

NOTICE OF PLANNING PERMISSION

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

To:

Miss Nazia Shah
Urban Future Planning Consultancy Ltd
14 King Street
Leeds
LS1 2HL

On Behalf Of:

Shah
Lion Share Properties Ltd
Victoria Retail Park
Unit 2 Victoria Street
Bury
BL8 2EQ

PART 1 - Particulars of Application

Application Number: 71243

Date of Registration: 28/10/2024

Proposal:

Proposed alteration to the external façade of existing building, including partial demolition of unit 2 and external works to accommodate a Drive-Thru Lane

Location:

Victoria Retail Park, Unit 1 and Unit 2,
Victoria Street, Bury, BL8 2EQ

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 2613.P.106.A, DTP/3704424/A/TR001 Rev H, 2613.P.103.D, 2613.P.107, 2613.P.101, 2613.P.102, 2613.P.104, 2613.P.105, DTP/3704424SK01 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 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
 - (1) Access route for all construction vehicles to the site from the Key Route Network;
 - (2) Access point/arrangements for demolition/construction traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to the supermarket and retail unit, and all temporary works required to facilitate access for

demolition/construction vehicles;

(3) Hours of work for demolition and construction works, delivery of materials and number of vehicle movements;

(4) Arrangements for the retention of parking facilities for visitors to the retail park and the parking of vehicles for site operatives on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition/construction materials;

(5) Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;

(6) Details of the siting, height and maintenance of any security hoardings;

(7) The provision, where necessary, of temporary pedestrian facilities/protection measures within the site;

(8) A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;

(9) 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 control the emission of noise, dust and dirt during construction.

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.

Reason. Information not submitted at application stage. To mitigate the impact of the demolition and construction traffic generated by the proposed development on the users of the site and adjacent highways, 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 Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 4 The development hereby approved shall not be brought into use unless and until full details of signage to denote that the proposed EV bays are for use by all users have been submitted to, agreed with the Local Planning Authority. The signage shall be implemented in accordance with the approved details.

Reason. To ensure adequate off-street car parking provision for all vehicle types, in the interests of road safety pursuant to Development Plan Policies HT2/4 - Car Parking and New Development, HT2/5 - Public Car Parks and Supplementary Planning Document 11: Parking Standards in Bury.

- 5 The measures and facilities indicated in the approved 'Service Management Plan' shall be implemented prior to the development hereby approved being brought into use and maintained thereafter.

Reason. To ensure good highway design and minimise the standing and turning movements of vehicles within the retail park, in the interests of pedestrian and road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.

- 6 The vehicular and pedestrian access alterations and turning facilities indicated on approved plan reference 2613.P.103 Revision D shall be implemented to the satisfaction of the Local Planning Authority before the development hereby approved

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 ensure good highway design and minimise the standing and turning movements of vehicles within the retail park, in the interests of pedestrian and road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.

- 7 The car and cycle parking alterations indicated on approved plan reference 2613.P.103 Revision D shall be surfaced, demarcated/provided and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off-street car parking provision for all vehicle types, in the interests of road safety pursuant to Development Plan Policies HT2/4 - Car Parking and New Development, HT2/5 - Public Car Parks and Supplementary Planning Document 11: Parking Standards in Bury.
- 8 The refuse storage and access arrangements alterations indicated on approved plan reference 2613.P.103 Revision D shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate refuse collection and bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 9 The development hereby approved within any approved phase 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 and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 10 Remedial measures shall be carried out to the proposed development that are commensurate with the measures employed on the existing property. These measures shall be carried out without compromising existing remedial measures. Any variation or modification of existing or proposed remedial measures shall be subject to the approval of the Local Planning Authority prior to development commencing. Where remedial measures are to prevent ground gas ingress, details of how the gas resistant membrane will be joined to the existing membrane to create

a continuous barrier shall be submitted for approval.

A Verification Report detailing the design and installation of the remedial measures must be submitted to the LPA for approval upon completion of remediation works.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 11 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.
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.
- 12 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in 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
- EN1/5 EN1/5 - Crime Prevention
- EN1/7 EN1/7 - Throughroutes and Gateways
- EN1/8 EN1/8 - Shop Fronts
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/2 EN7/2 - Noise Pollution
- EN7/5 EN7/5 - Waste Water Management
- S2/1 S2/1 - All New Retail Proposals: Assessment Criteria
- S2/6 S2/6 - Food and Drink
- HT2/4 HT2/4 - Car Parking and New Development
- HT2/5 HT2/5 - Public Car Parks
- SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
- JP-C2 Digital Connectivity
- JP-C5 Streets For All
- JP-P1 Sustainable Places
- JP-C6 Walking and Cycling
- JP-C8 Transport Requirements of New Development
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-S2 Carbon and Energy

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:

2613.P.106.A, DTP/3704424/A/TR001 Rev H, 2613.P.103.D, 2613.P.107, 2613.P.101, 2613.P.102, 2613.P.104, 2613.P.105, DTP/3704424SK01

NOTES TO APPLICANT

1. ***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.

2. 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. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present

and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Signed:



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On behalf of the Council

Date of Decision: 04/04/2025