

NOTICE OF PLANNING PERMISSION

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

To:

Mr Tom Ryan
Terence O'Rourke
3 Edmund Gardens
117 Edmund Street
Birmingham
B3 2HJ

On Behalf Of:

LSH Auto UK Limited
Mercedes-Benz of Stockport
Brighton Road
Stockport
SK4 2BE

PART 1 - Particulars of Application

Application Number: 69115

Date of Registration: 23/11/2022

Proposal:

Variation of condition 16 (opening hours) of planning permission 58561:
Amend from: The development hereby permitted shall not be open to customers or members of the public outside the following times: 08.00 to 18.30 Monday to Friday, 08.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays
Amend to: The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays

Location:

Mercedes-Benz of Whitefield, 845
Manchester Road, Bury

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 This decision relates to drawings numbered 3273/50A, 3273/51B, 3273/52B, 3273/53B, 3273/54A, 3273/55A, 3273/56A, 32573/60, Topographical survey - Mercedes, Manchester Road, Whitefield, 252421/001, Noise assessment report - November 2022 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 2 No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year unless otherwise agreed in writing

with 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 11 - Conserving and enhancing the natural environment.

- 3 The development hereby approved shall be carried out in full in accordance with the recommendations of the Ecological Assessment Report Ref 3972.002 May 2013.
Reason. In order to ensure that no harm is caused to the site 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 11 - Conserving and enhancing the natural environment.
- 4 The development hereby approved shall not be brought into use unless and until the footway and access alterations on Manchester Road indicated on the approved plans, incorporating the reconfiguration of the existing southerly site access, closure of the northerly site access, demarcation of the adopted highway boundary and all associated remedial works have been implemented in full to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
- 5 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of service 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 Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
- 6 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and SPD11.
- 7 The development hereby permitted shall not be open to customers or members of the public outside the following times: 06.00 to 22.00 Monday to Friday, 06.00 to 17.00 Saturdays and 11.00 to 17.00 Sundays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
- 8 No development, other than demolition works, shall commence until details of a screen to be erected along the southern and western roof line of the building have been submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to the development hereby approved being brought into use and maintained thereafter.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN1/2 - Townscape and Built Design.
- 9 No development other than demolition works, shall commence unless or until a landscaping scheme has been submitted to and approved in writing by the Local

Planning Authority. It shall be implemented not later than 12 months from the date the building(s) is first occupied; 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 to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 10 No movements of vehicles between the customer car park and the workshop shall take place between the hours of 23:00 to 08.00.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations and EN7/2 - Noise Pollution of the 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:

EC3/1	EC3/1 - Measures to Improve Industrial Areas
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/5	EN1/5 - Crime Prevention
EN1/6	EN1/6 - Public Art
EN1/7	EN1/7 - Throughroutes and Gateways
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/5	OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S4/4	S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
SPD4	Development Control Policy Guidance Note 4: Percent For Art
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated

Development in the Green Belt
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:

252421/001

Noise assessment report - November 2022

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 22/03/2023