

DELEGATED REPORT

Report by Helen Pressley	Date of report: 04/04/2025	Ref: 71243/FUL
Registration: 28/10/2024	LDfC: 25/11/2024	Expiry Date: 23/12/2024
Site Visit: 14/11/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Proposed alteration to the external façade of existing building, including partial demolition of unit 2 and external works to accommodate a Drive-Thru Lane

Location: Victoria Retail Park, Unit 1 and Unit 2, Victoria Street, Bury, BL8 2EQ

Description

The site comprises part of a retail (A1) unit of 1598 square metres (occupied by Lidl), a trade/bulky goods (A1) unit of 418 square metres (occupied by Mencap and referred to as unit 1) and a 232 square metres unit (referred to as unit 2), which is vacant. Planning consent (59488) was granted in 2016 to vary the uses within unit 2 to B1, B8, A1, A3 or A5. Following changes to the Use Classes Order, these uses would now fall within Class E and the hot food takeaway use would be sui generis.

The site has highway frontages to Victoria Street to the east, Bolton Road to the south east and Ainsworth Road to the south, and is bounded by the elevated Manchester, Bolton and Bury Canal feeder to the west. To the south of the application site is a gas works, which is operational.

On the opposite side of Victoria Road there is an 'island site' which is used as an informal parking area. The nearest residential properties are to the south on the opposite side of Victoria Road.

Proposed development

The proposed development involves the partial demolition of unit 2 and external works to accommodate a drive thru lane. The western part of the building would be demolished, leaving a unit of 184.89 square metres, which includes a drive-thru pod projecting on the western side.

The proposed drive thru lane would start on the western side of unit 2, pass around the rear of the units and exit into the car park on the eastern side. The proposed drive thru lane would be used in association with a cafe/coffee shop.

A shared servicing area is proposed to the rear of the units. Air-conditioning units are shown within compounds to the rear of units. It is also proposed to re-configure the proposed parking arrangements within the site to facilitate the proposal.

The proposal is a resubmission of a previously refused scheme, with amendments to the proposed parking land servicing layout and drive-thru lane indicated and the submission of a supporting Transport Assessment, Service Management Plan and Sustainability Statement.

Relevant Planning History

36453 - Continuation of hazardous substances consent following a change in control of part of the site at Victoria Street, Bury. Approved with conditions - 6 July 2000.

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56249 - Erection of 1598 m2 retail foodstore (Class A1), 325 m2 (Class B1/B8) unit and 325 m2 trade/bulky goods unit (Class A1) together with car parking and landscaping at former gasworks, Victoria Street, Bury. Refused - 17 September 2013. Allowed on appeal - 8 September 2014.

58382 - Variation of conditions 2 and 15 of planning permission 56249 to amend floor space to 232square metres Class (B1/B8) unit and 418 square metres (Class A1 Trade/bulky goods) Unit at former gasworks, Victoria Street, Bury. Approved with conditions - 16 April 2015.

59488 - Change of use from Class B1/B8 to any use within Class A1/A3/A5/B1/B8 at Unit 2, Victoria Retail Park, Victoria Street, Bury. Approved with conditions - 15 March 2016

60344 - Variation of condition no. 2 (approved plans) of planning permission 59488 to facilitate alterations to internal layout and elevations at Unit 2, Victoria Retail Park, Victoria Street, Bury. Approved with conditions - 15 August 2016.

69299 - Proposed alteration to the external façade of existing building, including partial demolition and external works to accommodate a Drive-Thru Lane - Refused 11/04/2024

Adjacent site

64738 - Prior notification of proposed demolition of 2 no. gasholders and associated redundant infrastructure at Bury Elton Gasworks, Victoria Street, Bury. Prior approval required and granted - 28 November 2019.

65432 - Engineering works comprising the partial infilling of voids, created as a result of the demolition of gasholders on the site at Bury Elton Gasworks, Victoria Street, Bury. Approved with conditions - 26 June 2020.

69886 - Engineering works comprising the infilling of voids, created as a result of the demolition of gasholders on the site at Bury Elton Gasworks, Victoria Street, Bury. Approved with conditions - 14 September 2023.

Publicity

Neighbour letters sent 1/11/2024.

1 representation of support received in relation to:

- Perfect spot for a drive through coffee shop.
- Access is the same as for Radcliffe Asda or Pilsworth Asda and these work perfectly well.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to the submission of a CTMP, implementation of parking, signage, refuse storage and the service management plan.

Environmental Health - Contaminated Land - Request for conditions in relation to commensurate remediation measures and unexpected contamination.

Greater Manchester Ecology Unit - Condition requested in relation to nesting birds. 10% BNG and mitigation for wildlife can be achieved on site.

The Coal Authority - Whilst a Coal Mining Risk Assessment does not appear to accompany the planning application, when considering the nature of the proposals the Coal Authority does not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and do not object to this planning application.

Waste Management - No response

Cadent Gas Ltd (formerly National Grid) - No response

Canal & River Trust - Any excavation required for the drive thru road or drainage must not affect or undermine the wall foundations or impact the structural integrity of the retaining wall, which supports the Manchester, Bolton and Bury Canal.

Pre-start Conditions - Agreed by agent.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
HT2/4	Car Parking and New Development
HT2/5	Public Car Parks
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-P1	Sustainable Places
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S2	Carbon and Energy
JP-G7	Trees and Woodland
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Principle (Use)

The proposed development would involve the use of the vacant unit as a coffee shop with an associated drive thru/takeaway. Planning consent was granted in March 2016 to vary the uses of the B1/B8 unit to include any use within B1 (light industrial), B8 (warehousing or storage), A1 (retail), A3 (cafe) or A5 (hot food takeaway) was approved in March 2016. Following the amendment to the Town and Country Planning (Use Classes) Order in 2020, the uses were amended to B1 (light industrial), B8 (warehousing or storage), E (shop or cafe) and a hot food takeaway would be sui generis. As such, the proposed use as a coffee shop with associated takeaway would fall within the uses approved in March 2016 and does not require planning approval.

Design and Layout

UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PFE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The proposed development involves the demolition of part of the existing unit on the western elevation to form a drive thru pod. This part of the building is located between the existing unit and the retaining wall, which supports the Manchester, Bolton and Bury Canal feeder. As such, the proposed works would not be visible to the streetscene. In addition, the materials for the proposed development would match the existing building.

The proposed development involves the erection of fencing at the rear of the two units and on the eastern elevation of unit 1. A fenced bin store is also proposed to the north west of unit 2. The proposed fencing would be constructed from timber and would be approximately 2 metres in height. The proposed fencing would be appropriate in terms of appearance with limited visibility from within the site.

The drive thru and servicing would be located to the rear of the building.

It is considered that the proposal would be acceptable in terms of visual amenity and therefore complies with the policy considerations set out above.

Access and Servicing

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. PfE Policy JP-C5 states that proposals should provide appropriate places and routes for servicing, deliveries and "drop-off". PfE policy JP-C6 includes the provision to create, where needed, dedicated separate space for people walking and cycling. In addition when considering layouts PfE Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability. JP-C8 also requires appropriate provision for deliveries and servicing, in a way that:

- meets road safety requirements,
- reduces transport emissions and other environmental impacts,
- reduces traffic congestion, the number of vehicle movements and the need for repeat deliveries.

In addition to this paragraph 116 of the NPPF confirms that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, that they should create safe, secure and attractive places that minimise the scope for conflicts and that allow for the efficient delivery of goods.

Servicing and Deliveries

The proposed drive thru lane would start on the western side of unit 1, pass around the rear of the units and exit into the car park on the eastern side of unit 2. The area to the rear of units 1 and 2 is currently in use as a service yard as originally approved. This enabled deliveries to be separated from customers vehicles and pedestrians and provided an area where delivery vehicles could turn around. The location of the proposed drive thru lane would result in the reconfiguration of the service area to the rear of the two properties.

The current scheme is supported by a Transport Statement and Service Management Plan that seeks to address the re-configuration of the servicing areas.

It is proposed that deliveries to both units would be located to the rear of the units. A swept path analysis has been undertaken in relation to the internal arrangements for a 10m rigid vehicle as the largest anticipated service vehicle that could potentially service the units. This size of vehicle replicates the size of vehicle that was originally tracked for units 1 and 2 (see Appendix 3.5 of Transport Assessment for application 56249) and as such is considered to be acceptable.

The applicant has confirmed that unit 2 would require a daily delivery. The applicant confirms the deliveries occur outside of peak times of operation with these typically taking place prior to store opening or post-close to ensure products are fresh.

Refuse collection for the units would be undertaken to the front or sides of the units. The applicant states that regular refuse collection will be undertaken by a refuse vehicle no larger than an 11.36m for the unit, comprising typical twice weekly collections between 09:00 and 17:00.

Parking

In terms of parking standards, in addition to the policies set out above UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

SPD11 states that the maximum floorspace is as follows:

- 1 space per 16 square metres of food retail floorspace
- 1 space per 30 square metres of non food retail floorspace
- 1 space per 8.5 square metres of hot food takeaway floorspace

This equates to 136 spaces and 9 parking bays for disabled users for the 3 units on site (units occupied by Lidl, Mencia and the application site). These figures and the figures below are based upon the reduced floorspace for the proposed unit after the demolition works.

The submitted existing site plan does not show the number of car parking spaces for the wider site. The application form however confirms that there are currently 103 spaces on site, and that this would be reduced to 99 spaces as it appears that the bin store for unit 2 would utilise some of the existing parking bays to north west of the site, including 2no. disabled parking bays.

The application proposes to relocate the 2no. disabled parking bays to the front of the existing parking bays to the front of the units resulting in the loss of one parent and child space. 6no. electric car charging points are also proposed within existing car parking spaces to the east of the proposed drive-thru lane.

A parking survey has been completed, and reported within the Transport Assessment which recorded a peak occupancy of 84 vehicles on a Saturday. The car parking demand assessment undertaken by the applicant states that there would be a peak accumulation of eight vehicles as a result of the development proposals.

The number of parking spaces for the proposed development would be below the maximum required by SPD 11 by 53 spaces. The Transport Assessment, and subsequent Highways Note however states that the proposed drive thru use would lessen the demand on the car park when compared to a cafe which can be lawfully implemented in the currently vacant unit. Given the above fall back position of lawful use, and the parking assessments submitted in support of the application there would appear to be capacity within the 99 spaces retained at the site for any additional parking that may result from the proposed drive-thru use.

6no. existing parking spaces would now be utilised for EV chargepoints. This is welcomed from a clean air perspective and a condition has been attached for the submission of signage in relation to these parking spaces to state that they can be utilised by both EV and ICE vehicles.

The introduction of cycle parking on site is welcomed.

The application site is located off Bolton Road and all of the surrounding streets have double yellow lines, so on-street parking would not be available.

Trip Generation and Site Access

The submitted Transport Assessment states that a review of the sites accessibility has identified that the site is highly accessible by sustainable modes of travel, which would work to encourage access by sustainable modes for both staff and customers.

The results of the estimated trip generation within the Transport Assessment show that during the busiest Saturday peak hour (10:00-11:00) the proposed drive-thru would result in

around 53 additional two-way movements. This would equate to around one vehicle movement every minute, during the busiest peak hour.

The Local Highways Authority requested that an assessment of the existing access point was undertaken in order to establish that the as-built layout was reflective of the approved planning drawing, showing that the previously approved visibility splays were achievable. The as built layout can achieve the required visibility splays and as such no objections have been raised by the LHA to the use of this access for an amended use.

Impact upon the canal

The proposed development involves demolition works and the provision of a drive thru lane adjacent to the viaduct, which supports the Manchester, Bolton and Bury canal. When consent was granted for the construction of these units, a 2 metre easement was provided to ensure no damage to the retaining wall.

The Canal and River Trust have stated that they have concerns about the retaining wall, which is immediately adjacent to the site. These relate to any excavation required for the drive thru road or drainage and its subsequent impact upon the retaining wall. It should be noted that the Canal and River Trust own the canal, but do not own the retaining wall.

However, this would be a private matter between the two parties and the concerns of the Canal and River Trust would be added as an informative.

Amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area. UDP Policy EN7/2 - Noise Pollution restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The proposed site plan indicates that air conditioning units would be installed in a compound at the rear of the two units. The proposed compounds would be bounded by 2 metre high timber fencing.

A noise assessment has been provided with the application, with noise measurements taken in three positions one of which would be the nearest residential properties to the rear of the site on Ainsworth Road. The noise assessment concludes that noise levels originating from the proposed premises shall not exceed the background sound level at the nearest residential receptors. The proposal is therefore considered to comply with the policies set out above.

Ecology

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

Bats

A bat report has been provided. Whilst this report is dated given the negligible value of the building and only partial works to façade, GMEU are in this instance willing to extend the validity of the report to three years ie until 2026. No further information is required at this time.

Nesting Birds

There may be some loss of the existing shrub planting around the site, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition is therefore requested in relation restricting works to trees or shrubs to outside of nesting season.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

The site is primarily developed land, with small areas of ornamental shrub planting. This is to be replaced by a significantly larger area of soft landscaping. I am therefore satisfied that mitigation can be achieved on the site. Wildlife mitigation in the form of couple of bird boxes is also recommended.

The metric confirms that well in excess of 10% BNG will be achieved on the site. As the baseline was 0.08 BU with 0.19 post development, I would regard that the on-site measures are not significant but it does include 9 small trees technically a significant habitat, though only one is required to hit the 10% threshold. It is considered that the 30 year management and monitoring can be secured by condition.

Impact upon Utilities

Gas infrastructure is located to the south of the application site, which is operational. The infrastructure includes major and intermediate gas pipelines and Cadent originally objected to the original scheme (69299) due to the impact upon the gas apparatus, but revised plans were submitted, which have addressed these concerns. Cadent confirmed on this previous application that no objections to the proposed development, subject the access arrangements on the revised site plan being implemented and no further comments have been received in relation to the updated application. Therefore, the proposed development would not have an adverse impact upon the gas apparatus and would be in accordance with Policy JP-P1 of the Places for Everyone Plan.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The sustainability statement references unit 1, rather than unit 2 which is the unit to be partially demolished however the correct unit appears to be indicated within the site layout utilised. The statement confirms that the proposal would be carried out in accordance with Part L of the building regulations and would therefore comply with Policy JP-S2.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. Full fibre can be provided at the site in accordance with the requirements of Policy JP-C2.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 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 This decision relates to drawings numbered 2613.P.106.A, DTP/3704424/A/TR001 Rev H, 2613.P.103.D, 2613.P.107, 2613.P.101, 2613.P.102, 2613.P.104, 2613.P.105, DTP/3704424SK01 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
 - (1) Access route for all construction vehicles to the site from the Key Route Network;
 - (2) Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to the supermarket and retail unit, and all temporary works required to facilitate access for demolition/construction vehicles;
 - (3) Hours of work for demolition and construction works, delivery of materials and number of vehicle movements;
 - (4) Arrangements for the retention of parking facilities for visitors to the retail park and the parking of vehicles for site operatives on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition/construction materials;
 - (5) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;
 - (6) Details of the siting, height and maintenance of any security hoardings;
 - (7) The provision, where necessary, of temporary pedestrian facilities/protection measures within the site;
 - (8) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 - (9) Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the demolition and construction traffic generated by the proposed development on the users of the site and adjacent highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 4 The development hereby approved shall not be brought into use unless and until full details of signage to denote that the proposed EV bays are for use by all users have been submitted to, agreed with the Local Planning Authority. The signage shall be implemented in accordance with the approved details.
Reason. To ensure adequate off-street car parking provision for all vehicle types, in the interests of road safety pursuant to Development Plan Policies HT2/4 - Car Parking and New Development, HT2/5 - Public Car Parks and Supplementary Planning Document 11: Parking Standards in Bury.
- 5 The measures and facilities indicated in the approved 'Service Management Plan' shall be implemented prior to the development hereby approved being brought into use and maintained thereafter.
Reason. To ensure good highway design and minimise the standing and turning movements of vehicles within the retail park, in the interests of pedestrian and road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 6 The vehicular and pedestrian access alterations and turning facilities indicated on approved plan reference 2613.P.103 Revision D shall be implemented to the satisfaction of the Local Planning Authority before the development hereby approved is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To ensure good highway design and minimise the standing and turning movements of vehicles within the retail park, in the interests of pedestrian and road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 7 The car and cycle parking alterations indicated on approved plan reference 2613.P.103 Revision D shall be surfaced, demarcated/provided and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off-street car parking provision for all vehicle types, in the interests of road safety pursuant to Development Plan Policies HT2/4 - Car Parking and New Development, HT2/5 - Public Car Parks and Supplementary Planning Document 11: Parking Standards in Bury.
- 8 The refuse storage and access arrangements alterations indicated on approved plan reference 2613.P.103 Revision D shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate refuse collection and bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 9 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);

II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 10 Remedial measures shall be carried out to the proposed development that are commensurate with the measures employed on the existing property. These measures shall be carried out without compromising existing remedial measures. Any variation or modification of existing or proposed remedial measures shall be subject to the approval of the Local Planning Authority prior to development commencing. Where remedial measures are to prevent ground gas ingress, details of how the gas resistant membrane will be joined to the existing membrane to create a continuous barrier shall be submitted for approval.

A Verification Report detailing the design and installation of the remedial measures must be submitted to the LPA for approval upon completion of remediation works.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 11 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 12 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 04/04/2025			