

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Frank Smith  
James Campbell Associates Ltd  
Campbell House  
173 Rochdale Road  
Firgrove, Milnrow  
Rochdale  
OL16 3BN

**On Behalf Of:**

Mr Joseph Bargh  
Boro Heating & Plumbing Supplies Ltd  
80 Whitworth Road  
Rochdale  
OL12 0EZ

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### PART 1 - Particulars of Application

**Application Number:** 70955

**Date of Registration:** 17/07/2024

**Proposal:**

Conversion of existing building at first floor and part ground floor to create 9 no. flats including new window and door openings; retention of existing retail use on part ground floor

**Location:**

Former HSS Hire Unit, 121-131 Bell Lane, Bury, BL9 6BS

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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 numbered Site Location Plan, 24.3338.1B, 24.3338.2B, 24.3338.3B, 24.3338.4A, 24.3338.5A, 24.3338.6G, 24.3338.7G, 24.3338.8D, 24.3338.9J, 163495-001 B, 163495-002 A, 163495-003 A, 163495-004 A 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 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.

- 4 The residential accommodation hereby approved shall include the installation of acoustic double glazing, soundproofed floors and ceilings, enhanced internal walls, and acoustic ventilation in accordance with the mitigation measures set out within the approved Noise Exposure Assessment and Mitigation reference 24.3338. The acoustic attenuation scheme hereby approved shall be implemented in full and available for use before use of the residential premises first commences.  
Reason. To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.
- 5 The Biodiversity Gain Plan shall be prepared in accordance with Technical Note: Biodiversity Net Gain (BNG) Assessment prepared by Knight Sky Ecology and must include:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  2. the pre-development biodiversity value of the onsite habitat;
  3. the post-development biodiversity value of the onsite habitat;
  4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
  5. any biodiversity credits purchased for the development; and
  6. any such other matters as the Secretary of State may by regulations specify.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 6 The residential development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
  2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- has been submitted to, and approved in writing by, the local planning authority.  
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 7 The residential development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
  2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 8 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.  
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 9 Prior to occupation of the development hereby approved the applicant shall install a house sparrow terrace on a western or eastern elevation of the building.  
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 The dwellings hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.  
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.
- 11 Notwithstanding the details shown on the approved plans 24.3338.9J and 24.3338.6G, a scheme of measures to remove the unauthorised stepped access at the front ground floor door and reinstate the adopted highway to adjacent footway levels shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the date of the decision. The details subsequently approved shall be implemented prior to the occupation of the development hereby approved.  
Reason. To ensure good highway design, rectify unauthorised works undertaken on the adopted highway to the detriment of pedestrian safety and maintain the integrity of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 12 The vehicular and pedestrian access alterations and turning facilities indicated on approved plan reference 24.3338.9J shall be implemented 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 ensure good highway design and adequate off-street car parking arrangements and provision, in the interests of road and pedestrian safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11: Parking Standards in Bury.
- 13 The car and cycle parking alterations/arrangements indicated on approved plan reference 24.3338.9J shall be surfaced, demarcated/provided and made available for

use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure good highway design and adequate off-street car parking arrangements and provision, in the interests of road and pedestrian safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11: Parking Standards in Bury.

- 14 The refuse storage and access arrangements alterations indicated on approved plan reference 24.3338.9J 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 refuse collection and bin storage arrangements are provided within the curtilage of the site pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 15 Notwithstanding the details shown on the approved plans 24.3338.9J covered cycle storage shall be provided, within the curtilage of the site for 9no. cycles. These spaces shall be made available prior to the residential use hereby approved being brought into use and thereafter maintained at all times.  
Reason. To ensure adequate off street cycle parking provision in the interests of road safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11: Parking Standards in Bury.

#### **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:**

- EC2/1 EC2/1 - Employment Generating Areas
- EC3/1 EC3/1 - Measures to Improve Industrial Areas
- 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
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/5 EN1/5 - Crime Prevention
- EN1/7 EN1/7 - Throughroutes and Gateways
- EN2/3 EN2/3 - Listed Buildings
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/2 EN7/2 - Noise Pollution
- EN7/5 EN7/5 - Waste Water Management
- EN8/2 EN8/2 - Woodland and Tree Planting
- S4/1 S4/1 - Retail Development Outside Town and District Centres
- HT2/4 HT2/4 - Car Parking and New Development

|       |                                                                                           |
|-------|-------------------------------------------------------------------------------------------|
| HT5   | HT5 - Accessibility For Those With Special Needs                                          |
| HT5/1 | HT5/1 - Access For Those with Special Needs                                               |
| JP-J2 | Employment Sites and Premises                                                             |
| JP-J4 | Industry and Warehousing Development                                                      |
| JP-P1 | Sustainable Places                                                                        |
| JP-P2 | Heritage                                                                                  |
| JP-S5 | Clean Air                                                                                 |
| JP-S4 | Flood Risk and the Water Environment                                                      |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity                                        |
| JP-C6 | Walking and Cycling                                                                       |
| JP-C5 | Streets For All                                                                           |
| JP-C8 | Transport Requirements of New Development                                                 |
| JP-H4 | Density of New Housing                                                                    |
| JP-H3 | Type, Size and Design of New Housing                                                      |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                   |
| SPD14 | Development Control Policy Guidance Note 14 - Employment Land and Premises                |
| 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:**

Site Location Plan, 24.3338.1B, 24.3338.2B, 24.3338.3B, 24.3338.4A, 24.3338.5A, 24.3338.6G, 24.3338.7G, 24.3338.8D, 24.3338.9J, 163495-001 B, 163495-002 A, 163495-003 A, 163495-004 A

#### **NOTES TO APPLICANT**

1. 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. This consent has been granted on the understanding that the bedroom windows for unit 3 and unit 4 have substandard distances to the side boundary. As such the Council's normal aspect standards will not apply to any future application submitted on any neighbouring properties.
3. ***The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL 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 the development of land in England is deemed to have been granted subject to the condition “(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.**

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

*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:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) 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:
    - i) 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

ii) 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).

4.3 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.

4.4 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).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) 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.

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### *The effect of section 73D of the Town and Country Planning Act 1990*

If planning permission is granted on an application made under section 73 of the

Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

4. Whilst the building to be converted has been assessed as low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
6. The applicant's attention is drawn to the need to consult the Department of Place regarding the specification for, and implementation of, the required highway remedial works. The cost of the works will be the responsibility of the developer.

Signed:



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On behalf of the Council

**Date of Decision:** 05/08/2025