architects Ltd

Following introductions RS provided an overview of the purpose of the meeting – essentially to discuss the purpose of the pre-application, including the concerns that the applicant and agent had in relation to the reasons for refusal of the Planning Application and which centred around the importance of the relevant retail policies that seem applicable to applications within the Town Centre shopping area. The key bullet points include:

- ) RS stated that the building occupied by Specscart would never really be used as a bank again and that the building needed to adapt to new uses including retail within Bury's primary shopping area.
- ) RS advised MK that in hindsight the Planning Application would possibly have benefited had it been lead by a Town Planner, with Mark Kilby as Conservation Office as consultee.
- ) MK's overriding view (and possibly the key consideration in determining the application and reason for refusal) was that Specscart have chosen to occupy a non-retail building within a primary shopping area and where the building is a non-designated Heritage Asset and located within a Conservation Area.
- ) MK stressed that under the NPPF any harm (even minor) is considered as harm to a building and that this was unacceptable given its NDHA and Conservation status.
- ) SS / MW outlined the positive benefits of Specscart being located within the primary shopping area including the employment and training benefits for apprentices and that increased footfall was essential to the viability of the Specscart business and also the town centre. SS stressed that a vacant building had been brought in to use and that Specscart provided viability to the immediate Town Centre area.
- ) MK responded to SS's point in that had the building been vacant, with no prospect of it being used as a bank or a non-retail use, then Bury Metro may possibly have taken a different view and considered the proposed changes as being acceptable in order to preserve the building / NDHA and allow it to function as a retail unit in its own right. However, MK stressed that because Specscart had already occupied the building then the Council could not support the proposed changes to the building.
- ) MK outlined the requested changes to the principal elevations of the Specscart building including the harm which would be caused if the window cills were lowered, given the fine architectural details of the elevation facing on to the Rock. MK advised that the reinstatement of the window cills (following the insertion of the cash machine and night safe) could be undertaken under PD (!?)
- ) MW stressed on a number of occasions the benefits that Specscart as a business brought to the Town Centre shopping area including the increased footfall to the Town Centre – which like all towns was struggling to survive and need as much help as possible, including the Council's need to support primary shopping area such as The Rock.

- ) MK advised that the NPPF and UDP policies in relation to retailing did not apply to this application (possibly because he did not consider the building to be suitable for retail use).
- ) MK's considered view is that the use of the building for retailing is inappropriate (as it is not an existing retail building) and therefore the changes (which will cause harm to the building) are unacceptable in Planning terms given the NDHA and Conservation Area status. I suspect that this is fundamentally the reason for refusal of the application.
- ) SS asked MK about the opportunities for the use / location of TV monitor screens within existing openings in order to advertise Specscart services and products, with MK responding that he did not consider this as appropriate and that the infilling of openings with stone infill would be more appropriate given the NDHA status of the building.
- ) MK advised that any changes to the Specscart building would most certainly have an influence on the Conservation Area in terms of possible harm.

RS left the meeting at 10.10am – with the meeting continuing with the remaining attendees.

Kind Regards

Richard

**Richard Shuttleworth**  
**Director**  
Equilibrium Architects Ltd  
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Bury  
BL9 0DL  
T: 0161 797 2077

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