

NOTICE OF PLANNING PERMISSION

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

To:

Mr Matthew Dixon
Enable
16 Old Market Place
Altrincham
WA14 4DF

On Behalf Of:

JD Sports Fashion plc
Jd Campus
Hollins Brook Way
Pilsworth
Bury
BL9 8RR

PART 1 - Particulars of Application

Application Number: 68530

Date of Registration: 06/06/2022

Proposal:

Hybrid application - Full application: Zone 1 development of Commercial building No1 (Creche, Use Class E), car parking and internal site roads, a new site access junction to Pilsworth Road, highway improvements to Hollins Brook Way and Pilsworth Road, use of an existing car park exit to Aviation Road for emergency purposes only.

Location:

Land at the junction of Hollins Brook Way and Pilsworth Road, Bury, BL9 8RR

Outline application: Zone 2 development of Commercial building No.2 (Hub building, Use Class E) car parking and internal site roads and a multi-purpose all-weather sports pitch (Including reserved matters of means of access and scale included for determination).

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 **CONDITIONS RELATING TO ALL PARTS OF THE PLANNING APPLICATION**

- 2 This decision relates to drawings-
All plans ref: 11302-AEW-
XX-SI-DR-A-0500-S2-P03 Location Plan
XX-SI-DR-A-0501-S2-P05 Proposed Zoning Plan
XX-SI-DR-A-0502-S2-P02 Existing Site Plan
XX-SI-DR-A-0503-S2-P02 Constraints Plan
XX-SI-DR-A-0504-S2-P08 Proposed Site Plan

XX-SI-DR-A-0505-S2-P04 Proposed Boundary Treatment Plan
XX-SI-DR-A-0506-S2-P01 Proposed Site Sections
XX-SI-DR-A-0510-S2-P04 Proposed Parameters Plan
02-00-DR-A-0520-S2-P05 Creche - Proposed Ground Floor Plan
02-00-DR-A-0521-S2-P05 Creche - Proposed First Floor Plan
02-00-DR-A-0522-S2-P04 Creche - Proposed Roof Plan
02-00-DR-A-0530-S2-P05 Creche - Proposed North West Elevation
02-00-DR-A-0531-S2-P05 Creche - Proposed North East Elevation
02-00-DR-A-0532-S2-P05 Creche - Proposed South East Elevation
02-00-DR-A-0533-S2-P05 Creche - Proposed South West Elevation
02-00-DR-A-0540-S2-P04 Creche - Proposed Section AA
02-00-DR-A-0541-S2-P04 Creche - Proposed Section BB
JDHQ-CDL-ZZ-XX-DR-E-39001 Light Pollution Assessment External Lighting

Arboricultural Impact Assessment - UG_1466_ARB_AIA_Final_REV_OO May 2022
Urban Green

Bat Survey Report UG_1466_ECO_BSR_01 September 2022 Urban Green

Biodiversity Net Gain Assessment UG_1466_ECO_BNG_01, May 2022 Urban
Green

Biodiversity Enhancement Management Plan UG_1466_ECO-BMP_01, May 2022
Urban Green

Coal Mining Risk Assessment GRO-21438-3119, January 2022 Groundtech

Crime Impact Statement Ref.2012/0008/CIS/01, May 2022 Design for Security

Flood Risk Assessment & Drainage REP-JDS-FRDS-RK-001, May 2022 Kennedy
Redford

Lighting Strategy (External) 1022986 P02, May 2022 Cundall

Mechanical, Electrical and Public Health Planning Statement 1022986/SY002 rev.A,
April 2022 Cundall

Noise Assessment 1022986-CDL-ZZ-XX-RP-AS-45220 P02, May 2022 Cundall

Preliminary Ecological Appraisal UG1466, April 2022 Urban Green

Site Investigation Report Phase 1 Risk Assessment GRO-21438-33118, February
2022 Groundtech

Site Investigation Report Phase 2 Geo-Environmental Appraisal GRO-21438-3308,
March 2022

Groundtech

Supplementary Geo-Environmental Appraisal, GRO-21438-3875, 20 September
2022 Groundtech

Sustainability Planning Statement 1022986/SY001, May 2022 Cundall

Transport Assessment 2561.02, May 2022 Eddisons

and the development shall not be carried out except in accordance with the drawings
hereby approved.

For illustrative purposes only -

XX-SI-DR-A-0511-S2-P07 Proposed Masterplan Plan (Illustrative)

XX-SI-DR-A-0512-S2-P01 Proposed Site Sections

01-00-DR-A-0570-S2-P01 Hub - Proposed Ground Floor Plan

01-00-DR-A-0571-S2-P01 Hub - Proposed First Floor Plan

01-00-DR-A-0572-S2-P01 Hub - Proposed Second Floor Plan

01-00-DR-A-0573-S2-P01 Hub - Proposed Third Floor Plan

01-00-DR-A-0574-S2-P01 Hub - Proposed Roof Plan

XX-SI-SK-A-0027-S2-P01 Proposed Site Section DD

01-XX-VF-A-0501-S2-P01 Illustrative 3D Views (Zone 1)

02-XX-VF-A-0502-S2-P01 Illustrative 3D Views (Zone 2)

2206-CWS-XX-GF-DR-L-101-P04 Landscape Proposals - Indicative Site Plan

2206-CWS-XX-GF-DR-L-102-P02 Landscape Proposals - Future Development -

Outline Plan.

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:-
- an updated and detailed remediation strategy and validation plan has been submitted to and approved 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.

This can be satisfied in phases

- 4 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.

This can be satisfied in phases

- 5 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. REP-JDS-FRDS-RK-001-REV--, Dated 27.05.2022) which was prepared by Kennedy Redford. No surface water will be permitted to drain directly or indirectly into the public sewer unless a scheme to demonstrate alternative option/s in line with the hierarchy of drainage options in the National Planning Practice Guidance has been submitted for approval in writing by the Local Planning Authority.

Prior to occupation of the proposed development, the approved drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

This condition can be satisfied in phases.

- 6 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 7 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 No development shall commence unless and until a detailed Construction Environment Management Plan, including measures to protect the Local Nature Reserve from dust, debris, run-off and pollution, have been submitted to and approved by the Local Planning Authority. The approved measures only shall be implemented prior to the commencement of development and retained throughout the construction period.
Reason. To ensure the safe and secure development of the site in relation to the nature conservation of particular ecological significance of the Local Nature Reserve pursuant to Bury Unitary Development Plan Policies EN6/2 - Sites of Nature Conservation Interest Local Nature Reserves and Grade B and C Sites of Biological Importance, EC6/3 - Features of ecological interest and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

This can be satisfied in phases

- 9 Aviation Road shall be used for emergency purposes only and shall not be used for daily use to enter/exit the site.
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/2 - Pedestrian/Vehicular Conflict.

10 **CONDITIONS IN RELATION TO THE FULL APPLICATION**

- 11 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.
- 12 The development hereby approved shall provide the EV chargepoints in association with the creche building shown on approved proposed site plan 11302-AEW-XX-SI-DR-A-0504 P08. If the location of chargepoints changes there shall be no reduction in total chargepoint numbers.
Reason. In accordance with the principles of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.
- 13 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 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 pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 14 Prior to any earthworks or site clearance a reasonable avoidance measures method statement during site clearance works or any construction works for amphibians, hedgehog and any other small mammals, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures/reasonable avoidance measures identified as a result of the method statement shall be implemented in full prior to the commencement of the development and thereafter maintained for the duration of the site clearance/construction works.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 15 Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for rhododendron, monbretia and Cotoneaster spp should be submitted to and approved by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full to an approved timetable. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure the safe and satisfactory development of the site in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
FULL

- 16 The creche hereby permitted shall be available for the use of employees of the applicant only and shall not be used as a childcare facility for general members of the public.

Reason. The proposed use and permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below.

- 17 Notwithstanding the details indicated on 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 (where appropriate) to the Local Planning Authority:

- 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;
- Widening of Pilsworth Road to a scope and specification to be agreed, incorporating the extension of the works to tie the scheme into the existing approach alignments on Pilsworth Road, agreed running lane and right turn widths, minimum 2.0m footway widths, provision of pedestrian refuges at positions to be agreed in conjunction with the proposed ghost island markings and right turn lanes, the demarcation of the limits of the adopted highway and all associated road marking, signage and highway and highway drainage remedial works;
- Formation of the new vehicular access to the site from Pilsworth Road to a

specification to be agreed, incorporating plotted visibility splays at the junction with the adopted highway in accordance with the appropriate standards in Manual for Streets, the provision of tactile paved pedestrians crossing points within an appropriate extension of the limits of the adopted highway, demarcation of the new limits of the adopted highway, gates set back a minimum of 5.0m from the new limits of the adopted highway and/or method of gate operation amended, measures to prevent the discharge of water from the proposed private industrial estate road onto the adopted highway and all associated road markings, signage and highway and highway drainage remedial works;

- Formation of the widened (Hollins Brook Way) site access from Pilsworth Road to a specification to be agreed, incorporating plotted visibility splays at the junction with the adopted highway in accordance with the appropriate standards in Manual for Streets, the provision of tactile paved pedestrians crossing points within the limits of the future adopted highway, the demarcation of the limits of the adopted highway, measures to prevent the discharge of water from the existing private industrial estate road onto the adopted highway and all associated road markings, signage and highway and highway drainage remedial works;
- Provision of LED speed warning signage in a position(s) and of a type/specification to be agreed;
- Provision of a street lighting assessment and scheme of improvements for the junctions of the proposed vehicular access with Pilsworth Road, junction of Hollins Brook Way with Pilsworth Road and the length of Pilsworth Road abutting the site;
- White lining scheme for Pilsworth Road and the proposed private industrial estate roads, tying into existing lining on the adopted highway;
- Retention/replacement of the existing site boundary fencing and/or all necessary measures required between the back of the new southerly footway on Pilsworth Road in the event that embankment/batter gradients will exceed 1 in 3;
- Measures and appropriate signage to ensure that the existing access via Aviation Road/Bridleway No. 81, Bury, shall be used for emergency purposes only and shall not be used for daily use to enter/exit the site;
- Review of the Traffic Regulation Orders in the vicinity of the development, with a view to introducing additional parking restrictions as appropriate including, if required, all necessary road markings and signage, in addition to ensuring that existing parking restrictions remain in place and are refreshed accordingly.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority. The visibility splays shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/2 - Pedestrian/Vehicular Conflict.

- 18 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 for each phase of the development and shall confirm/provide the following:

- Access route for construction traffic/heavy goods vehicles/delivery vehicles from the highway network, restricted to a route from Pilsworth Road/Junction 3 of the

M66;

- Hours of operation and number of vehicle movements;
- Access point(s) for construction traffic from Pilsworth Road (to exclude the use of Aviation Road/Public Right of Way [Bridleway] No. 79, Bury) and all temporary works required to facilitate access for ground works/construction vehicles,
- If proposed, details of site hoarding/gate positions clear of required visibility splays onto Pilsworth Road/the private industrial estate roads;
- The provision, where necessary, of temporary pedestrian facilities/protection measures on the highway and to maintain access for users of Public Right of Way [Footpath] No. 81, Bury, that crosses the site;
- A scheme of appropriate warning/construction traffic warning signage in the vicinity of the site and its access(es) onto Pilsworth Road;
- Confirmation of hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or 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.

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.

- 19 Prior to first occupation/first use of the development hereby approved a 'Framework Travel Plan' for the provision of occupier travel measures shall be submitted to and agreed in writing with the Local Planning Authority for each phase of the development and shall incorporate/confirm/provide the following:

- feature a range of measures promoting a choice of transport mode, and a clear monitoring regime with agreed targets;
- a travel plan budget and resources for the implementation and day to day management of travel plan measures;
- appropriate management structures;
- detailed time frames for the delivery;
- a marketing and communication strategy;
- handover arrangements for the travel plan or its components when the developer's responsibility ceases;
- and initial targets before first surveys are conducted.

The 'Plan' shall establish the developer and occupier travel plan objectives and targets and include an implementation programme. The approved schemes shall thereafter be implemented before the occupation/first use of each phase hereby approved, and thereafter maintained.

Reason. In order to deliver sustainable transport objectives in accordance with chapter 9 of the NPPF - Promoting Sustainable Travel.

- 20 The vehicular and pedestrian access arrangements within the curtilage of the site indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use.

Reason. To ensure good highway design in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network and HT6/2 - Pedestrian/Vehicular Conflict. .

- 21 The turning facilities within the curtilage of the site 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 Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 22 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the first use/occupation of the development hereby approved.

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.

- 23 Details/Samples of the materials 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 prior to construction of the creche building hereby approved. Only the approved materials 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 Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design.

- 24 The creche building to which this approval relates shall be used as a creche only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason The permission has only been granted given the particular circumstances of the applicant pursuant to policies of the Unitary Development Plan listed below.

25 **CONDITIONS RELATING TO THE OUTLINE APPLICATION**

- 26 Applications for approval of reserved matters must be made not later than:

- the expiration of three years beginning with the date of the grant of outline planning permission; and
- that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 27 Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, appearance and the landscaping of the site.
Reason. To ensure the satisfactory development of the site and because this application is in outline only.
- 28 As part of a Reserved matters application relating to appearance, details of the materials 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 prior to construction of the building hereby approved. Only the approved materials shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a high quality and satisfactory development pursuant to UDP Policies EC6/1 - Assessing New Business, Industrial and Commercial Development and EN1/2 - Townscape and Built Design
- 29 The height of the hub building hereby approved shall not exceed 21m in height.
Reason. To ensure the appropriate scale of development within the context of the site and surrounding area pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
- 30 As part of a reserved matters application, details of the EV chargepoints shall be provided.
Reason. In accordance with the principles of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.
- 31 As part of a reserved matters application, details of the proposed floodlighting to the Multi Purpose All Weather Pitch, including the specification, height, lux level and spillage controls shall be submitted to and approved by the Local Planning Authority. Only the approved details shall be implemented and thereafter maintained.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7 - Pollution.
- 32 As part of a reserved matters application, a biodiversity net gain assessment and plan shall be submitted to and approved by the Local Planning Authority. The plan should consist of native trees species and a bird and bat box strategy. The approved scheme shall thereafter be implemented not later than 12 months from the date of first use/occupation of the development hereby approved or within the first available tree planting season. 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 pursuant to Policies EN1/2 - Townscape and Built Design and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 33 As part of reserved matters relating to zone 2 an updated ecological report shall be provided to and agreed in writing by the LPA. All mitigation measures shall be fully implemented prior to the commencement of works and remain in situ on the site for

an agreed period of time.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

- 34 As part of reserved matters a method statement detailing eradication and/or control and/or avoidance measures for Cotoneaster spp should be submitted to and agreed in writing to the LPA.

The agreed method statement shall be adhered to and implemented in full to an approved timetable. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. To ensure the safe and satisfactory development of the site in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 35 Notwithstanding the details indicated on the approved plans, full details of the following shall be submitted at first reserved matters stage:

- All proposed means of vehicular and pedestrian access to subsequent phases of the development;
- Provision within the curtilage of each subsequent phase of the development for the loading and unloading of vehicles and the parking of cars in accordance with 'SPD 11 - Parking standards in Bury' which visit the site in connection with the uses hereby approved;
- Provision within each subsequent phase of the development to the written satisfaction of the Local Planning Authority to enable vehicles to enter and leave each site in forward gear, and shall subsequently be maintained free of obstruction.

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

Reason. To secure the satisfactory development of the site in terms of highway safety and ensure good highway design, all in the interests of road and pedestrian safety pursuant to Bury Unitary Development Plan Policies EC6/1 - Assessing New Business, Industrial and Commercial Development, HT2 - Highway Network, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

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
EC2/1 EC2/1 - Employment Generating Areas

EC6/1 EC6/1 - New Business, Industrial and Commercial Development
 EN1/2 EN1/2 - Townscape and Built Design
 EN1/3 EN1/3 - Landscaping Provision
 EN1/11 EN1/11 - Public Utility Infrastructure
 EN4/1 EN4/1 - Renewable Energy
 EN5/1 EN5/1 - New Development and Flood Risk
 EN6/2 EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)
 EN6/3 EN6/3 - Features of Ecological Value
 EN7/2 EN7/2 - Noise Pollution
 RT3/5 RT3/5 - Noisy Sport
 HT2 HT2 - Highway Network
 HT2/1 HT2/1 - The Strategic Route Network
 HT2/4 HT2/4 - Car Parking and New Development
 HT5/1 HT5/1 - Access For Those with Special Needs
 HT6/1 HT6/1 - Pedestrian and Cyclist Movement
 HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
 SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury

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:

All plans ref: 11302-AEW-

XX-SI-DR-A-0500-S2-P03 Location Plan
 XX-SI-DR-A-0501-S2-P05 Proposed Zoning Plan
 XX-SI-DR-A-0502-S2-P02 Existing Site Plan
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 02-00-DR-A-0522-S2-P04 Creche - Proposed Roof Plan
 02-00-DR-A-0530-S2-P05 Creche - Proposed North West Elevation
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 02-00-DR-A-0532-S2-P05 Creche - Proposed South East Elevation
 02-00-DR-A-0533-S2-P05 Creche - Proposed South West Elevation
 02-00-DR-A-0540-S2-P04 Creche - Proposed Section AA
 02-00-DR-A-0541-S2-P04 Creche - Proposed Section BB
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 01-00-DR-A-0572-S2-P01 Hub - Proposed Second Floor Plan
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2206-CWS-XX-GF-DR-L-101-P04 Landscape Proposals - Indicative Site Plan

2206-CWS-XX-GF-DR-L-102-P02 Landscape Proposals - Future Development - Outline Plan

JDHQ-CDL-ZZ-XX-DR-E-39001 Light Pollution Assessment External Lighting

Arboricultural Impact Assessment - UG_1466_ARB_AIA_Final_REV_OO May 2022 Urban Green

Bat Survey Report UG_1466_ECO_BSR_01 September 2022 Urban Green

Biodiversity Net Gain Assessment UG_1466_ECO_BNG_01, May 2022 Urban Green

Biodiversity Enhancement Management Plan UG_1466_ECO-BMP_01, May 2022 Urban Green

Coal Mining Risk Assessment GRO-21438-3119, January 2022 Groundtech

Crime Impact Statement Ref.2012/0008/CIS/01, May 2022 Design for Security

Flood Risk Assessment & Drainage REP-JDS-FRDS-RK-001, May 2022 Kennedy Redford Lighting Strategy (External) 1022986 P02, May 2022 Cundall

Mechanical, Electrical and Public Health Planning Statement 1022986/SY002 rev.A, April 2022 Cundall

Noise Assessment 1022986-CDL-ZZ-XX-RP-AS-45220 P02, May 2022 Cundall

Preliminary Ecological Appraisal UG1466, April 2022 Urban Green

Site Investigation Report Phase 1 Risk Assessment GRO-21438-33118, February 2022 Groundtech

Site Investigation Report Phase 2 Geo-Environmental Appraisal GRO-21438-3308, March 2022

Groundtech

Supplementary Geo-Environmental Appraisal, GRO-21438-3875, 20 September 2022 Groundtech

Sustainability Planning Statement 1022986/SY001, May 2022 Cundall

Transport Assessment 2561.02, May 2022 Eddisons

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 consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response,

and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

A water main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. The Water Industry Act 1991 affords United Utilities' specific rights in relation to maintenance, repair, access and protection of our water infrastructure. We require an access strip as detailed in our

'Standard Conditions for Works Adjacent to Pipelines', a copy of which accompanies this letter. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. It also includes advice regarding landscaping in the vicinity of pipelines.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering -

DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

Cadent response:

Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity (Warthfold-Middleton).

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

Noise attenuation assessment to be noted for awareness if habitable buildings in close proximity near to the AGI

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity, (indicated in orange). MIDDLETON/WARTHOLD
- Cadent Gas has a INTERMEDIATE ACCIDENT HAZARD PIPELINE in the vicinity, (indicated in Green). N/A
- Specific AGI BPD N/A

THE BPD (BUILDING PROXIMITY DISTANCE) IS 8M

Your responsibilities and obligations

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection.nw@cadentgas.com / quoting your planning reference.

The applicant's attention is drawn to the existence of Public Rights of Way No.'s 79 & 81, Bury, that abut/crosses part of the site. No development should take place which affects the Right of Ways in the absence of an appropriate closure or diversion order.

The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development. The

applicant must ensure that no changes to land levels/surface water runoff affects a public right of way. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.

- . The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.
- . The applicant's attention is drawn to the need to enter into a Section 278 Agreement under the Highways Act 1980 in respect of the works to be carried out on the highway in connection with the proposed development.
- . The applicant's attention is drawn to Section 167 of the Highways Act 1980 which requires Highway Authority approval of all structural details and calculations of retaining structures adjacent to the highway, prior to works commencing.
- . It would be advantageous for the land affected by the highway proposals to be in the control of the Highway Authority. An appropriate course of action would be the free dedication of the land to the Highway Authority by the freeholder
- . In relation to condition 24, use of the creche building by the Applicant for purposes ancillary and / or incidental to the business would not constitute a breach of this condition.
- . This planning permission needs to be read in conjunction with the binding S106 Planning Agreement signed on 18th April 2023.

Signed:



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On behalf of the Council

Date of Decision: 18/04/2023