

Our ref: JBM0030

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Date: 08 December 2023

Claire Booth
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Bury Council
3 Knowsley Place
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B19 0EJ

Dear Claire,

Planning Application 69164 – Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY

Further to previous discussions on the above application we now submit a package of additional material, with amendments to the proposals and further explanations in response to your comments received on 18 October 2023.

With this letter, we attach the following:

Drawings

- Amended GA Plans (Drawing DA14079.2.003.rev 16) – *replaces Drawing DA14079.2.003.rev 14*
- Amended Landscape Plan Illustrated (Drawing DA14079.2.401 rev4) – *replaces Landscape Drawing Level 0: DA14079.2.083 rev10*
- Amended Landscape Plan Level B1 (Drawing DA14079.2.084 rev6) – *replaces Drawing DA14079.2.084 rev10*
- Amended Proposed Elevations (Drawing DA14079.2.004 rev15) – *replaces Drawing DA14079.2.004 rev14 (amended to show fire escape stairs)*

Documents

- Crime Impact Statement (ref, 13-0404-02)
- Letter from noise consultants (Lighthouse Acoustics, 01.03.23)
- Transport Statement (ref ST19974)
- Drainage Note
- Geotechnical Investigation Factual Report (Redstart, 03.03.22)
- Geotechnical Assessment Report (Mr C. Eccles, 05.04.22)
- Site Tree Appraisal (RTS/24072023 002)
- Tree survey drawing existing (RTS/24072023/TCP 001)
- Tree survey drawing proposed (RTS/24072023/TCP 002)

I have responded below to each of the points raised in your letter, providing further explanation and describing what we have submitted in respect of each. In the following sections I have copied your comments in blue italics before each response. As requested, I have also explained within our responses, where we have previously provided information or responded previously to these items, as relevant.

1. Boundary Wall

The concrete boundary wall that has been erected without obtaining planning permission, has an overbearing and enclosing effect on rear gardens of neighbouring properties.

Each concrete panel measures approximately 1m in height. The boundary that has been erected is 4 concrete panels in height (4 metres overall height) and has a 0.6m station projection between each set of panels. The overall height of the boundary erected is therefore approximately 4.6m in height.

Firstly, we would like to remind you, as explained previously, that we agreed with Dave Marno and the local Ward Member to install this boundary retaining wall ahead of this application, albeit without permission, in order to make the site safe and provide ground stability to neighbouring properties. Details of the works were shared at this time. The current application aims to regularise the planning position retrospectively in this regard. This is one of the reasons behind our urgency for this application. This has been explained previously several times – for example within the Planning Statement submitted with the application and via emails to yourself on 17/1/23 and 4/5/23.

The retaining boundary wall extends on average up to 1.5m above ground level (that is neighbouring properties ground level) which is within the permitted development limit up to 1.8m. The applicant has visited the properties to the rear and discussed this issue with residents. We have amended our proposals so that the existing steel column and concrete panel fencing will be overlaid on neighbours' side with a 1.8m high vertical timber feather edge board fencing along all boundaries. After this has been fitted it will not be possible for neighbouring residents to see the concrete retaining wall. It is also worth remembering that the excavated yard will be hidden by the proposed building across the majority of the site. The photographs below show the existing views toward the site from neighbouring residential properties.



Photograph 2



Photograph 3



Photograph 4

This boundary fencing must be reduced in height by at least 1.5 metres and the concrete panels needs to be given a softer appearance. Perhaps soft climbing plants could grow up and over it to reduce its prominence and soften its appearance could be a way to address this. However, no plants will break through the unauthorised concrete base installed so we will await to see how you address this matter.

See points above. A timber fence will be installed to improve the appearance. We have also amended the Landscape Plan to add a timber trellis planters alongside the parking area at the northern edge of the site.,

With respect to height, we have had to balance these comments against the comments received by GM Police in the Crime Impact Statement which have recommended a boundary fence of 2.1m (see section 4.5 of the CIS). On balance, the proposed height of 1.8m is considered to be the optimum height to satisfy both security and visual appearance considerations. A height lower than this would also mean that views could be possible over the fence, and so this height protects the privacy of the residents. The proposed 1.8m height is

also the same height as the existing fences between the neighbours' gardens, and the new fence would look odd if it were a different height.

2. Car Parking, Servicing, and Active Travel Provision

For planning purposes, external dimensions of the buildings and floor areas are used when calculating Floor Areas, as too all the circulation routes are included in calculating parking requirements for cars, two-wheel motorised vehicles and cycle storage parking.

At ground floor level, 512sq.m of retail floor space is proposed. In accordance with SPD 11 – 'Parking Standards', 22 car parking spaces, 3 disabled car parking bays, parking provision for at least 3 two-wheel motorised vehicles, and 5 covered and secure cycle parking spaces should be provided on site.

In terms of the proposed first floor Synagogue use, SPD 11 requires. For places of worship, 1 parking space per 5 sqm of public floor space. Therefore, based on the current layout, 27 car parking spaces are required to be provided, 5 disabled parking bays, 2 spaces for two-wheel motorised vehicles and cycle parking provision for 3 cycles.

In light of the above, it is clear that insufficient parking provision supports this proposal.

First of all, it is important to point out that the additional size is due to the basement being larger – this is used for storage space only. The sales area is largely similar to the previous application (550sqm compared to 445sqm) and the synagogue has significantly reduced in size (now 135 sqm, previously 347 sqm) and so these changes should not lead to an increase in parking demand, if anything they should result in reduced demand. This was previously communicated to you by my email of 8/8/23.

We have now provided a comprehensive Transport Statement by Wardell Armstrong which explains the approach to parking and justifies the number of spaces proposed. Please refer to the Transport Statement for full explanation. It makes the following points:

- The site is located to provide good opportunity for access by walk, cycle and public transport, and is located in an 'Area of High Accessibility' based on Appendix 1 of Parking Standards in Bury;
- The site is located within a neighbourhood centre, with high likelihood of linked trips, with other local retail and leisure uses, for which shared parking is already available;
- The proposed development is a kosher food store which is primarily to service local demand from synagogue communities, who must necessarily live within walking distance of those the synagogue;
- As set out above, the site will operate a home delivery system whereby members of the community who access the site by modes other than car driver can have their shopping delivered shortly after selecting produce at the store.

Based on the above, it is considered that parking below the maximum standard for the retail use is appropriate.

Turning to the proposed Basement area, which is proposed for storage, presumably to support the proposed Retail use - although the plans are not clear, no vehicular access for deliveries to serve the proposed retail unit, or servicing of the building, is proposed within the scheme. The LPA and Highway Authority therefore query how a retail unit and its associated necessary deliveries could function with the design put forward without causing harm to the safety of users of the A665 Bury Old Road, a main route within the borough. In addition, the lack of consideration on how the building would function and be serviced clearly displays that the current proposal constitutes poor design. This is considered to be contrary to Section 12 of the NPPF (2023).

The servicing and storage proposal for the scheme respond directly to consultation comments, and conditions attached, to the previous permission on the site which was for a very similar scheme (ref 60045). This restricted deliveries to the site for transit van sized vehicles only. We have designed the current scheme to incorporate this. The resulting reduced frequency and scale of deliveries mean that there is a need to store more goods on the site for longer. This is why the proposed larger storage areas are required.

As the deliveries will be by transit vans only then there is ample room on the site for these vehicles to access the loading zone, marked on plan, and to turn within the site and leave in forward gear. The transit van will park in the landing area shown. Goods will then be taken via the public alleyway on the southern side of the building to the external of the lift on the ground floor. Neighbouring uses on this side of the building are all commercial.

We are restricted by the change in level across the site which means that servicing to the rear is not possible (and thus would also provide potential nuisance to properties at the rear).

Please also note that prior to occupation the applicant will need to provide electric vehicle (EV) charging points for at least 20% of the proposed parking spaces. EV charge points should be 7kW as a minimum.*

We have amended the proposals to include EV charging as indicated for 20% of the parking spaces. This is shown on the amended Landscape Plan. We are happy for full details of this provision to be conditioned.

Finally, on previous applications, highways contributions were secured. We have asked highways to clarify whether contributions will be required for this application, and will let you know as soon as possible.

As I have discussed with you on a previous telephone call, this payment was made by the applicant previously and so the local highways authority already have the funding for these improvements (on essentially the same proposals) and so should not be able to ask twice for the same measures to be funded.

3. Crime and Disorder

As this is a major planning application, it should be accompanied by a Crime Impact Assessment. Please provide.

We did instruct GM Police to prepare a Crime Impact Statement but this was put on hold due to previous changes to the drawings. This has now been finalised and we attach a final CIS, prepared by GM Police.

Note that this has made a number of security recommendations which have been incorporated on the amended Landscape Plan, including steel gates at the vehicle entrance, a security gate on the northern side of the building and influence on boundary fence height (as discussed above) and other access controls.

4. Description of Development

The proposal put forward fails to apply for the change of use and incorporation of two residential garden areas. An amended description of development will therefore be necessary.

This is fine, we can amend the description of development. I suggest the following:

“Demolition of existing structures and erection of a retail unit (Use Class E) and synagogue with associated car parking, landscaping, associated excavation works and access arrangement and addition of basement for use for storage. Removal of internal stairwell from previously approved application 63054. Incorporation of part of neighbouring rear gardens (in same ownership) into the retail site ”

5. Design and Appearance

Section 12 of the Framework focuses on achieving well-designed places. There are many design issues with the proposal which are discussed below under the various headings.

We believe that the proposal is a well-designed building. The design has been informed by discussions and conditions from the previous similar planning application, and is designed to enable the needs of a successful trading business.

However, firstly creating storage at first floor level at the frontage of the building, which is proposed to be fully glazed, would lead to a poor appearance in the street scene and a lack of vibrance within the street scene at first floor level. This matter is not acceptable to the LPA and needs to therefore be addressed.

There will be an attractive shop window display in front of the storage, advertising the retail business. The storage will be set back and will not be visible from ground level. We have explained this previously (see my email of 23/3/23). It is in the applicant's interest to have an attractive frontage to his business and this will be maintained.

6. Drainage and Flood Risk

Given your client has undertaken groundworks on the site without the necessary planning approvals, the LPA is not convinced that the information submitted relating to drainage of the site can be relied on. Given the significant difference in ground levels and the lack of permeable surfaces within the proposed development the LPA do not understand how surface water drainage will be dealt with. Please address this issue within any revisions.

We already submitted full details of SUDS, and stormwater management, by GeoSmart with the application. The proposal includes a large attenuation tank underneath the car park and a sump pump, with water to be released gradually over time. We have also now supplemented this with an explanatory note from the drainage consultants.

If there are any comments outstanding from the statutory drainage consultee please let us know and we will respond to them.

7. Fire Safety

The Local Planning Authority (LPA) questions how people in the basement and employees within the rear yard area would escape in the event of a fire. The land level differences between the front and rear of the proposed building are seriously concerning. There appears to be nowhere for people in the Basement and rear yard area to get out and safely escape in the event of a fire. The current proposal would not be a safe development for future users of the site.

In addition, if a fire occurred and occupiers had to leave the building by the proposed rear plant deck and staircase, they could not escape the rear yard area due to the enclosed rear yard and significant difference in land levels between that yard area and any escape route. Accordingly, there would be no viable means of escape from the rear yard!

A fire escape stair has been added to the rear yard. The fire escape stair has also been added to the plant deck. These are shown on the amended drawings submitted.

Both stairs lead to land on the north side of the building that is within the applicant's control and part of the application site. Ground floor fire escape from the north elevation of the building also leads to this space.

The proposed emergency exit on the southern elevation of the building would mean users of the development would exit on to 3rd party land. This would therefore not provide a safe means of escape as your client cannot ensure a safe escape route in the event of a fire for users of the building.

The fire escape on the southern side of the building provides an additional fire escape route. This opens onto the applicant's land. The escape route does then necessitate crossing third party land to reach Bury Old Road but this is an open alleyway with no barriers and this is an additional route.

I am also informed by our Building Control section that the proposal as it stands fails to accord with Building Regulation fire safety requirements, further justifying the above conclusions. They also mention that a fire engine needs to have unobstructed access into the site, in the case of a fire. The proposals should be amended to enable a fire engine to enter and leave the site in a forward gear.

The car park area is not large enough to have space for a turning circle for a fire engine. This is the case for many small businesses. This a matter for Building Regulations rather than Planning. There are no electrical goods, hot food or other proposed activities that would create an abnormal fire risk. The building will obviously need to be fully compliant with Building Regs in order to open and will be so. We will meet with the Fire Marshall and talk him through the fire strategy.

8. Ground Conditions

Although a Phase 3 Site Investigation Report accompanies the application, the Environment Agency also advise the submitted report fails to meet their requirements. The Council's Contaminated Land Officers have also advised that if planning permission were to be granted this would need to be subject to pre-commencement conditions requiring intrusive site investigations, any necessary remediation and validation.

The Environment Agency were missed being re-consulted on receipt of further investigations undertaken in February. We are re-consulting them today. I will provide any views they have when received.

Our application was accompanied with a Phase 3 report. This includes intrusive site investigations and laboratory tests which confirm that the site was remediated by Texaco and there is no contamination. The applicant has a certificate to that effect. If any further detail is required then please provide the full response from the Contaminated Land Officers, and from the EA as a matter of urgency, so that we can understand exactly what is required.

We previously provided with the planning application:

- Geotechnical Investigation Factual Report (Redstart, ref 640.00.02)

We now provide the additional information (attached):

- Phase 3 Site Investigation Report (Redstart, ref. 649.00.01)
- Geotechnical Assessment Report (Mr C Eccles)

Please also be reminded that the Phase 1 and Phase 2 reports were submitted in connection with the previous application on the site and so are available to the Council. These are very large documents and so have not been included again here (they are summarised in the above) but we can provide them again if required, providing we can agree a suitable file transfer process.

9. Landscaping and Biodiversity

No greenery is proposed and the whole rear yard area is, and is proposed to remain as being concreted. The site is currently sterile and would look bland once erected. The proposals, and the work which has been

undertaken on the site without the benefit of planning permission, emphasises the proposals lack of integration in the locality. You should strongly encourage your client to add trees and shrubs into this proposed development, at both the front and rear of the site.

We have amended the proposals to include planters and trellises at the front of the site. This is shown on the amended Landscape Plan.

The yard area at the rear is a outdoor storage and operational space. It is hidden from public view and therefore has no real need for landscaping.

10. Location Plan

We wonder whether it would help extending the red edge to incorporate the land edged blue, around no. 1 Park Hill Place. The part of the red edge extending from the south of the building to the corner of 1 Park Hill Place.

We discussed this when we met on Friday 24 November. I don't think it is necessary to amend the red line to incorporate all of the ownership, and doing so would unnecessarily complicate the determination process. I suggest therefore that is not amended.

11. Neighbours Trees badly damaged and trees removed prior to submission

The concrete panel boundary of the site that has been erected without the benefit of planning permission has cut through the roots of neighbouring mature native trees. Compensatory planting within the site will therefore be necessary. Such compensatory planting should be shown on Proposed Site Plans and Proposed Landscaping Plans.

We submitted an arboricultural survey on 8/8/23 which confirmed that there was only limited damage to these trees (see para 4.1. of this survey: "Although some damage to the roots of trees T4 and T6 has occurred, the trees appear to be stable and of good vigour..."). This report is submitted again.

We understand that a tree was felled in one of the neighbouring properties' gardens. This was done without the permission of the applicant. We can confirm that it was not a result of the retaining wall being installed. The tree survey establishes that the retaining wall would not mean that the trees could not survive.

This tree was not TPO-protected and its location lies outside the current application site. There was therefore no breach of planning permission in the trees being felled. There is no link between the loss of the tree and the current application. The applicant has agreed to install new planting in the garden of this neighbouring property – this is a private agreement and is not part of the current application proposals.

12. Plant Deck

Putting plant at the rear of the building at a raised level was resisted during the previous application due to the harm the noise of the Air Conditioning units would cause to the amenity of neighbouring occupiers. The Council has not changed its position on this, particularly as the submitted Noise Assessment, cannot be relied on as all monitoring was taken at a height lower than the proposed rear plant deck and also fails to take account of noise and disturbance that would be caused to neighbours when the rear fire escapes are opened for ventilation purposes and for access outside. The plant deck should therefore be removed from the proposals.

The acoustic assessment was undertaken properly. It was measured from the appropriate height, recordings were taken from pole-mounted equipment. The plant deck is only intended for maintenance access to the

plant and not for use by staff. The stair here is a fire escape only. There will be no need to open doors for ventilation as we will have air conditioning. We are happy for acoustic levels to be conditioned, and we can provide effective acoustic cupboards around the plant to achieve the required standard.

We previously submitted a noise assessment for the plant and have now provided an additional letter from the noise consultants to explain the above and respond to your comments.

13. Refuse storage

Refuse storage for the proposed retail use located adjacent to the boundaries of neighbouring residential properties on Albert Avenue is not acceptable to the Council due to noise, disturbance and potential odour from the refuse. Any refuse storage area therefore should be relocated to be away from neighbouring dwellings.

We have amended the waste collection proposals. As shown on the amended Landscape Plan we have moved the refuse store to the front of the site, away from the residential properties. From this new refuse store, refuse will be transported via the rear access to the adjacent shops on Buy Old Road and collected from Albert Avenue. This is consistent with existing arrangements for these shops. There is an existing waste collection contract with the neighbouring retail units for refuse to be collected from this location. This is therefore considered appropriate and we wish to make use of this same arrangement.



14. Use of Floor Areas

The LPA questions why approximately 697sq.m's of storage space, approximately 1 and a 3rd of the overall floor space would be laid over to storage uses. Moreover, the plans need to explicitly say what uses the proposed storage areas are to serve. It is also considered that it is disingenuous to propose that that only a small portion of the first floor, approximately a third, would be used for Synagogue purposes with the vast majority of the floor proposed to be used for some sort of storage purposes. We strongly recommend the extent of the proposed uses is reconsidered and shown more plausibly.

We have described above (under point 2) why additional storage areas are needed due to the restrictions on deliveries. It should be noted that the 1st floor storage is for the retail rather than the synagogue

The previous application on this site was intended to support the relocation of an existing, larger, synagogue. This is not the current proposal, instead the intention is for a new, smaller community synagogue.

Our ref: JBM0030

The intended synagogue operator cannot from the outset occupy the full space (as shown in the previous application) due to the rental cost for this space and their projected initial congregation size. The applicant has therefore provided this smaller space for them to help start-up this community synagogue. If this is successful and growth is later envisaged, then the design of the scheme enables this with the adjacent storage space – it is recognised that any use of additional area for synagogue use will require a new change of use application. We are happy for this to be conditioned. In the meantime this area will be used for additional retail storage.

The initial congregation size is likely to be in the range of 20-30 worshippers. In 5-10 years, natural growth is expected to increase this to 30-40 worshippers.

In addition, local Jewish residents inform the LPA that when they pray they face towards Bury Old Road. We therefore again request that the Synagogue be relocated to the front of the building and the design of the building be changed to provide any necessary privacy for attendees of the Synagogue.

This question is misinformed and considered somewhat insensitive. Jewish worshippers cannot pray towards a window. This is why the synagogue is located at the rear of the building, where the space will be more tranquil to aid peace and concentration on prayer. Worshippers will face toward the south-east. If you look at the planning permission for the recently built synagogue on the nearby corner of Bury Old Road / King's Road you will see that worshippers face the same direction

I trust that this comprehensive letter and accompanying revised drawings and additional documents respond to all of the items raised in your letter, and enables the application to be positively determined within our agreed timescale.

If you wish to discuss any of these points further please let me know.

Yours sincerely,
for RPS Consulting Services Ltd

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