

NOTICE OF PLANNING PERMISSION

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

To:

Mr Steven Hartley
Hartley Planning & Development Associates
Ltd
Swallow Barn, Lower Chapel Hill
Hurst Lane
Rawtenstall
Rossendale
BB4 8TB

On Behalf Of:

Mr H Khan
c/o agent

PART 1 - Particulars of Application

Application Number: 71615

Date of Registration: 10/03/2025

Proposal:

Variation of condition no. 2 (approved plans) following approval of planning permission 70977 - to extend the building by 4.25 metres to the side towards the associated car park

Location:

Performance House, Heywood Street, Bury, BL9 7DZ

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 from the date of the grant of the original consent planning reference 70977 on 28/10/24.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered -
Location plan Ref: HK.210724.A.
100/004 rev 1 Proposed ground floor plan and proposed site plan received 6/5/25
100/005 rev 1 Proposed first floor plan
100/006 rev 1 Roof plan
100/007 rev 1 Proposed elevations
Swept path analysis using 9.86m large refuse vehicle 3196-001 - for tracking purposes only and NOT the approved site layout.

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 Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The development hereby approved shall be carried out in accordance with the Digital Connectivity statement submitted for planning permission ref 70977 and the measures implemented prior to first occupation and thereafter maintained.
Reason. To ensure that the development is fully serviced for full fibre digital connectivity, pursuant to Places for Everyone Joint Development Plan Document Policy JP-C2.
- 5 The development hereby approved shall be carried out in accordance with the Carbon and energy statement submitted for planing reference 70977 a.
Reason. To ensure that the development minimises regulated operational carbon emissions, pursuant to Places for Everyone Joint Development Plan Document Policy JP-S2.
- 6 No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason. No material details have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to Places for Everyone Joint Development Plan Document Policy JP-P1 and Bury Unitary Development Plan Policy EN1/2.
- 7 Prior to first use of the development hereby approved, the applicant shall provide electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces. Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.
- *Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.
Reason. 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 the principles of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).
- 8 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following, have been submitted to and agreed in writing by the Local Authority:

1. Submission of a photographic dilapidation survey of the existing adopted highway that abuts the site and the proposed development areas;
2. Proposed alterations to the existing site access onto Heywood Street, incorporating a replacement sliding gate and all associated highway remedial works;
3. Proposed extension foundations confirming no encroachment under the adjacent adopted highway;
4. Extent of boundary wall alterations and replacement railings, demarcation of the limits of the adopted highway and all associated highway remedial works.

The details subsequently approved shall be implemented to an agreed programme and prior to the extension of the building hereby approved being brought into use.

Reason. To ensure good highway design and to maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policies EN1/2, EC4/1, JP-C5 and JP-C8.

- 9 The turning facilities indicated on approved plan reference 100/004 Revision -1 bounded by the proposed parking spaces shall be provided 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 minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policies EN1/2, EC4/1, JP-C5 and JP-C8.
- 10 The car parking indicated on approved plan reference 100/004 Revision -1 shall be surfaced, demarcated 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 in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 11 The refuse storage and access arrangements to be provided within the curtilage of the site indicated on approved plan reference 100/004 Revision -1 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 bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway pursuant to Policies EN1/2, EC4/1 and JP-C8.
- 12 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Policies EN1/2, EC4/1 and JP-C8.
- 13 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:

NPPF	National Planning Policy Framework
EC4/1	EC4/1 - Small Businesses
EC5/1	EC5/1 - Office Development in Bury Town Centre
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
S2/6	S2/6 - Food and Drink
TC2/2	TC2/2 - Mixed Use Development
TC3	TC3 - Bury Town Centre
Area	Area BY10 - Rochdale Road/Lord Street/York Street
BY10	
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
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:

Location plan Ref: HK.210724.A.

100/004 rev 1 Proposed ground floor plan and proposed site plan received 6/5/25

100/005 rev 1 Proposed first floor plan

100/006 rev 1 Roof plan

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NOTES TO APPLICANT

- . INFORMATIVE - The Control of Noise Regulations 1974, 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 1974.

. This recommendation relates to the revised plans received by this Section on 14 May 2025, and, for the avoidance of doubt, this recommendation relates to approved plan reference 100/004 Revision -1 and not the additional plan submitted of the tracking of a refuse vehicle only (which has been superseded and is not the approved layout).

. 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 requirements of Section 179 of the Highways Act 1980 which prohibits the construction of any foundations required for the boundary fencing under the adjacent adopted highway.

Signed:



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On behalf of the Council

Date of Decision: 21/05/2025