

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/09/2024	Ref: 69164/FUL
Registration: 04/04/2023	LDfC: 02/05/2023	Expiry Date: 04/07/2023
Site Visit: 02/09/2024	Site Notice: 12/01/2023	Press Date: 20/04/2023
Objections: 1	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MARD

Proposal: Erection of a retail unit (Use Class E(a)) and Synagogue (Use Class F1(f)) with associated car parking, landscaping, associated excavation works, access arrangement and addition of basement for use for storage. Removal of internal stairwell from previously approved application 63054 (Part Retrospective)

Location: Former Texaco Garage, Bury Old Road, Prestwich, M25 0HH

Description

The application site is a cleared site which formerly contained a petrol filling station and part of two garden area that were formerly part of nos. 172 and 174 Albert Avenue. It is sited on a plot of land accessed from Bury Old Road, sited between the gables of 21 Bury New Road and 12 Park Hill. The site extends along the garden areas of nos. 178 - 188 Albert Road up to the rear garden of no. 176 Albert Road which extends across the rear of the application site.

The north east side of the site, frontage adjacent to Bury Old Road, is existing hardstanding covering an area of approximately 650 square metres. The rear south west half of the site has a significant level drop of approximately 2 metres. The rear of the site has been surfaced skimmed and has concrete earth retaining panels installed along three sides.

The land is level at the Bury Road Frontage of the site along the length of the gables of nos. 21 Bury Old Road and 12 Park Hill, and the garden area of no. 188 Albert Avenue, before it drops steeply, and extends up to the edge of the rear garden area of no. 76 Albert Avenue, which extends along the rear boundary of the application site.

To the north and west of the application site exists Prestwich allotments. No. 1A Park Hill Place (in the applicants ownership) and informal car parks to the rear of the shops on Park Hill Place exist to the west of the application site.

The application site is located within the Bury Old Road / Kings Road Local Shopping Centre, as allocated within the UDP.

The rear of the site adjoins a woodland on the Albert Avenue Allotments, which is protected by a Tree Preservation Order.

Planning permission is sought for the erection of a 550 sq.m retail unit on the ground floor level, a basement level for storage, and for a Synagogue at first floor level which would also have an associated storage area. The associated storage area at first floor level appears to be approximately two-thirds larger than the area proposed to be used for the purposes of a Synagogue. An external plant deck is proposed at the rear of the building, at what would be first floor level. This is to accommodate 5 number air conditioning units and would also provide a rear fire escape along the length of the building to an external staircase that is proposed to be located on the western facing side elevation. Refuse storage for the retail unit is proposed to sit under this staircase which is to be installed on the side of the building

closest to the rear garden areas of properties on Albert Avenue.

The proposed development is to be relatively square in its footprint and would have the appearance at the front of being two storeys in height, with the rear of the building being three storeys in height at the rear of the building. The building would have a mono-pitched roof.

The frontage of the building is to be fully glazed. The side elevations are proposed to be blank. The basement floor of the rear elevation is proposed to be fully glazed and would have a set of double doors that seeks to provide access into the rear yard area of the site. At ground floor level, an external decked area is proposed, labelled as a Plant Deck. The amended proposals indicate that 2 no. Air Conditioning Units are proposed on the first floor plant deck.

The ground works for the proposed development that have taken place and therefore this part of the proposals is retrospective. This has involved significant engineering works to be undertaken and retaining walls are in place on the side and rear boundaries of the site. There is also a retaining wall across the site between the change in levels of the site, which indicates the position of the proposed rear wall of the development. Retrospective permission is sought for these ground works.

Relevant Planning History

67159 - Variation of condition 2 following approval of planning permission 63054 - Changes to approved plans including ground Floor Layout Revision, the addition of rooms to the rear of the shop, relocation of the lifts to the left side at the rear; Front shop entrance location changed to the sides of the curtain walling abutment; First Floor layout revision to accommodate the revised lift locations; Ground Floor Blockwork walls and Level 1 Rendered Walls revised to be full height horizontal louvre design insulated metal cladding only. Previous curtain walling at front to remain; Rear windows removed; Rear abutment roof level raised to Level 1 floor level; Left side windows relocated; Introduced additional curtain walling at left side entrance; Right hand side windows redesigned. - Withdrawn, 09/09/2022.

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 subject to a S106 agreement - 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 at Texaco petrol station, Bury Old Road, Prestwich. 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) at Texaco petrol station, Bury Old Road, Prestwich. 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 at Texaco Petrol Station, Bury Old Road, Prestwich. Withdrawn - 15 July 2013.

This application was withdrawn as there were issues relating to the access and servicing arrangements.

53747 - Prior notification for 14.8 metre high streetworks pole including 3 antennae and equipment cabinets at Prestwich Service Station, 19 Bury Old Road, Prestwich. Prior approval required and granted - 19 April 2011.

42819 - Prior approval determination - 14.7m high streetworks pole style

telecommunications structure accommodating 3 no./ shrouded antennae and 2 equipment cabins at site outside 19 Bury Old Road, Prestwich. Refused - 13 July 2004.

33851 - Redevelopment of existing petrol filling station at 19 Bury Old Road, Prestwich. Approved with conditions - 19 March 1998.

Publicity

The neighbouring properties were initially notified by means of a letter on 11 April 2023 and a Press Notice was published in the Bury Times on 20/04/2024. A Site Notice was posted outside the site on the 12 January 2023.

On receipt of some amendments, which sought to address the concerns about fire safety and external access and egress out of the rear yard area, neighbours and statutory consultees were re-consulted.

2 Representations were received which raise the following concerns:

- Raises concern over the adequacy of the on-site car park and raises that overspill car parking from the proposed development would put undue pressure on on-street car parking provision along Albert Avenue, adversely affecting both highway safety and the amenity of existing Albert Avenue residents.
- Asserts that the building would not be safe from a fire safety perspective

Statutory/Non-Statutory Consultations

Traffic Section - No comments or observations received.

Borough Engineer - Drainage Section - No comments or observations received.

Environmental Health Contaminated Land - No objections.

Environmental Health - Commercial Section - No objections

Env Health Pollution Control - Initially raised concerns about the location of the air-conditioning units, Plant Deck and Bins due to detrimental affect on the amenity of neighbours. Their objections were withdrawn following receipt of the amended information.

Waste Management - No comments or observations received.

Environment Agency - No objections

Greater Manchester Police - designforsecurity - No comments or observations received.

United Utilities (Water and Waste) - - No comments or observations received.

Fire Protection Dept Bury Fire Station - No comments or observations received.

Greater Manchester Ecology Unit - No objections subject to conditions requiring landscaping of the site in the interests of increasing the biodiversity value of the site.

National Grid - No comments or observations received.

Electricity North West Ltd - No comments or observations received.

Pre-start Conditions - Applicant/Agent has agreed with all pre-start conditions and all condition recommended.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S1/4	Local Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
EN1/3	Landscaping Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

Issues and Analysis

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

Principle of Development

Retail Element proposed within the ground floor

UDP Policy S1/4 states that 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.

UDP Policy S2/1, which states that the Council will support new retail development which accord with the following:

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

In addition, where a proposal would lead to more than 40% of the frontage being in non-retail use, the Council will take into account the following factors:

- the location and prominence of the proposal within the frontage;

- the number, distribution and proximity of other premises in non-retail use;
- the particular nature and character of the use proposed, including the level of activity associated with it.

The principle of retail development was established with the grant of planning permission in October 2013 (56526), October 2017 (60045) and June 2019 (63054). The proposed development seeks consent for the addition of a basement for use as storage and for plant equipment in association with the retail unit and synagogue uses above. The proposed development would be ancillary to the retail unit and a condition would be included to prevent this space from being used for sales. Given the nature and location of the use, the proposed development would have a positive impact upon the vitality and viability of the centre and would be in accordance with Policies S1/4 and S2/1 of the Bury Unitary Development Plan.

Principle (Community Use)

UDP Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the impact upon residential amenity and the local environment; traffic generation and car parking; the scale and size of the development; accessibility by public and private transport; the needs and requirements of the disabled.

The principle of the synagogue use at first floor was established with the grant of planning permission in October 2017 (60045). The proposed development would provide a basement for plant equipment in association with the synagogue use. As such, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 of the Bury Unitary Development Plan.

Impact on neighbouring businesses

Paragraph 193 of the NPPF states that where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The proposal was previously a commercial use, as a Petrol Station within this defined Local Shopping Centre. The proposed development is therefore acceptable in principle.

Design and Layout

The proposed building would be seen as two storey at its front and three storey to its rear, where the proposed Basement area would open out on to the land at the rear which seeks to become a rear yard area. The front elevation of the building would be predominantly glazed at ground and first floor levels. This would represent a modern design set between traditional built properties and would provide a focal entrance point for the building.

The proposed building would be constructed from grey brickwork and render, which, whilst departing from the traditional mix of materials present along Bury Old Road, it would not detract significantly from the streetscene due to the proposed building being set back into the site. The proposed materials would add visual interest to the elevations. Subject to a condition securing samples of the materials prior to any above-ground works occurring, the visual impact of the proposals would be acceptable.

During this application process, an external fire escape from the rear yard area up to ground floor level has been secured, in the interests of fire safety. The application was re-advertised on receipt of this amendment.

Refuse storage seeks to be beneath the external staircase leading up to the Plant Deck on the north-west facing side elevations.

Taking account of all of the above, the proposed development would not be suitably designed and would not be a prominent feature in the streetscene and would be in

accordance with Policies EN1/2 and S2/1 of the Bury Unitary Development Plan.

Highway Safety

PfE Policy JP-C1: 'An Integrated Network' seeks to deliver accessible, low carbon development with connectivity and supports a range of measures, including, amongst other things, delivering a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including health care, education, retail, recreation and leisure facilities, green space and green infrastructure and locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport.

The proposed development is located in a Local Shopping Centre, as defined by the Unitary Development Plan. The proposed development is therefore considered to be suitably located.

PfE Policy JP-C8: Transport Requirements of New Development requires development, amongst other things, to have sufficient and suitably designed car parking provision, refuse storage provision 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.

The Local Highway Authority has reviewed the proposal and considers its location is accessible by the Public Transport network and therefore considers the proposed parking provision and layout to be acceptable, subject to the recommended planning conditions.

The proposed development would provide an adequate level of car parking provision and would not have an adverse impact upon the safe and efficient operation of the highway network. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/7, HT2/4, HT4 and CF1/1 of the Bury Unitary Development Plan and SPD11.

Impact on nearby residents

UDP EN1/2 requires the relationship of the proposal to the surrounding area be considered. SPD6 provides guidance on aspect standards/ separation standards and as such, is a useful guide in this instance. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two-storey blank wall. If there is an additional storey in height, a further 3 metres should be added to the aspect standard.

The gable of the proposed building would be set approximately 20.5 metres from the properties on Albert Avenue and therefore meets the separation distances outlined in SPD6.

The proposed side elevation facing Albert Avenue would have a fire escape opening and a service door opening at ground level and is to have no openings at first floor level.

Due to the height of the concrete retaining wall the ground floor openings would cause no harm to the amenity of Albert Avenue residents. To retain the privacy of residents on Albert Avenue, a planning condition is recommended to ensure no first floor windows are installed in the side elevation.

The rear of the proposed building would be approximately 14 metres from the shared boundary with a rear garden area associated with no. 176 Albert Avenue. This separation distance accords with the aspect standard/ separation distances stated within SPD6. The two fire escape doors proposed opening out on to the first floor rear plant deck.

2No. condenser units are situated towards to centre of the south western site boundary at 1st floor level. The nearest noise sensitive receptors are the residential properties on

Albert Avenue, adjacent to the north west of the site.

The submitted Plant Sound Assessment Report 1069/PSA1, dated 4 April 2023, assesses atmospheric plant sound emission levels from the 2No. condenser units to the nearest noise sensitive receptors. The assessment indicates that atmospheric plant sound emissions from the proposed 2No. condenser units are likely to have a low impact at the nearest noise sensitive receptors which is considered would not cause harm to the amenity of the adjoining residents.

The proposals contain no information on whether any additional flues and/ or extraction/ ventilation points will be necessary, even though the submitted Energy & Sustainability Statement suggests air source heat pumps will be installed on the building. As such, a planning condition securing any extraction/ ventilation facilities to be submitted to and approved in writing by the LPA is therefore recommended, to ensure such things do not cause harm to the amenity of nearby residents. Similarly, a condition is also recommended securing details of any external lighting that may be necessary, their height, position on the site, luminance levels and light spillage and securing any necessary mitigation, is recommended.

Planning conditions will also be imposed limiting the opening hours to:

The ground floor retail use (Use Class E(a)): 08.00 to 23.00 Monday to Friday and 08.00 to 16.00 Sunday.

The first floor Synagogue/ place of worship (Use Class F1(f)): 06.30 - 09.00 and 18.30 - 22.30 - Monday to Friday and Sunday and 06.30 to 22.30 on Saturdays.

Moreover, the submitted Energy and Sustainability statement states the use of air source heat pumps and photovoltaic panels are to be incorporated in the design because they achieve a CO2 percentage reduction of 77.5% contributing to the overall reduction of 85.5% in carbon emissions. A condition to secure these details, to ensure they would have no adverse impact on the amenity of nearby residents and/ or to visual amenity is therefore also recommended.

Subject to the above mentioned conditions, the proposals would ensure the amenity of nearby residents would not be demonstrably harmed, in accordance with UDP Policy EN1/2(b) and the National Planning Policy Framework.

Impact on Trees

The rear of the site adjoins a woodland on the Albert Avenue Allotments, which is protected by a Tree Preservation Order.

It is clear that since the previous applications on the site, the applicant has purchased part of two additional garden areas included within the application site, which were covered with trees as the garden areas, along with the garden area of 176 Albert Avenue extended from the adjoining Albert Road allotments woodland. Those trees have been removed.

The proposal seeks retrospective permission for a concrete retaining wall which has been erected that cuts through the roots/ root protection area of neighbouring mature trees sited adjacent to the rear boundary with seemingly a disregard for all trees. This excavation work has resulted in some root severance to the east side of the linear row of trees at the rear of the site. Given the varying ground levels at this end of the site, the bulk of root damage is to trees; T4 and T6, as defined with the submitted Tree Appraisal, both mature Sycamores of a fair condition, classified as C1 category rating.

Policy JP-G7: Trees and Woodland, seeks to, amongst other things, to protect trees and woodland during the construction phase of development and where development would result in the loss of existing trees, requiring replacement on the basis of two new 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, with a preference for on-site provision. UDP Policy EN8/2: trees and Woodland encourages new woodland and tree planting in the Borough.

A Tree Appraisal, carried out by Rowbottoms Tree Services Ltd (Ref: RTS/24072023 002 Rev. 002) accompanies this application which notes that the excavations involving cutting through the roots of the above mentioned trees, which are at a higher level than the application site, has left a void of earth along the boundary of the site leaving the trees along the boundary (T2-T6) unsupported. Whilst the submitted tree report describes these trees as appearing to be stable and of good vigour, the recommendations indicate that the void that has been created, needs to be infilled as soon as possible to ensure that the trees will continue to provide tears of amenity for the area. A condition is therefore recommended that the infilling of the void is undertaken within 3 months of the date of decision.

Given the applicant has cleared two garden areas full of trees, and seeks to only provide a concrete yard area, and no mitigation for either the trees that have been cleared, the harm that will undoubtedly be caused to the neighbouring trees and the harm to biodiversity that would have been caused, it is considered wholly reasonable to require a soft (an d hard) landscaping scheme to be submitted, to mitigate against some of the harm caused. Such conditions have been duly recommended and agreed by the applicant to accord with Policies EN1/2 - Townscape and Built Design, EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan. Policies JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Ground Contamination

Paragraph 189 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site was historically occupied by a petrol filling station, a car wash, car sales garage and an electricity substation. Adjacent land use includes housing, retail premises and allotments. Previous and allotment gardens. The site does not lie within 250 metres of any known landfill sites and is not in close proximity to any major surface watercourses. The site lies above fluvioglacial sand and gravel deposits over the Sherwood Sandstone Principal Aquifer, as such the Environment Agency has been consulted throughout consideration of this application.

Various contaminated land assessments have been submitted to accompany this application and at the request of the Environment Agency, further intrusive site investigations have been undertaken on the site during the course of this application.

As a result of the Supplementary Ground Investigation and Controlled Waters Assessment, dated April 2024, the Environment Agency withdrew its initial objections and now raises no objections to the proposed development.

At the request of Council Officers, the applicant has also submitted Waste Transfer documentation for the material excavated and removed from site to prove that the material removed from site has been disposed off safely.

Given all the above, the Council is satisfied that this development does not pose a risk to human health or the environment. Consequently, no contaminated land conditions are required and therefore the proposals accord with the requirements of the NPPF.

Carbon and Energy

PfE Policy JP-S2: Carbon and Energy seeks to deliver a carbon neutral Greater

Manchester no later than 2038 through a range of carbon and energy saving measures.

The application is supported by an Energy and Sustainability Assessment and an Energy Report and BREEAM Pre-Assessment carried out by EAL Consult with the pre-assessment outlined in this report demonstrating that the proposed development could achieve a BREEAM 'Excellent' rating with a minimum score of 73.8% .

The use of air source heat pumps and photovoltaic panels are to be incorporated in the design because they achieve a CO2 percentage reduction of 77.5% contributing to the overall reduction of 85.5% in carbon emissions. The remainder is made up from a fabric first approach. Whilst the submitted reports state the above, no details are shown within the application or its accompanying reports of the above. A condition to secure these details, to ensure they would have no adverse impact on the amenity of nearby residents and/ or to visual amenity.

Subject to the recommended condition, the submitted Carbon and Energy statement is thus in line with PfE Policy JP-S2 (and JP-S3 subject to location).

Digital Connectivity

To support PfE Policy JP-C2: Digital Connectivity, that requires all new development to have full fibre to premise connections unless technically infeasible and/or unviable, a Digital Connectivity Statement accompanies this application. This states that the consultants for the applicant have drawn up plans to provide connectivity options which will deliver super-fast connectivity, both to occupiers and to visitors via a distributed WiFi system.

Full fibre connectivity is not currently available in the area, so as the applicant states they are installing a high speed connection, the proposal will accord with the requirements of PfE Policy JP-C2.

s106 Contribution - Resident Parking Zone (RPZ)

This was a requirement within the last approved application to monitor the area following implementation and once surveys have been undertaken, the Local Highway Authority would consider the necessity for RPZ.

The Highway Authority have since dropped the policy to introduce such new areas as they now deem that their responses would be more geared towards the 2040 Transport Strategy and how and where developments are located and their sustainability. The location of this site benefitting from good public transport networks, being in a commercial centre and close to the community that the site would serve, the consideration is that there is no necessity for such a measure.

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 permission relates to the following plans and documents:

Approved Plans

Drawing no. DA14079.2 - 001.5 Site Location Plan;
Drawing no. DA14079.2 - 006.3 Existing Site Plan;
Drawing no. DA14079.2 - 003.16 Proposed Plans;
Drawing no. DA14079.2 - 004.15 Proposed Elevations;
Drawing no. DA14079.2 - 083.10 Landscape Plan Level 0;
Drawing no. DA14079.2 - 084.6 - Landscape Plan Level B1;
Drawing no. DA14079.2 - 401.4 - Landscaping Plan Illustrated; and,
Drawing no. DA14079.2 - 213.6 Site Sections.

Approved Documents

- Plant Sound Assessment Report, dated 04 April 2023, carried out by Lighthouse Acoustics - Ref: 1069/PSA1;
- Site Tree Appraisal - Rowbottoms Tree Services Ltd - Ref: RTS/24072023 002 Rev. 002;
- Energy & Sustainability Statement, prepared by EAL Consult; and,
- Energy Report & BREEAM Pre-Assessment, prepared by EAL Consult.
- Digital Connectivity Statement, Skycomms, M M S Consultancy Services LTD, Prestwich,

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 Within 3 months of the date of this decision, the void between the linear row of trees (T2 to T6) and the concrete retaining panels, as identified on Drawing no. RTS/240702023/TPP 002, shall be filled with a mix of good quality Top Soil and Enriched Biochar, in accordance with the recommendations within Section 5 (Recommendations) of the Site Tree Appraisal, carried out by Rowbottoms Tree Services Ltd (Ref: RTS/24072023 002 Rev. 002).

Reason: To ensure the neighbouring trees, protected by Tree Preservation Order, survive the works undertaken in construction, in the interests of visual amenity, and to safeguard the ecological value provided by the trees adjoining the site in accordance with Policies EN1/2 - townscape and Built Design, EN8/1: Tree Preservation Orders, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policies JP-G7: Trees and Woodland and JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 Notwithstanding the details indicated on approved plan reference DA14079.2. 401. Revision 6, no development, except for site excavation and enabling works, shall commence unless and until full details of the formation of the vehicular access to the site from Bury Old Road, incorporating the reinstatement of the redundant southerly access, demarcation of the limits of the adopted highway to be agreed on site,

replacement of affected/provision of new tactile paved crossing points, relocation/replacement of affected bollards and all associated highway and highway drainage remedial works have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason: To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 5 No development, except for site excavation and enabling works, shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the site;
 2. Site access arrangements for construction traffic from Bury Old Road;
 3. Hours of operation and number of vehicle movements;
 4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access
 5. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 6. Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this
 7. If proposed, site hoarding/gate positions clear of adequate visibility splays at the site access and adjacent junction with Bury Old Road, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
 8. 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 minimise dust nuisance caused by the operations.

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. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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 Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan, and Policies JP-C1: An Integrated Network and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint

Development Plan.

- 6 No development, except for site excavation and enabling works, shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason: The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN7/3 - Water Pollution and EN7/5 - Waste Water Management of the Bury Unitary Development Plan, Policy JP-S4: Flood Risk and the Water Environment and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 7 Foul and surface water shall be drained on separate systems.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan, Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Plan, and Section 10 of the National Planning Policy Framework.

- 8 Prior to any piling work taking place within construction of the development hereby approved, the following shall occur in consecutive order:

1. An assessment shall be undertaken to determine the levels of ground borne vibration associated with the piling works within the development which shall identify all affected receptors and detail how impacts can be mitigated and / or reduced; and,
2. A scheme based upon the findings in part (1) shall be submitted to and approved in writing by the Local Planning Authority outlining the type of piling, its location, noise/vibration levels and details of mitigation measures to ensure that the impact of the piling works on the receptors identified in (1) are mitigated/reduced.

The development shall be carried out in strict accordance with the approved scheme for that phase.

Reason: To ensure impacts on amenity from are acceptable and to accord with the requirements of Policy EN1/2(b) of the Bury Unitary Development Framework, Policy JP-S5: Clean Air of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 9 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is

first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity and providing habitat for biodiversity pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, Policies JP-G7: Trees and Woodland and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Places for Everyone Joint Development Plan, and chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.

- 10 Notwithstanding any details contained within the application, prior to any above-ground works commencing, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed.

The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights.

Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and of the National Planning Policy Framework.

- 11 No above-ground works shall take place on the development hereby approved until the following information on the proposed low/zero carbon energy sources referenced within the Energy and Sustainability Statement and the Carbon & BEAMM Statements (photovoltaics and air source heat pumps) has been submitted to and approved by the Local Planning Authority. The details shall include, where relevant, the following:

1. System description, supported by site plans
2. Installed capacity and estimated output
3. Site specific design requirements
4. Detailed plan showing where the technology would be installed
5. Relevant operational considerations, for example, fuel storage and delivery arrangements, avoidance of nuisance and air quality issues, and arrangements for maintenance.
6. Noise Output of air source heat pumps compared to site specific background levels.
7. Glare from solar panels and their impact on residential amenity

The development shall be implemented in accordance with the respective approved details prior to occupation of the development and shall thereafter be maintained.

Reason: To secure low/ zero carbon energy generation and in the interests of the amenity of nearby residents, in accordance with Policies JP-S2: Carbon and Energy and JP-S3 (location) of the Greater Manchester Places for Everyone Plan and the National Planning Policy Framework.

- 12 Prior to any above-ground works taking place a scheme to soundproof the walls and roof of the building hereby approved to secure a reduction in the level of noise emanating from the property shall be submitted to and approved in writing by the local planning authority. Such works that form the approved scheme shall be completed before the development is brought into use.

Reason: The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of neighbouring residential properties and to safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Policy EN1/2(b) - Townscape and Built Design of the Bury Unitary Development Plan.

- 13 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and the area used for the manoeuvring of delivery 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 road safety, in accordance with Policy HT/4 of the Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 14 The car 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 and thereafter maintained at all times

Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 15 Prior to occupation of the development hereby approved, the applicant shall provide electric vehicle (EV) charging points for no less than 20% of the approved parking spaces. EV charge points shall be 7kW as a minimum.
* *Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason: In accordance with Policy JP-S1: Sustainable Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life.

- 16 The development hereby approved 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 of the National Planning Policy Framework.

- 17 Noise emissions associated with any proposed plant shall not exceed NR (Noise Rating) curve 25, as measured in the bedrooms of adjacent properties with the windows of those properties open in the normal manner for ventilation purposes.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation, in accordance with Policies EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 18 The retail use (Use Class E(a) hereby permitted shall not be open to customers outside the following times:

08.00 to 23.00 Monday to Friday
08.00 to 16.00 Sunday

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 - All New Retail Proposals: Assessment Criteria and EN1/2L Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 19 The place of worship hereby permitted (Use Class F1(f)) shall only be occupied and available for use between the following times:

06.30 - 09.00 and 18.30 - 22.30 - Monday to Friday and Sunday
06.30 to 22.30 on Saturdays

Reason: To ensure there would be no conflict of uses and to secure maximum parking provision is available pursuant to Policy H2/4 - Car Parking and New Development and Policy CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan, Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and SPD11 - Parking Standards in Bury.

- 20 Other than the two air conditioning units on the first floor Plant Deck hereby approved, no externally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building, shall be used in connection with the development until a scheme for the control of noise arising from the said plant, machinery and equipment has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained, maintained and operated to throughout the life of the development. There shall be no change to the approved scheme other than with the prior written approval of the Local Planning

Authority.

Reason: In the interests of the amenity of neighbouring occupiers to accord with Policies EN1/2: Townscape and Built Design and EN7/2: Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 21 No activities or events involving the amplification of sound through any sound production system shall take place at any time anywhere on the site except within the building identified within the area outlined by the red line shown on drawing no. DA14079.2 - 001.5.

Reason: In the interests of the amenity of neighbouring occupiers to accord with Policies EN1/2: Townscape and Built Design and EN7/2: Noise Pollution of the Bury Unitary Development Plan and the requirements of the National Planning Policy Framework.

- 22 Notwithstanding the approved plans, no additional windows shall be inserted on either side elevation of the building hereby approved.

Reason: In the interests of visual amenity and in the interests of the amenity of neighbouring residential occupiers in accordance with Policy EN1/2- Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the premises shall be used as a Supermarket (Use Class E(a)) at ground floor only and a Synagogue (Use Class F1(f)) at first floor and for no other purpose including any other uses falling within classes E and F of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order.

Reason: To restrict the use of the building to an operation which is acceptable in the Local Shopping Centre location, in order to safeguard the vitality and viability of the local shopping centre. and to ensure that the use of the building is compatible with surrounding uses in order to prevent future changes of use which have the potential to detract from the character of the area, harm the amenities of surrounding occupiers and in the interests of highway safety, in accordance with the requirements of Policies S1/4: Local Shopping Centres; EN1/2: Townscape and Built Design and EN7/2: Noise Pollution of the Bury Unitary Development Plan; and the National Planning Policy Framework.

- 24 The area of the building's trading floorspace used for retail (Use Class E (a)) shall not exceed 550 square metres of its overall trading floorspace.

Reason: To restrict the amount of floorspace that can be used for retail] purposes in order to provide a proportionate level of retail space in the designated local shopping centre and ensure the level of retail space does not expand over the amount specified, in accordance with the requirements of Policy S1/4: Local Shopping Centres and the National Planning Policy Framework.

<u>Case Officer</u> CB 6/9/24	<u>Date</u>	<u>Sign off Officer</u> DM 6/9/24	<u>Date</u>
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