

NOTICE OF PLANNING PERMISSION

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

To:
Mr Wears
Pyramid Architectural Designs
Unit 8
Lexington buildings
Marske by the sea
TS11 6HR

On Behalf Of:
MR ARSHAD
36 Albion Street
Bury
Radcliffe
M26 1BH

PART 1 - Particulars of Application

Application Number: 68423

Date of Registration: 23/05/2022

Proposal:

Proposed two storey building with retail E(a) to ground floor and storage space above E(c)

Location:

Land between 32 and 36 Albion Street, Radcliffe, Manchester, M26 1BH

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 - Proposed floor plans dwg 02 rev 11; Proposed elevations 03 rev 11; Proposed section plan dwg 04 rev 12; Proposed street elevations dwg 05 rev 11; Proposed floor plans with additional property dwg 06 rev 11; Proposed site plan dwg 07 rev 11. 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 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.

- 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 15 - Conserving and enhancing the natural environment.

- 5 The first floor of the development hereby approved shall be used for storage purposes only.

Reason. To ensure a suitable scale of development for the proposed location and to protect the amenity of surrounding properties and impacts on highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built design, Ht2/4 - Car Parking and New Development and EC4/1 - Small Businesses.

- 6 The premises to which this approval relates shall be used for Class E a) retail sale of goods other than hot food and for no other purpose (including no purpose as a showroom or for the display of bulky household goods).

Reason. In the interests of residential amenity and highway and pedestrian safety pursuant to Bury Unitary Development Plan Policies 4/1 - Small Businesses, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 7 Details/type of roller shutter to be used in the development shall be submitted to and approved by the Local Planning Authority prior to the first use and occupation of the development thereby approved. The approved roller shutter only shall be used in the development and thereafter maintained.

Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN1/8 - Shop Fronts and EN1/5 - Crime Prevention.

- 8 Notwithstanding the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- Full details of measures to any retaining structures and enclosures associated with the rear bin store enclosure are required that abut/sited in close proximity to the adopted highway, incorporating full structural, construction and drainage details, pedestrian protection measures and a detailed construction method statement.
- Full details of works to reinstate the redundant access to adjacent footway levels on Albion Street to a scope and specification to be agreed.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. Information not submitted at application stage. 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, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 9 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:

- 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 of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- 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 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 and construction 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 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 and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 The bin store facilities shown on approved plans shall be implemented and made available for use prior to the first occupation/use of the development hereby approved and thereafter maintained. There shall be no bins associated with the development or No 32 Albion Street stored on the highway.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the property pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.

- 11 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 construction of the building hereby approved. 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 EN1/2 - Townscape and Built Design.

- 12 The use hereby permitted shall not be open to customers outside the following times: 07.00 to 22.00 daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and EC4/1 - Small Businesses.

- 13 The development hereby approved shall be carried out in accordance with Surface Water Sustainable Drainage principles 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). There shall be no surface water run-off onto the adopted highway as a result of the development. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

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:

NPPF	National Planning Policy Framework
EC4/1	EC4/1 - Small Businesses
EN1/2	EN1/2 - Townscape and Built Design
S2/5	S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
EN1/8	EN1/8 - Shop Fronts

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:

Proposed floor plans dwg 02 rev 11; Proposed elevations 03 rev 11; Proposed section plan dwg 04 rev 12; Proposed street elevations dwg 05 rev 11; Proposed floor plans with additional property dwg 06 rev 11; Proposed site plan dwg 07 rev 11.

NOTES TO APPLICANT

- . INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, Section 60.
Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system and the specification for the proposed refuse collection facility at the interface with the adopted highway.

The applicant's attention is drawn to the fact that there should be no encroachment on to the public highway caused by the proposed development

The applicant's attention is drawn to the need to consult the Department for Operations regarding the reinstatement of the footway crossing. The cost of the construction will be the responsibility of the developer.

Electricity North west recommendation

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 - Avoiding danger from underground services.

GS6 - Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written over a dotted line.

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On behalf of the Council

Date of Decision: 03/10/2022