

NOTICE OF PLANNING PERMISSION

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

To:

Mr Andrew Kirk
Four Architects
113 Portland Street
Manchester
Manchester
m1 6dw

On Behalf Of:

Mr R Sidebottom
Eaton Lane
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PART 1 - Particulars of Application

Application Number: 71152

Date of Registration: 05/11/2024

Proposal:

Change of use of upper floors from office use (Class B1(a)) to 14 no. flats (Class C3) including replacement of the existing windows to all elevations.

Location:

Victoria Buildings, 9-13 Silver Street, Bury, BL9 0EU

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 documents:

Drawing no. FA-DR-03-201 Rev. P4: Proposed - Site Plan
Drawing no. FA-DR-03-202 Rev. P2: Existing and Proposed - Basement Plan
Drawing no. FA-DR-03-203 Rev. P3: Existing and Proposed - Ground Floor Plan
Drawing no. FA-DR-03-208 Rev. P2: Proposed - First Floor Plan
Drawing no. FA-DR-03-209 Rev. P2: Proposed - Second Floor Plan
Drawing no. FA-DR-03-210 Rev. P2: Proposed - Third Floor Plan
Drawing no. FA-DR-03-211 Rev. P2: Proposed - Roof Plan
Drawing no. FA-DR-03-213 Rev. P3: Proposed - Elevations
Drawing no. FA-DR-03-214 Rev. P2: Proposed - Window Details

Document ref. 17717 V2, Spratt + Hamer Noise Impact Report, dated 05/06/2024
Document ref. 22674 Complete Sustainability Solutions Energy Statement, dated 18 October 2024

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

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design in accordance with the policies contained within the of the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 The residential units hereby approved shall not be occupied unless and until the off-highway bin and cycle storage arrangements indicated on the approved plans listed in Condition no. 2 have been implemented and shall thereafter be maintained at all times to serve the development.

Reason. To ensure adequate provision for the storage and disposal of refuse and storage of cycles within the curtilage of the site, clear of the adopted highway pursuant to Policies H2/4 and EN1/2 of the Bury Unitary Development Plan, and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 4 The noise attenuation measures for each of the residential apartments, identified in Section 8 (Recommendations) of the Noise Assessment by Spratt and Hamer (report reference 12717 V2, dated 05 June 2024 shall be implemented in accordance with the details in the report before each of the apartments are first occupied. The duly implemented attenuation measures shall be retained as such thereafter.

Reason. To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Policy EN7/2: Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 5 Prior to occupation of any of the residential apartments hereby approved, the approved timber sliding sash replacement windows to the front elevation of the building and aluminium replacement windows to the side and rear elevations of the building shall be installed and painted white.

Reason. In the interests of preserving the character and appearance of the principal elevation of the host building and in the interests of enhancing the character and appearance of the conservation area in which it is set, in accordance with the requirements of Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 6 Notwithstanding the approved plans listed within Condition 2, all external doors to the rear elevation of the building shall be in hardwood timber.

Reason. To ensure an appropriate door treatment and in order that all new and replacement doors are sympathetic to the character and appearance of the host building and Bury Town Centre conservation area in accordance with the requirements of Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 7 The new metal gates within the covered front entrance shall be constructed in accordance with the design details on the approved plan and be constructed in wrought iron and painted black, and retained as such in perpetuity.

Reason. To ensure the approved gates are sympathetic to the character and appearance of the host building and Bury Town Centre conservation area in accordance with the requirements of Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), none of the flats hereby approved shall be used for any other purpose other than a Class C3(a) use (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the submission and approval of a relevant planning application.

Reason. In the interests of residential amenity, to safeguard the character of the area and to secure the appropriate scale and intensification of use of the development for the site pursuant to policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions.

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:

S1/1	S1/1 - Shopping in Bury Town Centre
S2/3	S2/3 - Secondary Shopping Areas and Frontages
TC2/1	TC2/1 - Upper Floors
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
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
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All

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JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
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. NAME & NUMBERING OF NEW PROPERTY

This development will involve the numbering of properties and/or the naming of new residential properties. The applicant **MUST** apply to the Borough Council's Land and Property Department before any number or name is used. This is a requirement of the Public Health Act 1925 (sections 17-19). To apply for new residential addresses you will need to do this via the following link:

<https://www.bury.gov.uk/planning-building-control/street-names-and-numbering>

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.

3. Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

4. Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on

a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

5. **Dust**

The applicant must ensure that any issue with dust where applicable is adequately addressed so as to ensure that; the effects of the construction work upon air quality is minimised.

6. This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Development affecting the highway therefore should not be commenced until the statutory requirements have been complied with and the necessary permissions obtained from the Local Highway Authority.

Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consent or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are obtained from the Council. To contact the Council regarding undertaking works within the Highways the Council can be contacted on 0161 253 5713/5788 and information can be found on the Council's website at www.bury.gov.uk/business/licensing/highway-permits

Signed:



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On behalf of the Council

Date of Decision: 14/02/2025