

NOTICE OF PLANNING PERMISSION

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

To:

Mr John Brooks
GVA Grimley
81 Fountain Street
Manchester
M2 2EE

On Behalf Of:

Thornfield Properties plc
5 St Davids Court
David Street
Leeds
LS11 5QA

PART 1 - Particulars of Application

Application Number: 51247

Date of Registration: 19/06/2009

Proposal:

AMENDED SCHEME RELATING TO BLOCK B (APPROVED UNDER 48384) FOR MIXED USE DEVELOPMENT COMPRISING RETAIL 6126 M2 RETAIL FLOOR SPACE; 295 RESIDENTIAL APARTMENTS (CLASS C3); ASSOCIATED SERVICING AND ACCESS ARRANGEMENTS; AMENDED ELEVATIONS

Location:

LAND ADJACENT TO THE ROCK AND ST JOHNS GARDENS BURY (THE ROCK DEVELOPMENT SCHEME)

PART 2 - Particulars of Decision

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

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the provisions and parameters of the sustainability report carried out by Waterman Environmental and details relating to the achievement of BREEAM ratings shall be submitted to the Local Planning Authority through an approved timetable including pre, during and post construction.
Reason - Pursuant to the provisions of PPS1 - Delivering Sustainable Development and Associated Supplement on Climate Change to secure the sustainability principles of the development of the site.
- 3 **SPECIFIED FLOOR SPACES**

The development shall not be carried out otherwise than in accordance within Grimley Report dated 17 April 2009 and BDP Design and Access Statement dated

17 February 2009 hereby approved and the accompanying composite schedule of floorspace and as set out below unless otherwise agreed in writing by the Local Planning Authority.

Block B Retail (Classes A1-A5) 6,126m² maximum

Reason For the avoidance of doubt and to ensure that floorspace figures are not exceeded pursuant to PPS6 - Town Centres.

- 4 Within the Class A retail floorspace hereby created, no individual unit of more than 2,000 m² will be given over to a primary convenience retail use unless otherwise agreed in writing by the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.

- 5 Notwithstanding Condition 4, no more than 4,762m² of Class A3, A4 or A5 floorspace shall be formed at any time within the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason For the avoidance of doubt and to ensure that floor space figures are not exceeded pursuant to PPS6 - Town Centres.

- 6 The shopfronts, glazing and shop front display areas shall be carried out in accordance with the approved details as specified within the plans and further informed through the details contained within the Design and Access Statement dated 17 February 2009, as part of the implementation of this planning permission and shall be retained as such whilst the approved details served the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason In the interests of visual amenity and the free movement of pedestrians pursuant to UDP Policies EN1/2 - Townscape and Built Design and HT5/1 - Access for those with Special Needs.

- 7 The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of the opening hours for each unit have been submitted to and agreed in writing by the Local Planning Authority.

Reason To safeguard the amenities of adjacent occupiers pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.

- 8 The use of any food and drink unit (Class A3, A4 and A5) shall not commence until details of a scheme for the control of fumes and odours (and details of sound attenuation for any necessary plant) for that unit has been submitted to and approved by the Local Planning Authority. The scheme once approved shall be implemented before any food and drink unit is brought into use and must be retained in full working order thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity and pursuant to PPG24 - Noise and UDP Policy S2/6 - Food and Drink.

- 9 The Buro Happold scheme dated 20 June 2008, I Thompson email of 20 June 2008 (attachements 009974_080620IT_planning conditions.pdf, bath street survey.pdf and Link Road survey.pdf) for protecting residential accommodation from excessive external noise shall be implemented and any works forming part of the scheme shall be completed before Block B of the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason To protect the amenities of future residents to occupy the development and

pursuant to PPG24 - Noise.

- 10 The details of the arrangements for storage of refuse and waste for block B provided within the Design and Access Statement dated 17 February 2009 shall be implemented and made available for use prior to the building hereby approved being occupied and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason To ensure the satisfactory storage, recycling and collection of waste pursuant to UDP Policy H2/2 - The Layout of New Residential Development.
- 11 The development shall be carried out in accordance with the provisions of the "Under Construction Archaeology" Report - Mitigation Strategy within the proposal areas described within section 4 - Fieldwork. The implementation of the works identified shall incorporate the proposed methodology including the watching brief, excavations, archiving and reporting unless otherwise agreed in writing with the Local Planning Authority.
Reason To make a record of buildings for archive and research purposes and to identify buried remains of archaeological interest pursuant to PPG16 - Archaeology and UDP Policies EN3/2 - Development Affecting Archaeological Sites and EN3/1 - Impact of Development on Archaeological Sites.
- 12 Detailed design features to alleviate risks of ground gas or gas associated with the production of landfill gas shall be incorporated into the development, as shown necessary by the site investigation and risk assessment as approved under planning permission 48384, and;
A Site Verification Report detailing the design and installation of the incorporated design features, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority within agreed timescales.
Reason To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
- 13 The details submitted by Buro Happold dated 29/11/07, 19/12/07 and 30/01/08 related to the provision of surface water drainage works shall be carried out and completed in accordance with the approved plans prior to the block B hereby approved being occupied.
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
- 14 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason To ensure the satisfactory drainage of the site and pursuant to PPS25 - Development and Flood Risk.
- 15 Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no

discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason To ensure the satisfactory drainage of the site and to prevent pollution pursuant to PPS25 - Development and Flood Risk..

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

Reason - To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

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

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

- 18 The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:

a) Have been approved under planning reference 48384 that measured the existing television signal reception within the potential impact area, as identified in the Waterman Environmental "Environmental Assessment Statement" dated July 2007, and within an area of 500 metres radius surrounding the development boundary, before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the Local Planning Authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the Local Planning Authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

- 19 The materials to be used in the external elevations, specified within the approved plans shall be implemented as part of this planning permission relating to Block B unless otherwise agreed in writing with the Local Planning Authority.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary

Development Plan.

- 20 The details described within the approved design and access statement accompanying the application dated 17 February 2009 shall be implemented as part of this approved scheme and the provisions shall be made available prior to the building hereby approved being occupied, unless otherwise agreed in writing with the Local Planning Authority.
Reason. In the interests of equal access for all and pursuant to UDP Policy HT5/1 - Access for Those With Special Needs.
- 21 The development shall be carried out in accordance with the approved Travel Plan Framework submitted by JMP Consulting which establishes the developer and occupier travel plan objectives and targets and includes an implementation programme. The approved scheme shall be implemented before each phase is brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Before each phase of the development is fitted out, a scheme for the provision of occupier travel plan measures relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the provision of suitable shower, changing and locker facilities in those units with a floor area in excess of 10,000 sq.ft. A Travel Plan Co-ordinator for the site shall be appointed and their details shall be submitted in writing to the Local Planning Authority. A survey of staff and residents shall take place within 3 months of opening and a full written Travel Plan shall be prepared and submitted within 6 months of opening for approval by the Local Planning Authority. Upon each 12 month anniversary from occupation a review statement of implementation shall be submitted together with a programme of implementation incorporating any agreed changes of the travel plans with the Local Planning Authority.
Reason - In order to deliver sustainable transport objectives pursuant to PPG13- Transport.
- 22 The visibility splays and pedestrian visibility splays indicated on the approved plans shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use/first occupied and subsequently maintained free of obstruction above the height of 0.6m.
Reason - To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
- 23 The car & cycle parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use/first occupied.
Reason - To make adequate provision for parking, to protect the vitality and viability of the town centre and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
- 24 Notwithstanding the details indicated on the approved plans, no doors to any part of the development shall open outwards onto the existing or future adopted highway.
Reason - To ensure good highway design in the interests of pedestrian safety and pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.
- 25 This decision relates to:
Drawings numbered

Drawing number – sa (pl) ad102 – site location plan (red line); Drawing number – sa (pl) ad110 – existing site survey plan; Drawing number – sa (pl) ad111 (rev. B) – site masterplan; Drawing number – sa (pl) ad112 (rev. B) – town centre illustrative masterplan; Drawing number – bb (pl) ad001 (rev.c) – block b elevations to north & south; Drawing number – bb (pl) ad002 (rev. C) – block b elevation to east & west; Drawing number – bb (pl) ad100 (rev. C) – block b general arrangement ground floor plan; Drawing number – bb (pl) ad101 (rev. C) – block b general arrangement first floor plan; Drawing number – bb (pl) ad102 (rev. C) – block b general arrangement second floor plan; Drawing number – bb (pl) ad103 (rev. C) – block b general arrangement third floor plan; Drawing number – bb (pl) ad104 (rev. C) – block b general arrangement fourth floor plan; Drawing number – bb (pl) ad105 (rev. C) – block b general arrangement fifth floor plan; Drawing number – bb (pl) ad106 (rev. C) – block b general arrangement sixth floor plan; Drawing number – bb (pl) ad107 (rev. B) – block b general arrangement seventh floor plan; Drawing number – bb (pl) ad108 (rev. A) – block b general arrangement eighth floor plan; Drawing number – bb (pl) ad109 (rev. A) – block b general arrangement roof plan; Drawing number – bb (pl) ad010 (rev. B) – block b – bay studies, hornby square; Drawing number – bb (pl) ad011 (rev. B) – block b – bay studies, the rock; Drawing number – bb (pl) ad012 (rev. B) – block b – bay studies, new shopping street; Drawing number – bb (pl) ad013 (rev. B) – block b – bay studies, st. Johns' garden; Drawing number – bb (pl) ad014 (rev. A) – block b – bay studies, internal elevation; Drawing number – bb (pl) ad031 (rev. A) – block b – sectional elevations sheet 1; Drawing number – bb (pl) ad032 (rev. A) – block b – sectional elevations sheet 2; Drawing number – bb (pl) ad033 (rev. A) – block b – sectional elevations sheet 3; Drawing number – bb (pl) ad034 (rev. A) – block b – sectional elevations sheet 4; Drawing number – bb (pl) ad035 (rev. A) – block b – sectional elevations sheet 5; Drawing number – bb (pl) ad036 (rev. A) – block b – sectional elevations sheet 6; Drawing number – bb (pl) ad037 (rev. A) – block b – sectional elevations sheet 7; Drawing number – bb (pl) ad038 (rev. A) – block b – sectional elevations sheet 8; and Drawing number – bb (pl) ad039 (rev. A) – block b – sectional elevations sheet 9.

Reports

Waterman Environmental Consulting Engineers & Scientists Environmental Statement Volumes 1 and 2 and Non-Technical Summary dated July 2007
JMP Consulting - Travel Plan Framework dated June 2007 (N057062), Revised Transport Assessment dated July 2007 (M057062)
GVA Grimley Planning and Retail Statement dated June 2007
BDP Design Statement Revision A dated 2 August 2007

Buro Happold scheme dated 20 June 2008, I Thompson email of 20 June 2008 (attachements 009974_080620IT_planning conditions.pdf, bath street survey.pdf and Link Road survey.pdf); Waterman Environmental "Environmental Assessment Statement" dated July 2007

and the development shall not be carried out except in accordance with the drawings hereby approved unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

centre development in accordance with Unitary Development Plan policies and government guidance. It will bring significant benefits to the town centre, contributing to its vitality and improving its character, with no significant disbenefits. There is an acceptable highway scheme including provision for pedestrians and public transport. There are no other material considerations that outweigh this finding.

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

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

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

Applicant Plan Numbers:

Drawing number – sa (pl) ad102 – site location plan (red line); Drawing number – sa (pl) ad110 – existing site survey plan; Drawing number – sa (pl) ad111 (rev. B) – site masterplan; Drawing number – sa (pl) ad112 (rev. B) – town centre illustrative masterplan;

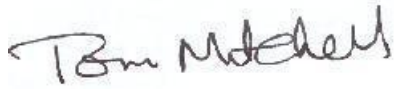
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Buro Happold scheme dated 20 June 2008, I Thompson email of 20 June 2008 (attachements 009974_080620IT_planning conditions.pdf, bath street survey.pdf and Link Road survey.pdf); Waterman Environmental "Environmental Assessment Statement" dated July 2007

NOTES TO APPLICANT

1. The site is to be drained on a separate system of drainage with foul and surface water draining to the existing drainage system serving The Rock development.
2. Surface water drainage discharge to be limited to the existing flow from the site to prevent either the surcharge of the existing surface water drainage system or the flooding of land/property downstream of proposed development.
3. Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or online at www.unitedutilities.com.

Signed:



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On behalf of the Council

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Date of Decision: 18/09/2009