

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Louis Pender
RPS Group
20 Farringdon Street
London
EC4A 4AB

On Behalf Of:

Head of Construction
EG Group Ltd
Waterside
Haslingden Road
Blackburn
BB1 2FA

PART 1 - Particulars of Application

Application Number: 68944

Date of Registration: 02/11/2022

Proposal:

Erection of 1 no. drive thru coffee unit and associated works

Location:

Asda Stores Ltd, Park 66, Pilsworth Road,
Bury, BL9 8RS

PART 2 - Particulars of Decision

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

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 1, 4, 5b, 6, 7, 8 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 listed.
- 3 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall

- be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 No construction shall commence unless or until, details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development, have been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason. In the interest of public health and to ensure protection of the public water supply pursuant to Policy EN7/4 - Groundwater Protection of the Bury Unitary Development Plan.

- 7 No development 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:
Photographic dilapidation survey of the adopted highways abutting the site and proposed access point(s) in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
Access point(s) for construction traffic from the adopted highway/unadopted service road in a position(s) to be agreed and all temporary works required to facilitate access for ground works/construction vehicles;
If proposed, details of site hoarding/gate positions clear visibility splays onto the adopted highway/at the existing junction of Park 66 with the unadopted service road;
The provision, where necessary, of temporary pedestrian facilities/protection measures;
A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
Confirmation of hours of operation, delivery & construction vehicle sizes and number of vehicle movements;
Arrangements for the turning and manoeuvring of vehicles within the curtilage of the

site and measures to control/manage delivery vehicle manoeuvres;
Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

- 8 The vehicular and pedestrian access arrangements, turning facilities and bin storage/collection arrangements within the curtilage of the site indicated on approved plan reference 5b, incorporating all associated highway remedial works at the interface of the proposed pedestrian access with Park 66 and signage/road markings, shall be provided/implemented before the development 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 in the interests of road safety pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

- 9 The amended car parking indicated on approved plan reference 5b shall be surfaced 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 in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

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.

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

- EN1/1 EN1/1 - Visual Amenity
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/3 EN1/3 - Landscaping Provision

EN1/8 EN1/8 - Shop Fronts
EN7 EN7 - Pollution Control
EN7/2 EN7/2 - Noise Pollution
EN7/5 EN7/5 - Waste Water Management
S2/6 S2/6 - Food and Drink
HT2/4 HT2/4 - Car Parking and New Development
HT5/1 HT5/1 - Access For Those with Special Needs
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF National Planning Policy Framework

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

Applicant Plan Numbers:

1
4
5b
6
7
8

NOTES TO APPLICANT

1. This recommendation relates to the revised plans received by this Section on 07 February 2023.
2. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any highway remedial works that may be necessary as a result of the construction of the proposed development. The cost of the works will be the responsibility of the applicant.

Signed:



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On behalf of the Council

Date of Decision: 16/02/2023