

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Radnor  
Radnor Architecture Ltd  
38 Market Street  
First Floor  
Heywood  
OL10 4LY

**On Behalf Of:**

Polarity Care Ltd  
c/o agent  
38 Market Street  
First Floor  
Heywood  
OL10 4LY

---

### PART 1 - Particulars of Application

**Application Number:** 71309

**Date of Registration:** 28/11/2024

**Proposal:**

Change of use from Dwelling (Class C3) to  
Residential Institution (Class C2).

**Location:**

1 Mowbray Avenue, Prestwich, Manchester,  
M25 0LP

---

### 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 drawing Location Plan, 001, 301 - site layout existing, 302, 002, 003 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 The premises to which this approval relates shall be used for residential care only to a maximum of 3no. children/young persons and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).  
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, CF3 - Social Services, H4/2 - Special Needs Housing, 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.

- 4 Notwithstanding the details indicated on submitted plan reference 302, the use hereby approved shall not be commenced unless and until revised vehicular access and parking arrangements, incorporating the retention of the existing footway crossing, retention and/or replacement of the existing boundary wall/treatment abutting the adopted highway and extended hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, have been submitted to and approved by the Local Planning Authority. Any highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development shall be implemented prior to the use hereby approved commencing.  
Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway, in the interests of road safety pursuant to Development Plan Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing, EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 5 The bin storage facilities indicated on approved plan reference 302 shall comply with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and be made available prior to the use hereby approved commencing and maintained thereafter.  
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing, EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

**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           |
| CF1/1 | CF1/1 - Location of New Community Facilities |
| CF3   | CF3 - Social Services                        |
| HT2/4 | HT2/4 - Car Parking and New Development      |
| H3/1  | H3/1 - Assessing Non-Conforming Uses         |
| H4/2  | H4/2 - Special Needs Housing                 |
| EN7/2 | EN7/2 - Noise Pollution                      |
| JP-P1 | Sustainable Places                           |
| JP-C2 | Digital Connectivity                         |
| JP-S2 | Carbon and Energy                            |
| JP-H3 | Type, Size and Design of New Housing         |
| JP-C5 | Streets For All                              |
| JP-C6 | Walking and Cycling                          |
| JP-C8 | Transport Requirements of New Development    |
| JP-P1 | Sustainable Places                           |

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, 001, 301 - site layout existing, 302, 002, 003

**NOTES TO APPLICANT**

3. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL NOT 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 development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.**

**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:

iv) the application for planning permission was made before 2 April 2024;  
v) planning permission is granted which has effect before 2 April 2024; or

vi) 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:

iii) 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

iv) 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).

4.6 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.

4.7 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).

4.8 Self and Custom Build Development, meaning development which:

iv) consists of no more than 9 dwellings;  
v) is carried out on a site which has an area no larger than 0.5 hectares; and

vi) 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.

4. The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of any required highway remedial works. The cost of the works will be the responsibility of the developer.
5. 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. 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>

Signed:



5 of 5

.....  
On behalf of the Council

**Date of Decision:** 29/01/2025