

NOTICE OF PLANNING PERMISSION

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

To:

Dr Kanadi Jagafa
Mason and Marlowe Ltd
Colony
5 Piccadilly Place
Manchester
M1 3BR

On Behalf Of:

Mr Usman Ali
53 Bury Street
Radcliffe
Manchester
M26 2GB

PART 1 - Particulars of Application

Application Number: 71438

Date of Registration: 06/01/2025

Proposal:

Change of use from care home (Class C2) to
9 bedroom (single occupancy) House of
Multiple Occupation (HMO) (Sui Generis)

Location:

53 Bury Street, Radcliffe, Manchester, M26
2GB

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 permission relates to the following plans and information:

Drawing no. Location Plan;
Drawing no. 04 Rev. R2D: Proposed Site Plan;
Drawing no. 06 Rev. R2: Proposed Ground and First Floors Plan;
Drawing no. 08 Rev. R2: Proposed Sections A-A and B-B;
Drawing no. 10 Rev. R2: Existing Sections A-A and B-B;
Drawing no. 11 Rev. R2: Proposed Front and Side Elevations;
Drawing no. 12 Rev. R2: Proposed Rear and Side Elevations;
Drawing no. TPP.13960 Rev. .01 Tree Protection Plan; and,
Bike Shelter details

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and information.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary

Development Plan and the National Planning Policy Framework.

- 3 Prior to any works taking place within the rear yard and garden area, all trees to be retained on site, as defined within the Pennine Ecological Arboricultural Impact Assessment with Arboricultural Method Statement, dated March 2025, shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction", in accordance with Drawing no. TCP.13960 Rev. 1 and the Tree Protection Measures contained within the above mentioned report.

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 and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

- 4 Beneath all areas of the canopies of the trees excavations and all construction work for the proposal hereby approved must be 'hand-dig' only. No storage of materials or equipment or use of the area by vehicular traffic allowed.

Reason: To safeguard the vascular and anchoring root systems of the trees to avoid the loss of trees which are of amenity value to the area pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

- 5 On the removal of T3, as specified within the Pennine Ecological Arboricultural Impact Report and Arboricultural Method Statement, dated March 2025, a replacement native tree of a Select Standard size shall be planted in the first planting season following removal of the tree.

Reason. To compensate for the loss of T3, a Sycamore tree, in accordance with the requirements of Policy EN8/2: Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

- 6 The use hereby approved shall not be commenced unless and until the access alterations (incorporating the removal of the existing gates at the junction with Bury Street), parking facilities and bin storage arrangements indicated on the approved plans have been implemented to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety and to ensure adequate cycle storage arrangements and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety, pursuant to policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions of the Bury Unitary Development Plan, policies JP-C5: Streets For All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 7 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and 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, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 8 Prior to occupation of the development hereby approved, the gate shown on the Drawing no 02 Rev. R3 shall be removed.

Reason. In the interest of highway safety, to ensure the vehicular access to the site is kept open to ensure cars can enter and leave the site without having to stop or encroach onto the adopted highway, pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 9 The premises to which this approval relates shall be used as an HMO for a maximum of 9 no. persons within 9 no. bedrooms.

Reason. To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which could cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling and JP-C8 - Transport Requirements of New Development.

- 10 Prior to use of the building for HMO purposes, the property shall be provided with at least with 1 electric vehicle (EV) charge point (minimum 7kW*).

*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.

Reason. 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 pursuant to Policy JP-S2: Carbon and Energy of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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:

- H1/2 H1/2 - Further Housing Development
- H2/1 H2/1 - The Form of New Residential Development
- H2/2 H2/2 - The Layout of New Residential Development

H2/4	H2/4 - Conversions
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
EN7/2	EN7/2 - Noise Pollution
EN7/2	EN7/2 - Noise Pollution
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
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-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD13	Development Control Policy Guidance Note 13 - Conversion of Buildings to Houses in Multiple Occupation
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:

NOTES TO APPLICANT

1. COMMENCEMENT OF DEVELOPMENT NOTICE

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 CONTROL OF POLLUTION 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 Pollution Regulations 1974.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 25/06/2025