

NOTICE OF PLANNING PERMISSION

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

To:

Plande Planning Consultants
1st Floor
Kennedy House
31 Stamford Street
Altrincham
WA14 1ES

On Behalf Of:

Debbie Scott
Limdum Care Ltd
14 Cherryfields
Euxton
Chorley
PR7 6JS

PART 1 - Particulars of Application

Application Number: 70942

Date of Registration: 15/07/2024

Proposal:

Change of use from dwelling (Class C3) to a Children's Residential Home (Class C2) for up to 2 children, aged 8-18 years old, including the conversion of the existing garage into an office and store

Location:

The Poplars, 1 Brandlesholme Road, Bury, BL8 1HR

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:

Drawing: Location Plan;

Drawing no. ZT24-196-01 Rev.D: rec. 08 May 2025: Existing and Proposed Site Layout Plan;

Drawing no. PCE-Scott-June-24-Layouts Rev. 22/10/2024: Existing and Proposed Floor Plans;

Drawing no. PCE-Scott-June-24-elevations Rev. 22/10/2024: Existing and Proposed Elevations;

Drawing no. PCE-Scott-June-24-roof layouts Rev. 25/10/2024: Existing and Proposed Roof Layout; and,

Drawing no. PCE-Scott-June-24-detached garage: Existing and Proposed Detached Outbuilding

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

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The existing doorway to be infilled shall be infilled with local natural matching stone and the existing stone door jambs, header and cill shall be retained.

Reason. In order to retain the legibility of the front elevation of the building which was formerly two cottages in alignment with the aims of the Greater Manchester Places for Everyone Joint Development Plan Policy JP-P2: Heritage.

- 4 The car parking and bin storage shown on drawing no. ZT24-196-01 REV D shall be constructed in accordance with the details indicated on the approved plans and made available for use before the use] hereby approved is first occupied. The duly constructed parking and bin storage provision shall be retained as such thereafter.

Reason. To ensure adequate off street car parking provision in the interests of road safety and to ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements pursuant to Policy HT2/4 - Car Parking and New Development, EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 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), the building shall be used for children's care home accommodating 2 no. children only purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class C2 of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

Reason. To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and neighbouring dwellings pursuant to UDP Policy H3/1 - Assessing Non Conforming 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:

CF1/1	CF1/1 - Location of New Community Facilities
CF3	CF3 - Social Services
H3/1	H3/1 - Assessing Non-Conforming Uses
H4/2	H4/2 - Special Needs Housing
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
JP-P1	Sustainable Places
JP-H3	Type, Size and Design of New Housing
JP-P2	Heritage
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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

2. 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).

4.3 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:

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).

4.6 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.

1. **Notice of Commencement of Development**

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>

3. **Bat Protection**

Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

The applicant should also note the advice of the Angela Graham Bat Consultancy Service Limited Bat Survey Report (preliminary day-time survey), dated 30/08/2024, which advises bat activity survey work should be carried-out before any roof-works are undertaken.

4. **Bird Protection**

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 bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', written in a cursive style.

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On behalf of the Council

Date of Decision: 14/05/2025