

UNIMORE

**Former Texaco Garage, Bury Old Road, Prestwich,
Manchester, M25 0EY**

Planning Statement

JBM0030

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REPORT

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1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by RPS Consulting Services Ltd. ("RPS") on behalf of the client Unimore Limited ("The Applicant") in support of a full planning application for the demolition of existing structures and erection of mixed-use community/retail building to serve the local Jewish community, including a synagogue and kosher food retail unit at the site of the former Texaco garage, Bury Old Road, Prestwich, Manchester, M25 0EY. This is a resubmission of a similar scheme that was approved in 2019, the only change being the removal of one of two internal stairwells.
- 1.2 It should be noted that this application is in effect a resubmission of application 63054, granted planning permission in 2019, but which has subsequently lapsed. This scheme is identical to that previous exception, the only difference being that one internal staircase is now proposed to be removed. The remainder of the application, including the building envelope and floorspace for each use, remains identical to the previous scheme. This application also includes material submitted in response to pre-commencement conditions 63054. The applicant would like to agree these details as part of the current application and ensure that work can continue on site promptly after receiving planning permission, with no further pre-commencement conditions to discharge.
- 1.3 The Application will be determined by Bury Borough Council as the Local Planning Authority. The description of the development is as follows:

"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"

- 1.4 This Planning Statement sets out the case for the proposed development, which is supported by a suite of technical reports. Together, they demonstrate how the development is compliant with the relevant local and national planning policies such that the presumption in favour of sustainable development applies and planning permission should be granted without delay.

Supporting Documents

- 1.5 The following supporting documents are included as part of the overall application submission. Note that as this is a resubmission of similar proposals many of these documents and drawings are the same as those previously submitted for application reference 63054. Additional material is provided to respond to pre-commencement conditions from that application.
- Application Form
 - Planning Statement
 - Preliminary Risk Assessment
 - Phase 4 Site Investigation

- SUDS Report (by GeoSmart)
- SUDS Drainage Proposals
- Stormwater Management System
- CDM Management Plan

Supporting Plans

1.6 The application contains the following plans and elevations:

- Site Location Plan and Block Plan
- Proposed Site Plan
- Proposed Floor Plans
- Proposed Elevations
- Elevator Section

Structure of Planning Statement

1.7 The structure of this supporting planning statement will be set out as follows:

Section 2 – The Site & Surrounding Area

Section 3 – Site Planning History

Section 4 – Description of the Proposed Development

Section 5 – National Planning Policy Context

Section 6 – Local Planning Policy Context

Section 7 – Appraisal

Section 8 – Planning Balance and Conclusion

2 THE SITE & SURROUNDING AREA

Site Location and Context

- 2.1 The application site occupies a prominent location on the western side of Bury Old Road (A665). The site is located within a local shopping centre which includes a number of (primarily) independent retail and commercial uses, all fronting onto Bury Old Road.



Site Location [Google StreetView]

- 2.2 The application site is broadly L-shaped and extends to approximately 0.13 ha in total. The site is 'brownfield' in nature and was previously in use as a petrol filling station (PFS) and a hand car wash (which continued after the PFS closed). ..Towards the western end of the site the topography slopes downwards.

Background

- 2.3 The site location plan is displayed below in Figure 1, with the red area indicating the proposed application site boundary.
- 2.4 The existing retail/commercial units in this local centre provide for a good range of local needs. However, there remains a shortage of facilities designed to specifically serve the local Jewish community (which forms the dominant population group to this catchment of this local centre – see the submitted Catchment Area of Proposed New Synagogue Map). The proposed synagogue use is intended for use by Shomrei Hadass Synagogue and will effectively relocate this use from their current site on Park Road.
- 2.5 A previous planning permission was granted for the currently proposed mix of uses on the site on 24 June 2019 (application reference 63054, which is an amendment of the earlier 60045). The first

stage of construction works, including site excavations, had begun on-site in accordance with this permission, although there remains a need to formally discharge a number of conditions. In a meeting with the Head of Planning, David Marno and the applicant on 8 September 2022 it was agreed that construction would cease after making the site safe, including protecting the excavation area and installing a retaining structure in order to preserve land stability.

- 2.6 The proposals within this planning application omit one of two internal stairwells within the building in previously approved scheme (the one inside the Bury Old Road elevation) because this is no longer required, but otherwise the current scheme is identical to the previously permitted application.
- 2.7 This planning application will formalise the current situation and re-apply for the same mix and quantum of uses, within the same building envelope, and will remove the internal stairwell.
- 2.8 A significant amount of material was submitted in connection with the conditions of the previous application. This material is re-submitted with this application. The applicant is seeking to approve these details as part of the current application, and for appropriate 'in accordance with...' with conditions to be applied rather than to require new pre-commencement conditions to be discharged.
- 2.9 Vehicular access is currently taken from Bury Old Road. It is noted that the site previously had a separate access and egress point shared for both users of the PFS and car wash.
- 2.10 The site's previous petrol station facility operated 24 hours a day. There does not appear to be any planning restrictions in place controlling operations hours or servicing times and as such the site's existing use was largely unregulated.
- 2.11 The site currently suffers from a relatively poor-quality environment and provides an unappealing view for those approaching the area along Bury Old Road. It is evident that the redevelopment of the site has the potential to bring about significant environmental improvements by removing the existing unattractive structures and extensive unbroken hard-standing and replacing this with a high quality modern development, public-realm and landscaping with a much needed improved access arrangement.

Site Surroundings

- 2.12 The existing local centre is formed of two separate parades of retail and commercial units and the application site is located centrally between the parades. These retail/commercial units include a newsagents, a chemist, florist, restaurants/take-aways chemist, offices, estate agents, hairdressers and a budget foodstore,
- 2.13 To the north of the site there a number of semi-detached dwellings off Albert Avenue, the boundary fences of which are shared with the application site. The west or rear site boundary faces directly onto numerous large trees with allotment land beyond. The southern site boundary faces onto the main bulk of the local centre shopping parade, to which there is also a number of small storage units to their rear. On the opposite side of Bury Old Road to the east are two-storey

detached and semi-detached dwellings. An orthodox synagogue is also located within close proximity of the site. An aerial view of the surrounding area is shown in Figure 2 below.



Figure 2: Aerial view of site and surrounding area (Source: Google Maps)

Site Accessibility

- 2.14 Direct vehicular access to the site is provided by the A665 Bury Old Road, a single carriageway road which runs north to south connecting Whitefield to the north and Manchester to the south. The application is extremely well served by public transport with numerous bus stops being located within easy walking distance of the site. These provide services to various parts of Bury and beyond to Manchester City Centre, Salford and Rochdale. Further information regarding bus routes and frequencies serving the site is contained in the accompanying Transport Statement. The site also benefits from being less than 1 mile from 3 Metrolink stations, which are served by both the Altrincham to Bury and Bury to Piccadilly services.
- 2.15 Pedestrian access to the access to the site is excellent and it is not necessary for a pedestrian to transverse any roads in walking between the application site and the other units within the centre. The application site is also highly accessible by bicycle, being in close proximity to segregated cycle infrastructure.

3 SITE PLANNING HISTORY

3.1 The planning history of the site is listed below:

Reference Number	Proposal	Decision	Decision Date
67159	Variation of condition 2 following approval of planning permission 63054 - Changes to approved plans	Withdrawn	09 September 2022
63054	Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangement and addition of basement for use as storage and plant space	Approved with conditions	24 June 2019
60045	Demolition of existing structures and erection of a retail (A1) unit and synagogue with associated car parking, landscaping and access arrangement	Approved with conditions	31 October 2017
56526	Demolition of existing structures and erection of an A1 Use Class retail unit, with ancillary A3 use and associated car parking, landscaping and access arrangement (resubmission of 56277)	Approved with conditions	10 October 2013
56277	Demolition of existing structures and erection of A1 retail unit with ancillary A3 use and associated car parking, landscaping and access arrangement	Withdrawn	15 July 2013
53747	Prior notification for 14.8 metre high streetworks pole including 3 antennae and equipment cabinets outside 19 Bury Old Road	Prior approval required and granted	19 April 2011
42819	14.7m high streetworks pole style telecommunications structure accommodating 3 no./ shrouded antennae and 2 equipment cabins at site outside 19 Bury Old Road	Refused	13 July 2004
33851	Redevelopment of existing petrol filling station	Approved with conditions	19 March 1998

3.2 As demonstrated in the table above, the principle of retail and synagogue on the site has already been established with the granting of planning permission in October 2013 (56526), October 2017 (60045) and June 2019 (63054). The current application replicates the previous 63054 submission.

4 PROPOSED DEVELOPMENT

4.1 The application proposes the demolition of existing structures and erection of a retail unit (Use Class E) and synagogue (Use Class F1(f)) with associated car parking, landscaping and access arrangement and addition of basement for use as storage.

4.2 The description of the development is as follows:

“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”

4.3 The precise nature of the development proposals are set out below. The planning seeks full planning permission for the following:

- Demolition of all existing structures and site clearance;
- Erection of a two-storey detached building comprising a retail and synagogue;
- The ground floor would be used for food retail, the second floor would be used for the synagogue in part and the basement floor would be used for storage and plant only.
- 13 car parking spaces, including 2 disabled spaces;
- 5 short stay bicycle (Sheffield cycle hoops) for customers;
- Areas of landscaping to the east of the retail unit entrance;
- A new vehicular access and egress point on Bury Old Road; and,
- Dedicated bin store area
- Variation from application 63054 by removal of internal stairwell located inside the Bury Old Road elevation.

Layout

4.4 In terms of layout, the submitted Proposed Site Layout Plan illustrates, it is proposed that the retail and synagogue development will occupy the western part of the site, with the eastern and southern-western part of the site utilised for car parking and internal vehicular routes. The vehicular access and egress to Bury Old Road will occupy a central location on the eastern boundary of the site. The entrance points to the retail unit will be located to its eastern elevation, facing towards Bury Old Road and the existing retail and commercial premises within the local centre.

4.5 The existing boundary consists of 1.8m high vertical timber fencing along the north, west and south boundary. The application site contains no trees within its boundary.

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- 4.6 Servicing areas will be taken from Bury Old Road, utilising the same vehicular access as provided for customer traffic. The servicing area, which will be located to the front of the retail unit, will allow the unit to be serviced appropriately by a large van. There is no requirement for deliveries by larger vehicles, such as a HGV. Goods can then be transferred from the servicing area (via the proposed dropped kerb) to either the front of the store via the entrance points (most likely outside of opening hours) and also to the rear of the unit via a passageway to the units northern elevation (likely to be used inside opening hours).
- 4.7 Deliveries will be required on every day that the retail units are open for trade, including Sundays and Bank Holidays. The proposed servicing hours are between 08:00 to 20:00 hours daily.
- 4.8 The retail unit will be required to be open six days per week (including the majority of Bank Holidays). The proposed opening hours for the retail unit are 08:00 to 23:00 Monday to Friday and 08:00-16:00 Sunday. The applicant is not applying for the retail element to be open on Saturdays due to religious reasons.
- 4.9 The synagogue will have separate opening hours to the retail units. The hours of use proposed would be 06:30-09:00 and 18:30-22:30 Monday to Friday and Sunday and 06:30-22:30 on Saturdays.

5 NATIONAL PLANNING POLICY CONTEXT

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 directs that planning applications be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 5.2 The National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG') are material considerations relevant to the determination of this outline planning application.
- 5.3 Set out below are the relevant sections of the NPPF and PPG which should be taken into consideration during the determination of this planning application.

National Planning Policy Framework (2021)

- 5.4 The NPPF was first published in March 2012 and has had subsequent revisions and updates with the most recent being published on 20 July 2021. The NPPF establishes a clear and compelling presumption in favour of sustainable development indicating at Paragraph 11 that applications should be approved that accord with the development plan without delay and that where policies are out of date, planning permission should be granted.

Sustainable Development

- 5.5 There are three dimensions to sustainable development: economic, social and environmental (paragraph 8 of the NPPF refers). These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social objective – supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided the needs of present and future generations; and by fostering a well-designed and self-built environment, with accessible services and open spaces that reflect current and future needs and support community's' health, social and cultural well-being; and
 - an environmental objective – contributing to protecting and enhancing our natural, built and historic environment; including making efficient use of land, helping to improve biodiversity, use natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.
- 5.6 The NPPF makes clear that plans and decisions should apply a presumption in favour of sustainable and, for decision-taking, this means approving development proposals that accord with an up-to date development plan without delay (paragraph 11c).

- 5.1 Decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38). The resulting proposals would deliver economic and social sustainable development through the creation of retail and a place of worship which would also create jobs.

Building a strong, competitive economy

- 5.2 Section 6 seeks to build a strong, competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 81). Planning policies and decisions should recognise and address the specific locational requirements of different sectors (paragraph 83).

Ensuring the vitality of town centres

- 5.3 Section 7 seeks to ensure the vitality of town centres. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of: The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (paragraph 90).

Promoting healthy and safe communities

- 5.4 Section 8 seeks to promote healthy and safe communities. Planning decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and, enable and support healthy lifestyles (paragraph 92). To provide social, recreational and cultural facilities and services, planning decisions should (inter alia); plan positively for the provision and use of community facilities; and ensure an integrated approach to considering the location of housing, economic uses and community facilities such as local shops and places of worship (paragraph 93). It is important to have a sufficient choice of school places to meet the needs of the existing and new communities (paragraph 95). Planning decisions should also protect and enhance public rights of way (paragraph 99).

Promoting sustainable transport

- 5.5 Section 9 seeks to promote sustainable transport. Transport issues, including impacts on the existing transport network, sustainable transport opportunities, environmental impacts and patterns of movement should be considered at the earliest stage of the development proposals (paragraph 104). Development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should; give first priority to pedestrian and cycle movements; address the needs of people with disabilities; create places that are safe, secure and attractive; and, be designed to enable charging of plug-in vehicles in safe, accessible and convenient locations (Paragraph 112).

Making effective use of land

- 5.6 Section 11 seeks to make effective use of land. Planning decisions should promote and support the development of under-utilised land and buildings (Paragraph 120). Planning policies and decisions support development that makes efficient use of land, taking into account: local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and, the importance of securing well-designed, attractive and healthy places (paragraph 124).

Achieving well-designed places

- 5.7 Section 12 seeks to achieve well-designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126). Planning policies and decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130).

Meeting the Challenge of climate change, flooding and coastal change

- 5.8 Section 14 seeks to meet the challenge of climate change, flooding and coastal change. New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change; and help reduce greenhouse gas emissions (paragraph 154). LPAs should expect new development to comply with any plan policies on local energy requirements and to minimise energy consumption (paragraph 157). When determining planning applications, LPAs should ensure that flood risk is not increased elsewhere (paragraph 167).

Conserving and enhancing the natural environment

- 5.9 Section 15 seeks to conserve and enhance the natural environment. Planning decisions can contribute by: protecting and enhancing valued landscapes and sites of biodiversity value; providing net gains for biodiversity; and, preventing new and existing development from adversely affecting or being adversely affected by unacceptable levels of pollution (Paragraph 174). When determining applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused (Paragraph 180). Development resulting in the loss of irreplaceable habitats (including veteran trees) should also be refused unless there are wholly exceptional reasons (Paragraph 180). Planning decisions should ensure that: a site is suitable for its proposed use taking land instability and contamination into account (paragraph 183); new development mitigates and reduces to a minimum potential adverse impact resulting from noise from the new development (paragraph 185); and new development can sustain and contribute towards compliance with relevant limit values or national objections for air pollution (paragraph 186).

Planning Practice Guidance (DCLG)

- 5.10 The Government provides additional guidance on various planning topics via the Planning Practice Guidance (PPG) which was first launched in March 2014. The PPG is a live document and is subject to updates periodically. Guidance on the following matters has been considered in preparing the development proposals..
- **Air Quality** – The relevance of air quality, the information to be provided in an air quality assessment and how the impact on air quality can be mitigated e.g. through the design and layout of the development or promoting sustainable modes of transport.
 - **Climate Change** - Integrating adaption and mitigation approaches and looking for ‘win-win’ solutions that will support sustainable development, e.g. by maximising summer cooling and the provision of multi-functional green infrastructure.
 - **Design** – The role of good quality design as an integral part of sustainable development and the aim of securing high quality design. Local character; safe connected and efficient streets; a network of greenspaces; crime prevention; access; efficient use of natural resources; and, cohesive and vibrant neighbourhoods should all be considered.
 - **Effective Use of Land** – Housing needs, accessibility, local character, environmental and infrastructure assessments and appropriate building forms are to be taken into account in deciding the density measures being used.
 - **Flood Risk and Coastal Change** - Areas at little or no risk of flooding from any source should be developed in preference to areas at higher risk. The role of Flood Risk Assessments in establishing whether a proposed development is likely to be affected by current or future flooding, whether it will increase flood risk elsewhere and mitigation measures.
 - **Healthy and Safe Communities** - The consideration of planning and health together to create environments that support and encourage healthy lifestyles and in terms of identifying and securing the facilities needed for health care, taking into account the changing needs of the population. Good design can help achieve places that are safe as well as attractive, which function well, and which do not need subsequent work to achieve or improve resilience.

- **Land Affected by Contamination** – The provision of sufficient and proportionate site investigation information will enable the extent or otherwise of contamination, its nature and extents, the risks it may pose and to whom to be determined, so that these risks can be assessed and satisfactorily reduced to an acceptable level.
- **Natural Environment** - The economic and other benefits of the best and most versatile agricultural land are to be taken into account. The consideration of green infrastructure at the earliest stage and its integration into development proposals, taking into account existing natural assets enables multiple benefits to arise including enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. The potential impacts of development on protected and priority species, the scope to avoid or mitigate any impacts, the impact of development on ecosystems and the use of also biodiversity net gain need to deliver measurable improvements also need to be considered.
- **Noise** – The importance of considering noise-generating and noise sensitive development, as well as the assessment of noise impacts and the mitigation of the adverse effects of noise.
- **Travel Plans, Transport Assessments and Statements** – The need for Travel Plans and Transport Assessments for all developments which will generate significant amounts of movement and their role in positively contributing to: encouraging sustainable travel; lessening traffic generation and its detrimental impacts; reducing carbon emissions and climate impacts; creating accessible communities; improving health outcomes and quality of life; improving road safety; and reducing the need for new development to increase existing road capacity.
- **Tree Preservation Orders (TPOs) and Trees in Conservation Areas** – The role of TPOs in protecting specific trees, groups of trees or woodlands in the interests of amenity.
- **Use of Planning Conditions** - The use of planning conditions which are tailored to tackle specific problems where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- **Water Supply, Wastewater and Water Quality** - The benefit of early engagement with the LPA, the Environment Agency and relevant water and sewerage companies and provision of sufficient information to establish if water quality is likely to be a significant planning concern.

National Design Guide

5.11 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics:

- a) Context
- b) Identity
- c) built form
- d) movement
- e) nature
- f) public spaces

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- g) uses
- h) homes and buildings
- i) resources
- j) lifespan

6 LOCAL PLANNING POLICY CONTEXT

- 6.1 The Planning & Compulsory Purchase Act 2004 at Section 38(6) identifies that regard to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, unless material considerations exist that demonstrate a departure from adopted policy.
- 6.2 This section outlines the Statutory Development Plan and other material considerations relevant to the determination of this planning application and provides a review of the key planning policies relevant to the proposed development.
- 6.3 For the purposes of this planning application, the Adopted Development Plan comprises
- Adopted Bury Unitary Development Plan (1997)

Adopted Bury Unitary Development Plan (1997)

- 6.4 The following saved policies of the Salford Unitary Development Plan (UDP) are relevant to the proposed development:

EN1/2 - Townscape and Built Design

- 6.5 The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:
- The external appearance and design of the proposal in relation to its height, scale, density and layout;
 - The relationship of the proposal to the surrounding area;
 - The choice and use of materials;
 - Access and other design features for the mobility impaired;
 - The design and appearance of access, parking and service provision;
 - Landscaping, including the use of natural landscape features, and open space provision;
 - The use of lighting.

EN1/4 - Street Furniture

- 6.6 The Council will encourage the provision of suitably located and well designed street furniture which satisfies the requirements of pedestrians, shoppers and other users, and enhances the character and appearance of the urban street scene, including open spaces. In particular, the Council will seek to ensure that the siting and design of street furniture satisfies the following considerations:
- Meets the needs of all users including the mobility impaired, in terms of safety and adequacy;

- Does not detract from highway safety;
- Does not interrupt main pedestrian flows or hinder access for emergency vehicles;
- Reflects the traditional design and materials in the locality, is of robust construction and does not detract from the amenity and appearance of the street scene.

EN1/5 - Crime Prevention

6.7 The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be paid to the:

- Use and creation of defensible space;
- Creation of opportunities for natural surveillance;
- Location and design of street lighting;
- Location of footpaths and access points;
- Location and design of parking facilities;
- Design of landscaping.

EN1/8 - Shop Fronts

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

EN6 – Conservation of the Natural Environment

6.9 The Council will retain, protect and enhance the natural environment of the Borough, particularly in relation to areas of ecological, wildlife and geological importance.

EN6/3 - Features of Ecological Value

6.10 The effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals. Any proposal should seek to retain such features and incorporate them into the development.

EN7- Pollution Control

6.11 The Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.

EN7/1 - Atmospheric Pollution

- 6.12 In seeking to limit atmospheric pollution the Council will not permit development which:
- Would result in unacceptable levels of atmospheric pollution; and/or
 - Is not compatible with the achievement of the Council's long term air quality standards.

EN7/2 – Noise Pollution

- 6.13 In seeking to limit noise pollution the Council will not permit:
- Development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;
 - Development close to a permanent source of noise.

EN7/5 - Waste Water Management

- 6.14 In seeking to limit surface water pollution the Council will not permit development which:
- Does not have satisfactory arrangements for the disposal of foul sewage, trade effluent and contaminated surface water;
 - Will exacerbate existing problems, such as premature or increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity;
 - Would present an unacceptable risk of spillage or leakage of stored oils/chemicals or other potentially polluting substances.

S1/4 – Local Shopping Centres

- 6.15 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.
- 6.16 The UDP states that 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.

S2/1 - All New Retail Proposals: Assessment Criteria

6.17 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.

6.18 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.

HT2/4 - Car Parking and New Development

6.19 The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

HT4 – New Development

6.20 In considering the location of new or intensified development, the Council will encourage proposals which:

- Support the principles of sustainable development;

- Assist the implementation of a balanced transportation strategy;
- Minimise the environmental impact of traffic. In particular, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that this is also in accordance with other policies of the Plan.

HT5/1 - Access for Those with Special Needs

6.21 The Council will encourage the provision of satisfactory access to public transport, car parks, pedestrian areas and public and private buildings for the mobility impaired and those with special needs. This will be achieved by proposals which include:

- The provision of specially demarcated car parking spaces;
- Ramped accesses in preference to steps in public and private areas;
- Greater coverage of the Borough by the "Ring and Ride" and "Localine" services funded by the Greater Manchester Passenger Transport Authority;
- Better design of buildings incorporating details such as wider and/or automatic doors.

HT6/2 – Pedestrian/Vehicular Conflict

6.22 The Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:

- Pavement widening/realignment;
- Pedestrianisation schemes;
- Improved pedestrian crossing facilities;
- Proposals designed to reduce traffic speed;
- Provision of clearly signed pedestrian routes

SPD11 Parking Standards in Bury

6.23 SPD11 states that the maximum parking standards for a retail unit is 1 space per 30 square metres and for a place of worship is 1 space per 5 square metres of public floor area.

7 APPRAISAL

- 7.1 The purpose of this section is to assess the proposals against local and national planning policy and guidance.

Location in relation to Centres

- 7.2 The eastern portion of the site falls within the Bury Old Road local centre designation (as defined by the Bury Unitary Development Plan (UDP) 1997). However, there is no specific 'Primary Retail Frontage' designation within the defined local centres and therefore a judgement must be made to distinguish whether the site lies within an 'in-centre' or 'edge-of-centre' location in retail planning policy terms. The site occupies a near central location within the local centre with five retail/commercial units located immediately to the north of the site, and 10-12 units located immediately to the south.
- 7.3 Therefore, it is evident that the application site forms part of this local centre given that it is sandwiched between existing retail and commercial uses. It is concluded therefore that the site occupies an 'in-centre' location in retail planning policy terms.

Principle of Retail Development

- 7.4 Policy S1/4 of the UDP allocated the eastern portion of the application site as within a Local Shopping Centre which encourages the provision of a range of shopping facilities required to serve purely local needs.
- 7.5 Policy S2/1 of the UDP states that 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 – The eastern portion of the site is within the local shopping centre and the western portion is immediately adjoining the main shopping centre.
 - Sustain or enhance the vitality and viability of a centre – The proposed retail unit would have a positive effect on the vitality and viability of this local shopping centre. The proposed retail unit would result in additional footfall to the local shopping centre which will be to the benefit of the existing businesses in the local shopping centre.
 - Are accessible by and would encourage greater use of public transport – The proposed development would be accessible by all modes of transport, including public transport. The site is very accessible by bus, with a number of bus services running along Bury Old Road. The nearest bus stop is located approximately 50m south of the site and Salford Crescent railway station is within 3.5 miles of the site.
- 7.6 Policy S2/2 of the UDP also states that where retail proposals comply with the above criteria, proposals will be considered with regards 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 – It is not anticipated that the proposed development would result in any materially greater residential amenity impacts than the site's existing use as a Petrol Filling Station and hand car washing facility.
- The effects on the environment of the area as a result of increased traffic generation and servicing – The proposed access and egress at the site would be a significant improvement on the existing arrangement, which is currently dangerous and causes significant congestion on Bury Old Road. Furthermore, the submitted Transport Assessment identifies that the proposed development will represent a significant reduction in traffic compared to the existing situation. It is considered the proposed food store would also reduce travel distances for local residents undertaking a food shop.
- The design of the proposal with regard to safety and security for shoppers, workers, visitors and surrounding occupiers - The proposal has a modern design which is of high-quality and sympathetic to the character and appearance of the existing surrounding structures. The proposal would also provide appropriate landscaping which would help integrate the proposal with its surroundings. The proposed layout provides excellent natural surveillance across the site, further security issues are dealt with in the submitted Crime Impact Statement.
- The effects on the amenity of nearby residents or businesses by reason of noise, smell, litter or opening hours – This is addressed later in the appraisal.
- Access and, where appropriate through negotiation, facilities for the mobility impaired – The design and layout has given full consideration to the requirements of those whose mobility is impaired. 2 parking spaces will be provided in close proximity of the entrances of the development. The development shall comply with the requirements of the Disability Discrimination Act (DDA) 1995.
- 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 proposal would provide a synagogue which would be available to all the local community
- The provision of adequate car parking and servicing – consultation comments from the local highways authority on the near identical 63054 application were a recommendation that planning permission should be granted, with appropriate conditions attached.

Design and Layout

- 7.7 The proposed building would be identical in scale and appearance to the previously approved building (ref: 63054). The only change is the removal of stairwell which only affects the internal layout. This stairwell is not required and its removal does not impact on the fire escape strategy. The building would be two stories in height and would have a single pitch roof design. The building

would be of a contemporary design with high levels of glazing on the Bury Old Road facing elevation. The front elevation would consist of aluminium framed curtain walling with clear and opaque panels. The rear and side elevations would predominately consist of dark grey profiled insulated metal cladding and the roof would consist of a bullnosed fascia. It is therefore considered the proposal is compliant with policy EN1/2.

- 7.8 The proposed development would represent and a significant enhancement of the overall appearance of the site from its previous use as a car wash and from its current half-built situation, which could also give rise to health and safety risks.
- 7.9 The proposed layout would provide separate entrances for the retail and synagogue uses. A detailed assessment of the design characteristics and benefits of the scheme are provided in the accompanying Design & Access Statement. The applicant will endeavour to specify materials that are re-used where applicable (i.e. reclaimed brick). The building envelope is designed to better 'U'-value expectations of current Building Regulations to minimise energy use and reduce the carbon footprint of the development as a whole. Furthermore, robust details will be employed throughout both to minimise noise-transfer between areas and ensure air-tightness as prescribed by current approved codes of practice.

Impact upon surrounding area

- 7.10 While the building would be more contemporary in appearance than the existing commercial terraced properties on Bury Old Road, the proposal building would be set back substantially behind the existing building line of Bury Old Road and therefore would be viewed in isolation and would not appear overly prominent within the streetscene. In addition, the building is only two stories in height and would be well screened by residential properties to the north and commercial properties to the east/south. Therefore, the proposed building would not be very visible within the wider area.

Impact upon Residential amenity

- 7.11 The proposal has been designed to ensure there would be no adverse impacts to the neighbouring residents of no/s 178 – 188 Albert Avenue. All proposed first floor, north facing windows would be obscurely glazed and maintained as such to ensure there would be no adverse overlooking to the rear gardens of no/s 180-188 Albert Avenue. There are no proposed first floor west facing windows which will ensure the amenity of the residents of no.178 Albert Avenue would not be compromised.
- 7.12 SPD6 provides guidance on aspect standards to protect privacy and residential amenity. It states that extensions should maintain a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two storey blank wall of a neighbouring property. The rear facing elevations of no/s 180-188 Albert Avenue would be located between 15.8m – 16.8m from the side elevation of the proposed building. The

proposal therefore not dominate the outlook from the rear elevation and the gardens of these properties.

Noise

- 7.13 The petrol station and hand car wash that currently occupies the site has no restrictions in terms of hours of opening. The proposed opening hours for the retail unit are 08:00 to 23:00 Monday to Friday and 08:00-16:00 Sunday and the proposed opening hours for the synagogue are 06:30-09:00 and 18:30-22:30 Monday to Friday and Sunday and 06:30-22:30 on Saturdays. Therefore, the proposed use would not impact upon the amenity of the neighbouring properties by way of noise. The proposed plant and equipment for the synagogue and the retail unit would be located within the proposed basement and as such, would not impact upon the amenity of the neighbouring properties. The deliveries to the site would be restricted to the between 08:00 to 20:00 hours daily to ensure disturbance caused to neighbouring properties is kept to a minimum.

Ecology/bats

- 7.14 The buildings and structures on site to be demolished are of negligible risk for bats, therefore a bat survey was not required in this instance. The application also proposes a level of landscaping to ensure the development has a 10% biodiversity net gain.

Access

- 7.15 The proposed development will promote accessibility by all modes of travel, in particular public transport, cycling and walking given its location with a primarily residential area and proximity to existing shops and services.
- 7.16 The local highways authority had no objection to the previous similar proposals (application 63054).

Contaminated Land

- 7.17 A phase 1 Land Contamination Assessment has been undertaken by Redstart which concludes that the has previously been used as a petrol filling station, a land use which could potentially lead to land contamination. The desktop assessment concludes that an intrusive potentially required to quantify the contamination and subsequent risk to the site's future end users. A Phase 3 Site Investigation has now been prepared and is submitted with this application. This concluded that no significant source of contamination has been encountered so there is a negligible risk with regards to human health, controlled waters and the wider environment. Therefore, no remediation works are required. RPS do not therefore expect a condition to be applied in respect of land contamination.

Drainage and flood risk

- 7.18 Further work has progressed since the previous 64054 application. A SUDS feasibility report has been prepared and this has informed a proposed SUDS drainage scheme for the site. These have been included with this application and the applicant seeks their approval as part of these proposals, with subsequent condition to adhere to the submitted details.

Previous Planning Application

- 7.19 The previous planning application (63054) was for a near identical scheme on the same site and this was approved by the LPA in 2019. There has been no significant national or local planning policy changes that have affected the proposals in the intervening period. This is therefore a significant material consideration in favour of the current proposals.
- 7.20 The previous application attracted a large number of public comments. Approximately 120 comments were submitted, of which the vast majority were in support of the proposals. Only around five objections were received. The majority of these objections came from residents to the rear of the site who were concerned with amenity impacts on back gardens. Since then, the affected land has been acquired by the applicant, meaning that these grounds of objection no longer apply.

8 PLANNING BALANCE AND CONCLUSION

- 8.1 The site's potential for comprehensive is self-evident and has already been consented through previous planning permissions on this site (60045 & 63054), and notably for permission 63054 which, although now lapsed, is for this near identical scheme with the removal of one internal stairwell inside the Bury Old Road elevation being the only amendment. This stair is not required as part of the fire escape strategy, there being a similar stairwell on the opposite elevation, and will not have any material impact on the scheme
- 8.2 The proposed scheme will allow this currently vacant site within the local centre to fulfil a positive economic role and to serve the local community.
- 8.3 The Synagogue and Kosher Food Store are linked in their roles and will specifically serve the local Jewish community, which this proposal sits within the heart of.
- 8.4 The proposals would have a net positive effect on employment generation and it is anticipated that the proposal would create in the region of 6 full-time and 6 part-time jobs.
- 8.5 The near identical previous scheme that gained planning permission attracted only 2 negative comments and 1 comment from the local community supporting the proposals.
- 8.6 It is therefore recommended that this planning application is granted in a timely manner in order to allow the construction to be completed.