

NOTICE OF PLANNING PERMISSION

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

To:

Mr Simon Peake
RPS Consulting Services Ltd
5 New York Street
Manchester
M1 4JB

On Behalf Of:

Mr Huppert
Unimore Limited
C/O Agent
-

PART 1 - Particulars of Application

Application Number: 69164

Date of Registration: 04/04/2023

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

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 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.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/4	EN1/4 - Street Furniture
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
EN1/8	EN1/8 - Shop Fronts
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
S1/4	S1/4 - Local Shopping Centres
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S4/4	S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations
HT2/4	HT2/4 - Car Parking and New Development
HT4	HT4 - New Development
HT5/1	HT5/1 - Access For Those with Special Needs
CF1/1	CF1/1 - Location of New Community Facilities
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - 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	EN8/1 - Tree Preservation Orders
EN8/2	EN8/2 - Woodland and Tree Planting
EN1/3	EN1/3 - Landscaping Provision
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:

NOTES TO APPLICANT

1. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at:
<https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

3. **INFORMATIVE - The Control of Noise 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.

2. 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. The Council's Building Control section can be contacted on 0161 253 5313 or on the Council's website at: <https://www.bury.gov.uk/planning-building-control/building-regulations>.
4. The applicant's attention is drawn to the need to consult the Local Highway Authority - Department for Operations regarding the construction of a footway crossing. The cost of the construction will be the responsibility of the developer.
5. The applicant's attention is drawn to Section 80 of the Building Act 1984 and the need to give six weeks prior written notice to the Department for Business Growth and Infrastructure detailing any proposed demolition works in connection with the proposed development. The on-line form can be found on www.bury.gov.uk

Signed:



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On behalf of the Council

Date of Decision: 06/09/2024