

NOTICE OF PLANNING PERMISSION

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

To:

Mr Matthew Carpenter
Planware Ltd
St Andrews Castle
33 St Andrews Street South
Bury St Edmunds
Suffolk
IP33 3PH

On Behalf Of:

Osprey Charging Network Ltd
3rd Floor
Martin House
5 Martin Lane
London
EC4R 0DP

PART 1 - Particulars of Application

Application Number: 73256

Date of Registration: 27/05/2026

Proposal:

Construction of car park, erection of electric vehicle charging points and associated infrastructure, including CCTV and lighting.

Location:

Land adjacent to Lidl, off Victoria Street, Bury, BL8 1LE

PART 2 - Particulars of Decision

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

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered EBD V1 - Location Plan received 27th May 2026, EBD V1 - Existing Siet Plan received 31st July 2026, EBD V1 - Site Plan proposed received 31st July 2026, 8B4DC Kempower Elevation Plan received 27th May 2026, CCTV - Lighting Plan - Postreceived 27th May 2026, 8B4DC Kempower Elevation Plan received 27th May 2026, Timber Fence Plan received 27th May 2026, 8B4DC Equipment Elevation Planreceived 27th May 2026 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 and Places for Everyone Joint Development Plan listed.
- 3 Notwithstanding the details shown indicatively on approved plan reference 'Site Proposed Plan' Revision V1, no development shall commence unless and until full details of the following have been submitted, to a scope and specification to be agreed, to the Local Planning Authority on a topographical survey of the site and adjacent adopted highways:

1. Position of the limited waiting bay on Olive Street adjacent to the site, incorporating the remarking and resigning (as appropriate) of the facility as part of the proposed development.
2. Formation of the revised site access onto Victoria Street, incorporating adequate, tracked kerb radii that can accommodate all vehicles likely to be served by the electric vehicle charging points, reconstruction and/or refurbishment of the footways that abut the site to a scope and specification to be agreed to accommodate the proposed access alterations and address the previous illegal crossing of the footway by fly-parking on the site, demarcation of the limits of the adopted highway, tactile paved crossing points, any alterations to existing footway chambers on the affected footway and all associated highway remedial/accommodation works required as a result of the proposed development and any statutory undertakers connections to the site.
3. Provision of 2.4m x 33m visibility splays at the junction of the site access onto Victoria Street with no obstructions above the height of 0.6m within them, incorporating full details of proposed low level boundary treatments/fence lines and details of any foundations required confirming no projections under/encroachment on the adjacent adopted highway.
4. Revised, level pedestrian connection position from the site onto the adjacent adopted highway, clear of the existing street lighting column and tactile paved crossing point, incorporating adequate arrangements at the interface with the adopted highway and the demarcation of the limits of the adoption.
5. Measures and scheme of works to ensure that surface water is not discharged from the car park hardstanding onto the adjacent adopted highways.
6. Replacement/remarking of all carriageway markings abutting the perimeter of the site, including the provision of new 'Keep Clear' markings in a position to be agreed and to suit the revised site access position.

The details subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority with all highway works completed prior to the development hereby approved being brought into use. Reason. To secure the satisfactory development of the site in terms of highway safety, ensure the intervisibility of the users of the site and the adjacent adopted highways, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Unitary Development Plan Policy pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design, Places for Everyone Joint Development Plan Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places and Policy TR4: Street design, access and parking of the of the National Planning Policy Framework (August 2026).

- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
 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 statutory undertakers connections to the site.
 2. Access route for all vehicles to the site from the Key Route Network.
 3. Access point(s) for construction traffic from Victoria Street and all temporary works required to facilitate access for ground works/construction vehicles.
 4. If proposed, details of site hoarding/gate positions clear of required visibility splays onto the adjacent adopted highway.
 5. The provision, where necessary, of temporary pedestrian facilities/protection

measures on the adopted highway.

6. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Victoria Street.
7. Confirmation of hours of operation and number of vehicle movements.
8. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres.
9. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials.
10. 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. To maintain the integrity of the adopted highway, 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 ensure 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 Policy EN1/2 - Townscape and Built Design, Places for Everyone Joint Development Plan Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places and Policy TR4: Street design, access and parking of the of the National Planning Policy Framework (August 2026).

- 5 The vehicular and pedestrian access arrangements and turning facilities within the curtilage of the site indicated on the approved plans/as a result of compliance with the above condition 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. In the interests of highway safety and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design, Places for Everyone Joint Development Plan Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places and Policy TR4: Street design, access and parking of the of the National Planning Policy Framework (August 2026).

- 6 The car parking indicated on the approved plans/as a result of compliance with the above condition 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 and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Policy TR2: Local parking standards of the of the National Planning Policy Framework (August 2026).

- 7 Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be

maintained and operational in perpetuity.

Reason. 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 with respect to Local Air Quality, in accordance with Policy CC2: Mitigation of climate change of the National Planning Policy Framework (August 2026) and Places for Everyone Policy JP-S5 (Clean Air).

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:

EC1/1	EC1/1 - Land For Business (B1), General Industrial (B2) and Warehousing Uses (B8)
EC2/1	EC2/1 - Employment Generating Areas
HT2/4	HT2/4 - Car Parking and New Development
HT2/5	HT2/5 - Public Car Parks
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN8/2	EN8/2 - Woodland and Tree Planting
HT2/1	HT2/1 - The Strategic Route Network
JP-P1	Sustainable Places
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
NPPF	National Planning Policy Framework

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

Applicant Plan Numbers:

EBD V1 - Location Plan received 27th May 2026, EBD V1 - Existing Siet Plan received 31st July 2026, EBD V1 - Site Plan proposed received 31st July 2026, 8B4DC Kempower Elevation Plan received 27th May 2026, CCTV - Lighting Plan - Postreceived 27th May 2026, 8B4DC Kempower Elevation Plan received 27th May 2026, Timber Fence Plan received 27th May 2026, 8B4DC Equipment Elevation Planreceived 27th May 2026.

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>

2. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL BE REQUIRED BEFORE DEVELOPMENT COMMENCES***

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority,
- and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73

planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the

Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

3. The applicant's attention is drawn to the need to consult the Department for Place (Engineering & Streetscene) regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.
4. The applicant's attention is drawn to the need to enter into a Section 50 Licence and follow the Technical Approval process in respect of the works to be carried out on the highway in connection with the proposed development.

Signed:



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On behalf of the Council

Date of Decision: 11/09/2026