

NOTICE OF PLANNING PERMISSION

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

To:

Thorp
Thorp Design Services Ltd
2 Chatton Close
Bury
BL8 2UE

On Behalf Of:

Kurlanda
Lucky Raf Properties Ltd
Foundry Street
Bury
BL9 7AZ

PART 1 - Particulars of Application

Application Number: 72061

Date of Registration: 01/08/2025

Proposal:

Change of use of first and second floors from
Offices (Class E) to 4 no. Apartments (Class
C3); External works/alterations to shop
ground floor frontage

Location:

44-48 Bolton Street, Bury, BL9 0LL

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 The development hereby permitted shall be carried out only in accordance with the following approved plans:

Drawing no. PP-14091524v1: Planning Portal Location Plan;
Drawing no. TDS-25-196-03 Rev. B: Proposed Site Plan - received 26/02/2026;
Drawing no. TDS-25-196-04 Rev. A: Proposed Plans - received 02/02/2026; and,
Drawing no. TDS-25-196-05 Rev. A: Proposed Elevations - received 26/02/2026.

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, to ensure that the development take the agreed form envisaged by the Local Planning Authority when determining the application and to ensure the development preserves the character and appearance of the Conservation Area pursuant to the policies of the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and National Planning Policy

Framework.

- 3 No development shall take place unless and until a scheme to soundproof the floor/ceiling between the ground floor and the first floor flats, and the external walls of the building which shall be in accordance with standards of construction specified in current Building Regulations, has been submitted to and approved by the Local Planning Authority. Such works that form the approved scheme shall be completed prior to any of the upper floor apartments hereby approved being occupied.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the amenities afforded to existing adjoining and surrounding businesses and the amenities of the future occupiers of the apartment, pursuant to Policy EN7/2 Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 All external joinery including windows and doors and the shop frontage shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows, doors and new shop frontage hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason. Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area. The proposal therefore fails to comply with the requirements of Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason. To ensure the development preserves the character and appearance of the Conservation Area in accordance with policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 Development shall not commence until a scheme detailing the colour and finish of the ground floor changes on the Bolton Street elevation of the application site, as indicated within the approved plans, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. The approved colour shall thereafter be retained and maintained for the lifetime of the development.

Reason. In the interests of visual amenity and the character and appearance of the conservation area, in accordance policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The details should include their size, colour and position on the building. The works shall be carried out only in accordance with the agreed details.

Reason. Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the Conservation Area in accordance with policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control of the Bury Unitary Development Plan, Policy JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 The bin storage facilities and the black coloured covered and secure cycle storage provision within the within the rear yard area and indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter be available for use at all times.

Reason. In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, and sufficient cycle storage provision is secured, in the interests of amenity and to promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with Policies JP-C6: 'Walking and Cycling' and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 9 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 ground floor of the building shall remain as 3 separate units operating within Class E of 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) and the 4 no. self-contained apartments located on the first and second floors of the building shall be used for Class C3(a) purposes only and for no other purpose (including any other purpose in Class C3 of 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. The premises to which this approval relates is in a mixed use and is located on a secondary shopping frontage within Bury Town Centre and in the interests of safeguarding the amenities of neighbouring businesses and to safeguard the amenity of future occupiers, in accordance with Policies S1/1: Shopping in Bury Town Centre, S2/3: Secondary Shopping Frontages, EN7/2: Noise Pollution, H2/2: The Layout of New Residential Development of the Bury Unitary Development Plan and the principles of the National Planning Policy Framework.

* Use Class C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

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
TC2/2	TC2/2 - Mixed Use Development
H2/4	H2/4 - Conversions
EN1/2	EN1/2 - Townscape and Built Design
EN2/1	EN2/1 - Character of Conservation Areas
EN7/2	EN7/2 - Noise Pollution
EN2/2	EN2/2 - Conservation Area Control
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S3	Heat and Energy Networks
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:

Drawing no. PP-14091524v1: Planning Portal Location Plan;

Drawing no. TDS-25-196-03 Rev. B: Proposed Site Plan - received 26/02/2026;

Drawing no. TDS-25-196-04 Rev. A: Proposed Plans - received 02/02/2026; and,
Drawing no. TDS-25-196-05 Rev. A: Proposed Elevations - received 26/02/2026.

NOTES TO APPLICANT

1. Conditions precedent note

The Council have granted this permission subject to conditions which are considered essential.

Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to certain works being carried out, the 'Discharge of Condition' application should be submitted and the conditions discharged **before** those works are carried out on site. **FAILURE TO DO SO COULD INVALIDATE THE PLANNING PERMISSION.**

The Council reserve the right to refuse permission for the retention of development not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions.

Your right to appeal to the Secretary of State for the Environment against any condition is indicated on the reverse side of the decision notice.

2. Commencement Notice

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. Advert note

This grant of permission does not convey consent for the display of any advertisement on the application site.

4. Shutters note

The installation of security shutters on the premises is likely to require a separate grant of planning permission. Advice should be sought from the Local Planning Authority should security shutters be proposed PRIOR to any installation.

5. 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.

10. The Council currently operate a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.

8. Highway Projections and/ or encroachment

The applicants attention is drawn to the need to obtain a License under Section 177 of the Highways Act 1980 for the fixing and retention of the proposed projections over the existing adopted highway. Further details on how to apply for this licence can be found available on the Council's website.

7. No doors opening onto the Highway - Section 153 of the Highways Act 1980

The applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the street.

6. Safety measures - GM Police advice

- The front entrance and rear yard area of the HMO should be illuminated in the hours of darkness via the use of dusk till dawn sensors on the light fixtures.
- An intercom system should be used at the communal entrance so that residents can vet visitors before opening the door to them. There should be no unrestricted trade access into the building.
- A secure mail delivery system should be supplied, to allow delivery without access to the whole building (i.e. secure through the wall mailboxes).
- Any alterations to the existing building should be complete to the Secured by Design standards, this included any replacement shop front, doors or windows.

9. No bins to be stored on the highway

The applicant's attention is drawn to the fact that the adopted highway should not be used for the storage of bins.

11. ***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.

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.

Signed:



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On behalf of the Council

Date of Decision: 14/04/2026