

# NOTICE OF PLANNING PERMISSION

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

**To:**  
Mr Rashid Mehmood  
I. Planning Services  
6b Cook Street  
Bury  
BL9 0RP

**On Behalf Of:**  
Mr Amjad Khan  
2 Cook Street  
Bury  
BL9 0RP

### PART 1 - Particulars of Application

**Application Number:** 67812

**Date of Registration:** 21/02/2022

**Proposal:**

Conversion of first floor from storage (Use Class B8) to form 8 no. flats over two floors; including partial raising of wall heads, formation of new roof with the addition of new windows/brickwork to front/rear elevations

**Location:**

2 Cook Street, Bury, BL9 0RP

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### 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 Location and Block Plans (Dwg No. IPS/R/2/BL90RP SHT 1a of 7), Proposed Ground Floor Plan & Car Park Layout (Dwg No. IPS/R/2/BL90RP Rev. A SHT 4 of 7), Proposed First & Second Floor Plans (Dwg No. IPS/R/2/BL90RP SHT 5 of 7), Proposed Elevations & Sections (Dwg No. IPS/R/2/BL90RP SHT 6 of 7), Proposed Section (Dwg No. IPS/R/2/BL90RP SHT 7 of 7) 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.
- 3 No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, 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 and the materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.  
Reason. No material details are included in the application and are required in the

interests of visual amenity and to ensure a satisfactory development pursuant to Bury Unitary Development Plan Policy EN1/1.

- 4 Before the first occupation of any of the residential units hereby permitted, the second floor windows in the square bays on the south-west elevation shall be obscure glazed in accordance with the approved drawing no. SHT5 and to a minimum of level 3 on the Pilkington scale and shall be permanently retained to that level thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Bury Unitary Development Plan policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 5 Full details of the in-curtilage basement bin storage arrangements for the approved development and existing uses of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with those details prior to the occupation of the first residential unit hereby approved. Thereafter, the in-curtilage bin storage arrangements shall be maintained available for use by the respective uses at all times.  
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.
- 6 No residential unit hereby approved shall be first occupied unless and until the following works have been implemented in accordance with a scheme that shall have first been submitted to and agreed in writing with the Local Planning Authority:  
(i) the car park access and allocation alterations indicated on approved plan reference IPS/R/2/BL90RP 'SHT 4 of 7', incorporating the reinstatement of the redundant vehicular accesses onto Cook Street at the southerly end of the building and between the existing car park entrance and the un-named side street abutting the south-easterly site boundary;  
(ii) removal of the existing gate;  
(iii) relocation of the affected CCTV camera abutting the Back South Cross Street East boundary;  
(iv) relocation/removal of the affected fenceline abutting the Back South Cross Street East boundary required to partially sub-divide the car park and provide a secondary access, and;  
(v) all associated highway remedial works required to reinstate the adopted highway to its former condition prior to commencement of the development.  
Reason. To ensure good highway design and to maintain the integrity of the adopted highway in the interests of highway safety, pursuant to Bury Unitary Development Plan policy EN1/2.
- 7 The car parking arrangements for use by the residential units hereby approved and the existing ground floor commercial premises indicated on approved plan reference IPS/R/2/BL90RP 'SHT 4 of 7' shall be surfaced, demarcated and made available for the intended respective uses prior to the first occupation of any residential unit hereby approved and thereafter maintained available for the intended respective uses at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Bury Unitary Development Plan policy HT2/4.
- 8 Prior to the first occupation of any residential unit hereby approved, at least one electric vehicle (EV) charging point (minimum 7kW\*) shall be provided within the residents parking area, and shall be retained for that purpose thereafter.

\*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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 An acoustic attenuation scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full prior to the first occupation of any residential unit hereby approved. The approved scheme shall thereafter be retained.

Reason. Acoustic details have not been submitted and to protect the amenity of the future occupants pursuant to Bury Unitary Development Plan policies EN7/2 Noise Pollution and H3/2 Existing Incompatible Uses.

### **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                                                                   |
| 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                                                                         |
| HT2/4 | HT2/4 - Car Parking and New Development                                                    |
| EN7/2 | EN7/2 - Noise Pollution                                                                    |
| SPD15 | Development Control Policy Guidance Note 15 - Residential Conversions                      |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                    |
| SPD16 | Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury |
| NPPF  | National Planning Policy Framework                                                         |
| H2/3  | H2/3 - Extensions and Alterations                                                          |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.  |
| H3/2  | H3/2 - Existing Incompatible Uses                                                          |

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 and Block Plans (Dwg No. IPS/R/2/BL90RP SHT 1a of 7), Proposed Ground Floor Plan & Car Park Layout (Dwg No. IPS/R/2/BL90RP Rev. A SHT 4 of 7), Proposed First & Second Floor Plans (Dwg No. IPS/R/2/BL90RP SHT 5 of 7), Proposed Elevations & Sections (Dwg No. IPS/R/2/BL90RP SHT 6 of 7), Proposed Section (Dwg No.

## NOTES TO APPLICANT

### 1. Highway Advice

The applicant's attention is drawn to the need to consult the Department for Operations regarding the specification for and implementation of the proposed footway works. The cost of the works will be the responsibility of the applicant.

The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.

### 2. Contaminated Land Section advice

Any asbestos identified shall be disposed of in an appropriate manner.

INFORMATIVE - The Control of Noise Regulations 1975, 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 1975.

Signed:



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On behalf of the Council

**Date of Decision:** 19/05/2022