

NOTICE OF PLANNING PERMISSION

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

To:

Simon Chadwick
WYG
Rowe House
10 East Parade
Harrogate
HG1 5LT

On Behalf Of:

Peveril Securities Ltd
c/o Agent

PART 1 - Particulars of Application

Application Number: 60998

Date of Registration: 24/01/2017

Proposal:

Mixed use development comprising 6046 m2 light industrial (Class B1(c), general industrial (Class B2) and storage/distribution (Class B8); 1340 m2 foodstore (Class A1); 2843 m2 other retail floorspace (Class A1); 2179 m2 gymnasium (Class D2); 2 No. 413 m2 cafe/hot food takeaway units (Class A3/A5) with drive thru facilities; Associated parking spaces, alterations to site access and associated works

Location:

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 1603-P01, 1603-P02Z, 1603-P03P, 1603-P04L, 1603-P05G, 1603 P06G, 1603-P07F, 1603-P08D, 1603-P09G, 1603-P10C, 1603-P11, 1603-P12F, 1603-P13D, 1603-P14B, 1603P15B, 6875-L-01 E, PRP-BWB-GEN-XX-DR-TR-104 S2 P1 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 No development, other than the demolition works specified in the Section 106 agreement, 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 11 - Conserving and enhancing the natural environment.

- 4 Following the provisions of Condition 3 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 11 - Conserving and enhancing the natural environment.

- 5 Following the provisions of Condition 3 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 6 No development, other than the demolition works specified in the Section 106 agreement, shall commence unless or until a scheme to reduce air quality impacts arising from the construction of the site and its continued operation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to an agreed timetable.

Reason. No details have been submitted and to reduce the impact of the development upon air quality pursuant to Policy EN7/1 - Atmospheric Pollution of the Bury Unitary Development Plan and the NPPF.

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

Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

- 8 No development, other than the demolition works specified in the Section 106 agreement, shall commence unless or until details of a scheme for the disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The proposed scheme 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 the proposed maintenance arrangements must be provided. Only the approved scheme shall be implemented prior to occupation of the buildings hereby approved.

Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

- 9 Within 6 months of each unit becoming operational, a detailed travel plan will be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved travel plan shall be implemented to an approved timetable.

Reason. A detailed travel plan has not been submitted and to deliver sustainable transport objectives in accordance with Section 4 of the National Planning Policy Framework.

- 10 The food and drink units (A3/A5) shall not be brought into use unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- a written statement from a suitably qualified person which demonstrates compliance with the measures proposed in the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development); and
 - the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the amenities of nearby properties from impact upon from fumes and odour pursuant to Policy S2/6 - Food and Drink of the Bury Unitary Development Plan.

- 11 No development, other than demolition works, shall commence unless and until a scheme for the soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved scheme and the hard landscaping detailed on plan reference 1603-P12F shall be implemented not later than 12 months from the date the building(s) is first occupied; 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 to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 12 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.

- 13 The retail (A1) units, food and drink (A3/A5) units and the gymnasium (D1) shall not be occupied until all the B1, B2 and B8 units (6,046 square metres) have been completed to shell and core level with services.
Reason. To secure the delivery of the employment floorspace pursuant to Policy EC2/1 - Employment Generating Areas of the Bury Unitary Development Plan and Section 1 of the National Planning Policy Framework.
- 14 The overall floorspace at the application site associated with 'main town centre uses' (as per the definition in Annex 2 of the NPPF) shall be limited to no more than 6,775 sq.m Gross Internal Area (GIA), including, for the avoidance of doubt, any mezzanine floorspace.
Reason. To protect the vitality and viability of nearby town, district and local centres, and to reflect the basis on which the retail impacts of the application proposal have been assessed pursuant to Section 2 of the National Planning Policy Framework.
- 15 Notwithstanding the terms of the Town and Country Planning Act (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the 'main town centre uses' in this application shall only be disaggregated into four units, as follows:
- Unit A shall comprise a gymnasium in Class D2 of approximately 2,134 sq.m GIA, together with a Class A1 non-food retail unit of no more than 789 sq.m GIA, with this retail unit having a separate entrance to the gymnasium and restricted to the sale of sports equipment, sportswear, and associated sports goods, including health and fitness food and drink products;
 - Unit B shall comprise a foodstore in Class A1, the size of which shall be limited to 1,340 sq.m GIA, of which no more than 10 per cent shall be used for the sale and display of comparison (non-food) goods;
 - Unit C shall comprise a predominantly non-food unit in Class A1 of 1,394 sq.m GIA, including, for the avoidance of doubt, any mezzanine floorspace, of which no more than 30 per cent shall be used for the sale of convenience goods; and
 - Unit D shall comprise a non-food unit in Class A1 of 705 sq.m GIA, including, for the avoidance of doubt, any mezzanine floorspace.
- Reason. To protect the vitality and viability of nearby town, district and local centres, and to reflect the basis on which the retail impacts of the application proposal have been assessed pursuant to Section 2 of the National Planning Policy Framework.
- 16 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved in writing by the Local Planning Authority and shall confirm/provide the following for each phase of development:
- Access route for demolition/construction traffic from the highway network via Junction 3 of the M66;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials.
- The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition/construction period. 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. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to Policies EC6/1 - New Business, Industrial and Commercial and Policy S4/2 - Assessing Out-Of-Centre Retail Development of the Bury Unitary Development Plan.

- 17 Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations. The approved details shall be implemented and maintained thereafter during the period of construction.

Reason. - To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy EC6/1 - New Business, Industrial and Commercial of the Bury Unitary Development Plan.

- 18 Notwithstanding the details shown indicatively on the submitted plans, no development, other than the demolition works specified in the Section 106 agreement, shall commence unless and until full details of the following have been submitted to and agreed with the Local Planning Authority:
- Provision of an agreed scheme of pedestrian improvement works on Park 66 incorporating, where necessary, the alteration/widening of and extension to the limits of the adopted highway;
 - Formation of the proposed service road junction with Park 66, incorporating the provision of a tactile paved crossing point and all associated highway, street lighting and highway drainage remedial works;
 - Provision of a scheme of footway remedial works around the perimeter of the site abutting the adopted highway as a result of the demolition and construction of the development, formation of pedestrian access points and ramps and damaged caused by previous uses of the site;
 - Demarcation of the limits of the adopted highway at all access points with all boundary features such as height restriction barriers located clear of these limits;
 - Boundary treatment abutting the adopted highway incorporating foundations that do not encroach under the adjacent adopted highway;
 - In association with the relocation/replacement of the affected street lighting column, provision of a street lighting assessment and subsequent scheme for all intensified junctions to the site from the adopted highway;
 - Visibility splays plotted in accordance with the guidance in Manual for Streets at the proposed service road junction with Park 66 and at the unadopted access road to the south with Pilsworth Road;

The details subsequently approved shall be implemented to an agreed programme.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to Policies EC6/1 - New Business, Industrial and Commercial and Policy S4/2 - Assessing Out-Of-Centre Retail Development of the Bury Unitary Development Plan.

- 19 The development hereby approved shall not be brought into use unless and until a 'Servicing Management Plan' has been submitted to and approved in writing by the Local Planning Authority, incorporating measures to ensure that standing vehicles to the rear of the retail units will not adversely affect turning manoeuvres for, and deliveries, to adjacent units. The Plan and measures subsequently approved shall be implemented before the development is brought into use and thereafter be

maintained.

Reason. To ensure the adequacy of the proposed servicing facilities and to minimise the standing and turning movements of vehicles on the private service road pursuant to Policies EC6/1 - New Business, Industrial and Commercial and Policy S4/2 - Assessing Out-Of-Centre Retail Development of the Bury Unitary Development Plan.

- 20 The various turning facilities indicated on the approved plans shall be provided 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 minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policies EC6/1 - New Business, Industrial and Commercial and Policy S4/2 - Assessing Out-Of-Centre Retail Development of the Bury Unitary Development Plan.

- 21 The car, motorcycle and cycle parking indicated on the approved plans shall be surfaced, demarcated 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 Paragraphs 186-187 of the National Planning Policy Framework.

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

EC2/1	EC2/1 - Employment Generating Areas
EC3/1	EC3/1 - Measures to Improve Industrial Areas
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
EN1/8	EN1/8 - Shop Fronts
EN5/1	EN5/1 - New Development and Flood Risk
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/4	EN7/4 - Groundwater Protection
EN7/5	EN7/5 - Waste Water Management
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S2/6	S2/6 - Food and Drink
S4/1	S4/1 - Retail Development Outside Town and District Centres
S4/2	S4/2 - Assessing Out-Of-Centre Retail Development
S5	S5 - Large Out-Of-Town Shopping Centres
HT2/4	HT2/4 - Car Parking and New Development
HT2/3	HT2/3 - Improvements to Other Roads

HT2/10 HT2/10 - Development Affecting Trunk Roads
 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
 SPD14 Development Control Policy Guidance Note 14 - Employment Land and Premises
 NPPF National Planning Policy Framework
 NPPG National Planning Policy Guide

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:

1603-P01
 1603-P02Z
 1603-P03P
 1603-P04L
 1603-P05G
 1603 P06G
 1603-P07F
 1603-P08D
 1603-P09G
 1603-P10C
 1603-P11
 1603-P12F
 1603-P13D
 1603-P14B
 1603P15B
 6875-L-01 E
 PRP-BWB-GEN-XX-DR-TR-104 S2 P1

NOTES TO APPLICANT

1. Demolition works, as defined in the Section 106 agreement consist of operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure and the temporary display of site notices or advertisements.
2. This recommendation relates to the revised plans received by this Section on 20 November 2017.
3. The applicant's attention is drawn to the need to consult Greater Manchester Fire and Rescue Service to ensure that the alternative access route options proposed from Park 66 meet the access requirements of the fire service and will mitigate the loss of the existing secondary access route to the rear of the site from Pilsworth Road.
4. The applicant's attention is drawn to the need to consult the Department for Resources and Regulation regarding the specification for the proposed highway works and relocation/replacement of the affected street lighting column. The cost of the works will be the responsibility of the developer.
5. The applicant's attention is drawn to the need to enter into a Section 278/38

Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.

6. The applicant's attention is drawn to the requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for the boundary walls/fencing under the adjacent adopted highway.

Signed:

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On behalf of the Council

Date of Decision: 23/11/2017