

NOTICE OF PRIOR APPROVAL DETERMINATION

Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

To:

Mr Sam Golding
Gold Sketch Studios
55a Bury Old Road
Prestwich
Manchester
M25 0FG

On Behalf Of:

PART 1 - Particulars of Application

Application Number: 72693

Date of Registration: 24/12/2025

Proposal:

Prior approval for change of use of first, second and third floor from Class E to 9 no. apartments (Class C3)

Location:

8-12 Silver Street, Bury, BL9 0EX

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby determine that the prior approval of the local planning authority is **REQUIRED** for the development set out in Part 1 of this decision notice.

Bury Metropolitan Borough Council hereby **REFUSE** approval for the development proposed in the above-mentioned application for the following reason(s)

- 1 The existing use of the site does not wholly fall within one of the uses falling within Class E of Schedule 2 to the Use Classes Order. Therefore, the proposal does not comply with the statutory limitation in paragraph MA.1 (1)(b) of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The applicant has failed to demonstrate that the proposed development would not be seriously detrimental to the residential amenities of future occupiers, by reason of the noise, disturbance and general activity associated with the existing neighbouring uses without the need for amendments to the building that would require planning permission. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework:
 - H2/1- The Form of New Residential Development
 - H2/2 - The Layout of New Residential Development
 - H2/4 - Conversions
 - EN7/2 - Noise Pollution
 - EN2/1 - Character of Conservation Areas
 - EN2/2 - Conservation Area Control
 - EN1/2 - Townscape and Built Design
 - JP-P1 - Sustainable Places
 - JP-P2 - Heritage

- 3 The proposed development would be detrimental to the amenities of the future occupiers by reason of substandard distances between proposed habitable room windows and surrounding buildings, leading to a reduction in natural light. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
H1/2 - Further Housing Development
H2/1 - The Form of New Residential Development
H2/4 - Conversions
and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

- 4 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats proposed, and the retained ground floor use within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins.
The proposed development would therefore be contrary with the following Policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:
H2/2 - The Layout of New Residential Development
H2/4 - Conversions
EN1/2 - Townscape and Built Design
JP-P1 - Sustainable Places
JP-C5 - Streets for All
JP-C6 - Walking and Cycling
JP-C8 - Transport Requirements of New Development.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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:

- S1/1 S1/1 - Shopping in Bury Town Centre
- S2/3 S2/3 - Secondary Shopping Areas and Frontages
- EN1/2 EN1/2 - Townscape and Built Design
- EN2/1 EN2/1 - Character of Conservation Areas
- EN2/2 EN2/2 - Conservation Area Control
- EN7/2 EN7/2 - Noise Pollution
- 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
- H1/2 H1/2 - Further Housing Development
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density of New Housing
- JP-P1 Sustainable Places
- JP-P2 Heritage
- JP-C1 Our Integrated Network

JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development
SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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:

GSS25142 502
GSS25142 002 1
GSS25142 003 1
GSS25142 004 1
GSS25142.1 005
GSS25142.1 006
GSS25142.1 007

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 17/02/2026