

## AGENDA FOR

## PLANNING CONTROL COMMITTEE

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**To: All Members of Planning Control Committee**

**Councillors** : G McGill (Chair), C Boles, N Boroda, J Harris, M Hayes, J Lancaster, J Mason, D Quinn, C Tegolo, K Thomas and D.Vernon

Dear Member/Colleague

### Planning Control Committee

You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

<b>Date:</b>	Tuesday, 14 December 2021
<b>Place:</b>	Council Chamber, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	Live streamed meeting <a href="https://councilstream.com/burycouncil">https://councilstream.com/burycouncil</a>

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Planning Control Committee are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

### **3 MINUTES OF THE MEETING HELD ON THE 9TH NOVEMBER 2021**

(Pages 3 - 6)

Minutes of the meeting held on Tuesday the 9<sup>th</sup> November 2021 are attached.

### **4 PLANNING APPLICATIONS** (Pages 7 - 64)

Reports attached.

### **5 DELEGATED DECISIONS** (Pages 65 - 80)

A report from the Head of Development Management on all delegated planning decisions since the last meeting of the Planning Control Committee is attached.

### **6 PLANNING APPEALS** (Pages 81 - 86)

A report from the Head of Development Management on all Planning appeal decisions since the last meeting of the Planning Control Committee is attached.

### **7 FIRST HOMES POLICY POSITION STATEMENT** (Pages 87 - 100)

A report is attached from the Head of Development Management to summarise the new proposed First Homes planning policy and recommends the adoption of The First Homes Policy Position Statement as a material planning consideration.

### **8 URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

**Minutes of:** **PLANNING CONTROL COMMITTEE**

**Date of Meeting:** 9 November 2021

**Present:** Councillor M Hayes (in the Chair)  
Councillors N Boroda, J Harris, J Lancaster, D Quinn,  
C Tegolo and D.Vernon

**Public Attendance:** 3 members of the public were present at the meeting.

**Apologies for Absence:** Councillors G McGill, C Boles, J Mason and K Thomas

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**PCC.1 ELECTION OF A CHAIR**

A Chairperson was required due to the Chair of Planning Committee being absent from the meeting.

**Delegated decision:**

That Councillor Martin Hayes be elected acting Chairperson of the Planning Committee for this meeting only and took the Chair.

**PCC.2 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors: G McGill, C Boles, J Mason and K Thomas.

**PCC.3 DECLARATIONS OF INTEREST**

Councillors M Hayes and N Borada declared an interest in planning application 67461, 1 Rollesby Close, Bury as the applicant was a close associative within the Labour Party. Both had not discussed the application with the applicant and would remain in the meeting during this item.

Councillor J Harris declared an interest in planning application 67408, 469 Walshaw Road, Bury as she lived on a neighbouring street and had been in discussions with local residents in the area.

Councillor Harris left the meeting during deliberation of the application.

**PCC.4 MINUTES OF THE MEETING HELD ON 5TH OCTOBER 2021**

**Delegated decision:**

That the Minutes of the meeting held on the 5<sup>th</sup> October 2021 be approved as a correct record and signed by the Chair.

**PCC.5 PLANNING APPLICATIONS**

A report from the Head of Development Management was submitted in relation to applications for planning permission.

There was supplementary information to add in respect of application numbers 67408 and 67461.

The Committee heard representations from applicants and objectors in respect of the applications submitted. This was limited to three minutes for each speaker.

**Delegated decisions:**

1. That the Committee **Refused** the following application contrary to the recommendation put forward by the Development Manager in the report and subject to the reasons which included, the position, size, impacts on visual amenity of the green belt, very special circumstances not demonstrated, insufficient proposals to enhance the natural environment and the siting does not preserve or enhance the setting of the listed building :-

**Brookhouse Farm, 218 Holcombe Road, Tottington, Bury, BL8 4BQ**

Demolition of existing garages/stables and erection of 1 no. dwelling

**Delegated decisions:**

2. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and subject to the conditions included:-

**469 Walshaw Road, Bury, BL8 3AE**

Change of use from dwellinghouse (Class C3) to care home (Class C2)

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted and subject to the conditions included:-

**1 Rollesby Close, Bury, BL8 1EW**

Two storey front extension; Single storey rear extension

**PCC.6**

**DELEGATED DECISIONS**

A report from the Head of Development Management was submitted listing all recent planning application decisions made by Officers using delegated powers since the last meeting of the Planning Control Committee.

**Delegated decision:**

That the report and appendices be noted.

**PCC.7**

**PLANNING APPEALS**

A report from the Head of Development Management was submitted listing all recent Planning Appeal decisions since the last meeting of the Planning Control Committee.

**Delegated decision:**

That the report and appendices be noted.

**PCC.8 TREE PRESERVATION ORDER (NO. 357) AT 107 HEATHFIELD ROAD, WHITEFIELD**

A report from the Head of Development Management was submitted relating to the current temporary tree preservation order No 357 at 107 Heathfield Road, Whitefield.

**Delegated decision:**

That the current temporary preservation order issued on the tree within the curtilage of the site as identified in Appendix 1 of the report be confirmed so that the order takes effect on a permanent basis.

**PCC.9 URGENT BUSINESS**

No urgent business was reported.

**COUNCILLOR M HAYES**  
**Chair**

**(Note: The meeting started at 7.10pm and ended at 8.30pm)**

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<b>Title</b>	<b>Planning Applications</b>
<b>To:</b>	<b>Planning Control Committee</b>
<b>On:</b>	<b>14 December 2021</b>
<b>By:</b>	<b>Development Manager</b>
<b>Status:</b>	<b>For Publication</b>

### **Executive Summary**

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

### **This report has the following implications**

**Township Forum/ Ward:** Identified in each case.

**Policy:** Identified in each case.

**Resources:** Not generally applicable.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:  
The elimination of discrimination, harassment and victimisation;  
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;  
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

### **Development Manager**

#### **Background Documents**

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

01	<b>Township Forum - Ward:</b> Ramsbottom and Tottington - Ramsbottom	<b>App No.</b> 64442
	<b>Location:</b> Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 0PU <b>Proposal:</b> Variation of condition no. 12 of p/p 61364 (restriction of opening hours of retail unit/coffee shop to 0600 hrs to 2200 hrs daily) to allow the retail unit (only) to operate 24 hours, 7 days a week	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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02	<b>Township Forum - Ward:</b> Prestwich - Holyrood	<b>App No.</b> 67431
	<b>Location:</b> Land off Poppythorn Lane, Prestwich <b>Proposal:</b> Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development	
	<b>Recommendation:</b> Minded to Approve	<b>Site Visit:</b> N
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03	<b>Township Forum - Ward:</b> Radcliffe - East	<b>App No.</b> 67546
	<b>Location:</b> Land at Morris Street, Radcliffe, Manchester, M26 2HF <b>Proposal:</b> Variation of conditions 2 (approved plans) and 4 (materials) to allow construction of retaining wall to the frontage of plots H1-H14 including associated steps / railings to comply with condition 16 relating to site levels; Reduction in height of eaves and ridge of proposed dwellings, addition of canopies to main entrances; Removal of condition 3 (affordable housing) which will be replaced by a legal agreement	
	<b>Recommendation:</b> Minded to Approve	<b>Site Visit:</b> N
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04	<b>Township Forum - Ward:</b> North Manor	<b>App No.</b> 67639
	<b>Location:</b> 10 Vernon Road, Tottington, Bury, BL8 4DD <b>Proposal:</b> Variation of conditions 5 & 6 following approval of planning permission 62132 - Change opening hours from 07:00 - 19:00 to 08:00 - 21:00; Amend wording of condition 6 to allow doors and windows to be open till 9.30pm	
	<b>Recommendation:</b> Approve with Conditions	<b>Site Visit:</b> N
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**Ward:** Ramsbottom and Tottington -  
Ramsbottom

Item 01

**Applicant:** Euro Garages Ltd

**Location:** Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 0PU

**Proposal:** Variation of condition no. 12 of p/p 61364 (restriction of opening hours of retail unit/coffee shop to 0600 hrs to 2200 hrs daily) to allow the retail unit (only) to operate 24 hours, 7 days a week

**Application Ref:** 64442/Full

**Target Date:** 13/09/2019

**Recommendation:** Approve with Conditions

## Description

The application relates to an existing petrol filling station on the east side of Stubbins Lane., which is currently undergoing redevelopment as approved under permission 61364.

There are houses directly across Stubbins Lane to the west. There are commercial premises to the north and a Council swimming pool and fitness centre to the rear/east. To the south is the access road to the swimming pool and beyond that the Council yard, which is undergoing redevelopment to apartments providing care.

The application proposes to vary condition 12 of application 61364 to allow the retail unit to trade on a 24 hour basis alongside the petrol station. The associated coffee shop at the rear of the site would be open between 06.00 and 22.00 daily.

## **Relevant Planning History**

33699 - Retention of additional price facility bars fixed to existing identity sign at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 25 November 1997.

35483 - Use of land as builder's storage yard and siting of portacabin at land adjacent to Stubbins Lane, Ramsbottom. Approved with conditions - 9 July 1999

40245 - Erection of office building at 40 Stubbins Lane, Ramsbottom. Approved with conditions - 4 March 2003.

44990 - Internally illuminated fascia sign & poster signs for carwash at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 7 September 2005

48780 - Installation of freestanding atm cash machine and bollards at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Refused - 20 December 2007.

56382 - Variation of condition 3 of permission 25094 - to extend opening to 24 hours at Ramsbottom Service Station, Stubbins Lane, Ramsbottom :

Existing condition - Petrol filling station and associated activities hereby approved shall be closed between 22.00 hours and 07.00 hours every day.

**Proposed condition - Between the hours of 23.00 - 07.00 there shall be no deliveries to the shop and the car wash/jet wash shall remain inoperative.**

Refused - 14 August 2013.

61364 - Redevelopment of existing petrol station including demolition of shop, car wash and industrial building and erection of a retail unit (Class A1) and drive thru coffee shop (Class A1), new car parking, site access and associated works at Ramsbottom Service Station,

Stubbins Lane, Ramsbottom. Approved with conditions - 25 July 2017.

64698 - 2 No. internally illuminated fascia signs and 1 no. mounted totem sign with 6 no. internally illuminated panel signs/24 hours sign to front elevation and 5 no. internally illuminated panel signs to western elevation of petrol station building at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 17 October 2019

64529 - 1 no. internally illuminated totem sign - Esso, 1 no. internally illuminated totem pole sign - Starbucks, 1 no. non illuminated clearance bar, 1 no. internally illuminated wordmark lettering, 1 no. internally illuminated preview menu board, 1 no. internally illuminated 5 panel menu board, 1 no. internally illuminated No entry/thank you directional sign, 2 no. internally illuminated single sided siren roundels, 1 no. internally illuminated wall mounted directional sign, 1 no. internally illuminated drive thru directional sign, 1 no. internally illuminated internal hanging sign, 1 no. banner frame t Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 23 September 2019

64654 - Variation of condition no. 2 (approved plans) of planning permission 61364 for amended car parking layout, reduction in spaces from 20 to 19 and relocation of bin store t Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 30 October 2019

#### Adjacent site

59005 - Demolition of buildings and redevelopment for Use Class C2 residential accommodation with care comprising 57 apartments for persons aged 65 and over at land of Factory Street, Ramsbottom. Approved with conditions - 10 August 2016.

#### Publicity

The neighbouring properties were notified by means of a letter on 19 July 2019 and site notices were posted on 24 July 2019.

7 letters were received from the occupiers of 23, 25, 29, 31, 33, 73 Stubbins Lane and 30 Factory Street, which have raised the following issues:

- The previous garage was open till 22.00 hrs and would close early as there was no passing trade.
- The retirements home on either side suffer from light and noise pollution from overlarge signage.
- There are other options nearby that already have 24 hour access for retail.
- The petrol station has opened on a 24 hour basis before without consent and took over 6 months to stop.
- It is not necessary to open 24 hours a day, 7 days a week. During the night the road is very quiet. How long until the coffee shop is open 24 hours as well?
- Increased traffic movements will disturb the local residents.
- The location could become a local gathering spot for people leading to anti social behaviour
- They do not have permission for the opening hours of the adverts.
- By opening this Las vegas style coffee palace you have allowed it to get worse and the independent coffee shops that have tried to make the centre more desirable will have an uncertain future.
- I am also very disturbed about the 24 hour application, I can only imagine that this will just encourage gangs of youths to hang around, just like they do at McDonald's in Rawtenstall, I believe that is a big problem.
- Another thing is we already have problems with parking here and this is only going to add to it. I'm just wondering if anybody from planning actually came to look at the site, probably not.
- Complain about articulated refrigerated lorries delivering to the premises between 1 and 3.30 in the morning and the unloading which takes 20 - 30 minutes.
- While the lorries are unloading the diesel engines are kept running and the lowering of the tail lift causes noise issues

- The Euro Garage petrol station on Stubbins Lane Ramsbottom is still operating 24 hours. This is causing problems with the station lights constantly being on and as they are so close to the houses opposite you get a constant red glow shining into your property.
- Taxi drivers tend to use the station at night and the revving of engines as they leave the forecourt is causing disturbance.
- The Starbucks has become a youth club and the constant loud conversations from young people moving between the coffee shop and the main Spar is disrupting the peace late at night.
- Also we are finding litter being strewn across the street.

25 neighbouring properties were notified of the revised plans/supporting information on 14 November 2019.

There was no further response.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections.

**Environmental Health - Pollution Control** - No objections.

**Environmental Health - Commercial Section** - No response

**Design for Security** - No response

**Pre-start Conditions** - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

### **Unitary Development Plan and Policies**

EC2/1	Employment Generating Areas
EC2/2	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Shopping Policy** - The fact that the retail function, associated with the petrol filling station, already has consent, the extension of the opening hours would not raise any policy issues in

this respect. Given that the extended opening would occur when much of the town centre is closed, the proposal would not have a significant impact on the retail function of the centre.

**Residential amenity** - There are residential properties on Stubbins Lane and a care home (The Cottons) has been constructed on the site to the south of Porritt Way. It is acknowledged that there have been some issues in the past (2013) and noise and disturbance was reported within objection letters. The type of noise and disturbances (intermittent shouting, revving of cars, horns etc) were of a type that would be difficult to measure within a typical noise assessment and as such, were not been afforded due weight in the application (56382).

However, planning consent was granted in 2017 for a petrol station, retail unit and drive thru coffee shop and the petrol filling station only would be open for 24 hours.

A noise assessment was submitted with the application and an updated noise report, which took account of the petrol filling station being open and the potential impact upon the occupiers of The Cottons. The results of the assessment detailed with the report indicate that the payment of fuel in the shop as opposed to the night hatch at the shop, would not cause any discernable change in noise for occupiers of the nearby properties. The operation of the shop between 22.00 and 06.00 would lead to some additional visits, but these are likely to be minimal and would be unlikely to increase the noise for the occupiers of the adjacent properties.

The application site has been in operation on a 24 hour basis since 2020 and the Council is unaware of any complaints being made in relation to noise. Environmental Health - Pollution Control have no objections to the retail unit being open on a 24 hours basis. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

The impact of the lights and advertising being switched on for longer is not considered a valid reason to refuse the application given the controls that can be put on to limit the lighting levels and spillage of light into the surrounding area.

**Visual amenity** - The only impact on visual amenity is lighting and litter. As mentioned above, conditions could be attached to any approval that would mitigate the impact of the lighting to an acceptable degree. With regard to litter, the petrol station would have litter bins which would be used by customers as they are currently.

#### **Response to objectors**

- There have been instances in the past when the petrol filling station opened on a 24 hour basis but the owners reverted back to the opening hours within permission 25094. Since then the site has been redeveloped and the petrol filling station has consent to dispense fuel on a 24 hour basis.
- Applications for advertisement consent has been granted on the site (64529 and 64698) which contain conditions restricting the luminance (or brightness) of the signs and the hours the signs can be illuminated.
- The issues of competition are not material planning considerations and cannot be taken into account.
- The issue of additional vehicle movements and the associated noise has been addressed in the main report.
- The retail unit has been open for 24 hours for over 2 years and no complaints of anti-social behaviour have been received.
- The proposed development provided 19 spaces, which would comply with the maximum parking standards for this development.
- The hours of delivery are restricted. In recent months no complaints have been received about the deliveries to the site.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to drawings numbered Location plan, 170118\_PL3E 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 listed.

2. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

3. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

4. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation has been provided and approved in writing by the Local Planning Authority that no active bird nests are present.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. The development hereby approved shall only be carried out in accordance with the landscape management plan approved as part of condition 8 of permission 61364. The approved plan shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
EN8/2 – Woodland and Tree Planting  
Policy EN6/3 - Features of ecological value.
7. Foul and surface water shall be drained on separate systems.  
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
8. The development hereby approved shall be carried out in accordance with the drainage scheme approved as part of condition 11 of permission 61364 and shall be implemented prior to first occupation of the dwellings hereby approved.  
Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
9. The retail unit (Class A1) hereby permitted shall be open on a 24 hour basis. The coffee shop (Class A1) hereby permitted shall not be open to customers outside the following times:  
06.00hrs to 22.00hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
10. Deliveries to the site shall only take place from 06.00 for the coffee shop and from 08.00 to 20.00 for the retail unit and petrol deliveries.  
The deliveries shall be co-ordinated in accordance with a management plan, which must be submitted to and approved in writing by the Local Planning Authority prior to the buildings being first brought into use.  
Reason. In the interests of residential amenity pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
11. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being first brought into use.  
Reason. To ensure adequate off street car parking provision in the interests of

road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

For further information on the application please contact **Helen Leach** on **0161 253 5322**



**Ward:** Prestwich - Holyrood

**Item** 02

**Applicant:** Square One Homes (NW) Ltd

**Location:** Land off Poppythorn Lane, Prestwich

**Proposal:** Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development

**Application Ref:** 67431/Full

**Target Date:** 14/12/2021

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1 and for 2 no. affordable dwellings in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.**

#### **Description**

The application site is a triangular piece of land, containing a number of garages and commercial buildings, which are in a state of disrepair. The Metrolink line and Prestwich station are located to the southeast of the site and the land rises quite steeply from the garage site to the line. There are residential dwellings, of two storeys, to the north and east of the application site, with the rear gardens facing the site. There is a single track access road, leading to Prestwich Cricket ground, which is located between the residential properties and the application site. There is also a pedestrian access to the town centre, which passes under the Metrolink line.

The application site is located within Prestwich town centre and is allocated within the UDP as a potential park and ride scheme for the Metrolink.

Permission has been granted twice for residential development in 2010 and 2012. Both these applications were in outline and both permissions have lapsed.

The proposed development involves the erection of 18 dwellings in a single 'linked' building. The proposed buildings would be part two storey and part three storeys in height and would be linked by the external, sheltered staircase. The proposed development would be accessed from Poppythorn Lane, which would link through to the existing cricket club. Access to the rear of the dwellings on Heys Road would be maintained. 18 parking spaces would be provided off the new access road to the front of the site and private amenity space would be provided to the rear of the building.

#### **Relevant Planning History**

42744 - Demolition of existing garages, proposed 15 apartments and associated parking (outline) at land to rear of 12 - 28 Heys Road, Prestwich. Withdrawn - 15 July 2004

43478 - Residential development - Demolition of existing garages and erection of 15 apartments and associated parking (outline) at land off Heys Road, adjacent the Metrolink Station, Prestwich. Refused - 15 December 2004

49236 - Demolition of existing garages and erection of 12 no. dwellings at land off

Poppythorn Lane, Prestwich. Refused - 10 April 2008.

50140 - Demolition of existing garages and erection of 12 dwellings (resubmission) at land off Poppythorn Lane, Prestwich. Withdrawn - 1 September 2008

52820 - Outline - Demolition of existing buildings and erection of 12 no. dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Approved with conditions - 1 October 2010.

53963 - Outline - Demolition of existing buildings and erection of 9 dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Withdrawn - 29 June 2011

54722 - Outline - Demolition of existing buildings and erection of 9 no. dwellings and associated access and car parking (Resubmission of 53963) at land off Poppythorn Lane, Prestwich. Approved with conditions - 2 March 2012.

02479/E - Erection of 20 no. dwellings with new access road at former coal yard, land south of Poppythorn Lane, Prestwich. Enquiry completed - 30 June 2021.

### **Publicity**

The neighbouring properties were notified by means of a letter on 21 September 2021 and a press notice was published in the Bury Times on 14 October 2021. Site notices were posted on 5 October 2021.

1 letter in support has been received from the occupiers of 4 The Heys, which has raised the following issues:

- Developing the site will enhance the environment and improve security. The current site is an eyesore with dilapidated garage units.
- The new plan includes a new access road to the cricket club, which will be an improvement, doing away with the current dirt track road, which generates a lot of dust in dry weather and is challenging for large delivery vehicles to access the cricket club.
- There is demand for new housing in the Bury area. The location is a brownfield site and as such should be favoured for development ahead of building on green belt.
- My support is caveated with a need to address the drainage issue as the development site is at a higher elevation than The Heys cul-de-sac so there is may be an increased risk of flooding in The Heys following development.
- Also, The Heys shares a postcode with the cricket club so it's important that contractor traffic is aware to arrive at the correction location to avoid lots of avoidable turning around in the cul-de-sac where children play.

21 letters have been received from the occupiers of 6, 8, 10, 15 The Heys, 8, 12, 18, 19, 20, 22, 24, 26, 28, 32, 68, Heys Road, 16 Heaton Road, 23 Thick Hollins, which have raised the following issues:

- Where are the detailed plans for this development?
- The housing is not in keeping with the properties in the surrounding area
- Two storey properties may be acceptable but three storeys would be too high, especially as the properties on The Heys are 5 feet below the ground level for this development.
- Flooding issues. Will additional drainage be provided?
- Increase in traffic and lack of parking.
- The proposed building would tower over the existing dwellings.
- 19 units would be too many for the size of the plot, making it overdeveloped.
- Impact upon wildlife and surrounding trees
- The developer has prioritised maximising profit with a high density living scheme.
- Loss of privacy
- Residents will need to maintain access to the rear of their properties.
- Most residents will have more than 1 car. Where will the second car park?
- The proposed design is bland and will not bring any architectural merit to the area
- The site is not large enough to accommodate the number of dwellings proposed.

- If permission is granted, I need assurance that the access is maintained to my driveway and that the road would be of sufficient width to ensure I can back onto my drive.
- Concern about how construction work would affect my property.

The objectors have been notified of the Planning Control Committee meeting.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections in principle. Further comments to be reported in the Supplementary Report.

**Drainage Section** - Any comments shall be provided within the Supplementary Report.

**Environmental Health - Contaminated Land** - No objections, subject to the inclusion of conditions relating to contaminated land.

**Environmental Health - Air Quality** - No objections, subject to the inclusion of condition relating to electric vehicle charging points.

**Environmental Health - Pollution Control** - Any comments shall be provided within the Supplementary Report.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to lighting, nesting birds, invasive species and landscaping.

**United Utilities** - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

**Transport for GM** - No objections, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection.

**Design for Security** - Any comments shall be provided within the Supplementary Report.

**Waste Management** - Any comments shall be provided within the Supplementary Report.

**Pre-start Conditions** - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

### **Unitary Development Plan and Policies**

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2/2	Recreation Provision in New Housing Development
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
HT3/4	Schemes to Assist Metrolink
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
TC2/3	Vacant and Cleared Sites
Area	The Longfield Centre/Bury New Road
PR1	

SPD1	Open Space, Sport and Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

### Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle (Residential)** - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

There are residential developments to the north and east of the site and the proposed residential land use would not conflict with the surrounding land uses. There would be adequate infrastructure available in terms of connections to the utilities and access to the site. The site is currently occupied by garages and various buildings and would be previously developed land. Therefore, residential development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and the NPPF.

**Principle (Park and Ride scheme)** - The site is allocated as a park and ride scheme in association with the adjacent Metrolink station. Policy HT3/4 states that the Council will support the provision of new or improved stations and car parks on the Metrolink system.

Transport for Greater Manchester (TfGM) confirmed during the last application on this site in 2012, that they had identified an alternative site for the proposed car park for the Metrolink, which would be located on the embankment to the south east of the station and within their own land. This site would also allow for level access to the station and platform to be achieved.

The proposed site plan includes an access that could be provided, should TfGM decide to go ahead with the park and ride scheme in this location. TfGM have no objections to the scheme, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection. Therefore, the proposed development would be in accordance with Policy HT3/4 of the Bury Unitary Development Plan.

**Design and layout** - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The proposed development would provide three buildings, which would be connected by sheltered external staircases. The proposed development would provide 6 apartments and 12 duplex apartments with 1 and 2 bedrooms. The middle section would be three storeys in height and the other two sections would be a mix of two and three storey buildings. Whilst the proposed building would be a storey higher than the existing dwellings, the finished floor levels for the proposed building would be significantly lower. As such, the proposed building would be the same height as the existing dwellings on Heys Road.

The existing dwellings on The Heys are lower than the application site. However, the proposed building would be two storeys at the closest point, which would be 25.5 metres from the existing dwellings. Given the distance involved, which creates a visual gap, the proposed development would assimilate into the streetscene appropriately.

The proposed windows would be suitably aligned and the use of vertical glazing and Juliette balconies would add visual interest to the elevations. The proposed building would be constructed from red and beige brick with a tile roof, which would be appropriate to the locality.

The development would replace a collection of dilapidated structures and contaminated land from this immediate area. Therefore whilst the proposed development is essentially a piece of backland and is not positioned within the main streetscene it would regenerate a piece of brownfield land in a positive way and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon surrounding area** - The proposed site plan indicates that a reasonable amount of private amenity space would be provided to the north east of the proposed building, which would be acceptable in size. The proposed bin stores would be located at either end of the access road and would be of an acceptable size. The proposed boundary treatments would be a 1.8 metre high mesh fence and a 0.4 metre high knee rail, which would be acceptable in a residential area. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

There are three blocks and these are referred to as Block 1, which contains units 1 - 5, Block 2, which contains units 6 - 13 and Block 3, which contains units 14 - 18.

There would be 22.4 metres between the rear elevation of unit 2 in block 1 and the rear elevation of 22 Heys Road, which would be in excess of the 20 metre aspect standard.

There would be between 23.75 and 31.6 metres between the rear elevation of blocks 1 and 2 and the rear elevation of the existing properties on Heys Road. This would be in excess of

the 23 metre aspect standard.

Block 3 would be located to the rear of No. 8 The Heys, which is at a lower level than the application site. There would be 15.85 metres between the gable wall of the proposed building and the rear extension of No. 8. While this would be 15 cm below the aspect standard, this would not be sufficient to warrant refusal of the scheme.

There would be 11 metres between the front elevation of the proposed building and the boundary of the site, which would be in excess of the 10 metre aspect standard.

Therefore, the proposed development would be appropriate in terms of aspect standards sought by policy and would not have a significant adverse impact upon the amenity of the neighbouring properties.

**Noise** - A noise assessment was submitted with the application, due to the proximity of the site to the Metrolink line and station. There would be 35 metres between the habitable room windows in the proposed development and the Metrolink station. The noise assessment confirms that with the use of double glazed units and trickle vents, the noise in the proposed apartments would be 25dB and 31dB, which would be an acceptable level. Therefore, the proposed development would not have an adverse impact upon the amenity of the future occupiers in terms of noise and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

**Ecology** - An ecological survey and assessment, including a bat survey was submitted as part of the application. The report states that the site contains common and widespread plant species and none of the habitats within the site are of significant interest from an ecological perspective.

The buildings are assessed to be of negligible suitability for use by roosting bats and no trees support any features suitable for use by roosting bats. As such, the presence of roosting bats can be discounted at the site. The habitats are assessed to be of 'low' suitability for use by foraging and commuting bats.

GM Ecology Unit has no objections, subject to the inclusion of conditions relating to lighting, nesting birds, invasive species and landscaping. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

**Highways issues** - Access would be taken from Heys Road. The existing geometry of the access road includes a 90 degree bend and the proposed development would create a direct access along the longer section to the site and the sports club facility.

Appropriate visibility splays and turning facilities would be provided.

The proposed development would be accessed from the existing single track access, which would be widened to 5.4 metres and a 2.2 metre footpath would be provided. The improved access would continue to serve the parking area for Prestwich Cricket Club. The existing access would continue to serve the garages of the properties which front onto Heys Road.

Indicative access to the Metrolink car park is shown on the proposed site plan, which would ensure access to a park and ride scheme could be provided and maintained.

Comments from the Traffic Section will be reported in the Supplementary Report. However, there are no objections to the principle of the highway layout.

**Parking** - SPD 11 states that the maximum parking standards for a 1 bed dwelling is 1 space and 1.5 spaces for a 2 bed unit in a high access area. This equates to a maximum of 24 spaces.

The proposed development would provide 18 spaces for the proposed development, which would be 1 per unit. The site is located in a highly sustainable location, adjacent to the Metrolink station and is within walking distance of Prestwich town centre. As such, the level of car parking is acceptable and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

**Planning obligations** - The following planning obligations would be required:

- A contribution of £28,115.10 would be required towards recreation in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1.
- 2 affordable units would be required in accordance with the NPPF and Policy H4/1 of the Bury Unitary Development Plan and SPD5.

These would be secured via a Section 106 agreement.

### **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 pre-application discussions 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.

**Recommendation:** Minded to Approve

#### **Conditions/ Reasons**

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 DR-A-A100 B, DR-A-A101 F, DR-A-A102 D, DR-A-A103 B, DR-A-A104 E, DR-A-A105 E, DR-A-A107 A, DR-A-A101 G, P183-655-02 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 listed.

3. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

4. Following the provisions of Condition 3 of this planning permission, where

remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity

6. Prior to occupation the applicant shall provide one EV charging point (minimum 7kW\*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW\*) (for unallocated parking).

\*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

Reason: In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

7. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

8. Foul and surface water shall be drained on separate systems.

Reason. To secure proper drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

9. No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the

Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction methods to be used; including the use of cranes (which must not oversail the tramway);
- measures to control the emission of dust and dirt during construction.

Reason: To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

10. No development shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink embankment has been submitted to and approved in writing by the Local Planning Authority. Developer to pay for slope monitoring during works to ensure that construction works do not adversely affect the stability of the Metrolink embankment.

Reason: To protect the integrity of Metrolink infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

11. No development shall take place until full details of the boundary treatment between the development site and Metrolink land have been submitted to, and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to first occupation of the building hereby approved.

Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

12. No development shall take place, until the detailed design for the drainage of the development, particularly the new highway, has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented in full prior to the first occupation of the building hereby approved.

Reason: To manage the risks associated with water run-off onto Metrolink land and infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

13. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed before the use of the development commences.

Reason: To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

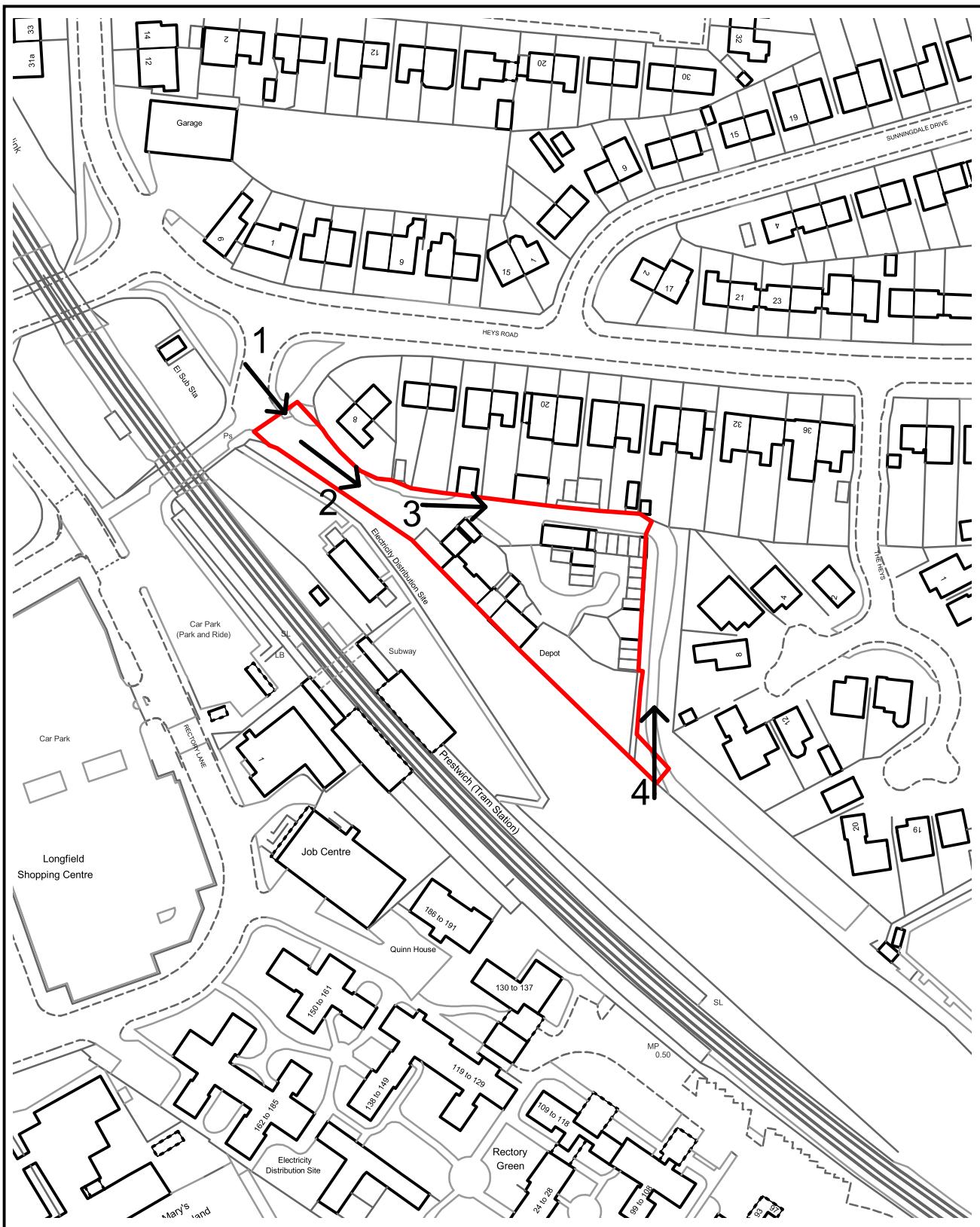
Policy EN1/2 - Townscape and Built Design.

14. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of the development and maintained for the duration of the construction period.
- Reason: To protect trees against root damage and to maintain the status quo with regards the stability of the embankment pursuant to the following Policies of the Bury Unitary Development Plan:
- Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design.
15. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being brought into use.
- Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
16. The development hereby approved shall be carried out in accordance with the lighting scheme (plan reference P183-655-02) which shall be implemented before the building hereby approved is first occupied.
- Reason: To ensure the lighting causes no harm to the wildlife corridor pursuant to Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
17. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
- Reason: In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
18. No development shall commence until full details of a scheme for the eradication and/or control of Virginia Creeper and Wall Cotoneaster is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
- Reason: The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
19. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 67431**

**ADDRESS: Land off Poppythorn Lane  
Prestwich**



**Bury**  
COUNCIL

**Planning, Environmental and Regulatory Services**

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67431

Photo 1



Photo 2



67431

Photo 3



Photo 4



NOTE:  
 1. DO NOT SCALE OFF THIS DRAWING.  
 2. ANY DISCREPANCIES TO BE REPORTED  
 IMMEDIATELY TO THE ARCHITECT.  
 3. ALL DIMENSIONS TO BE SITE CHECKED &  
 VERIFIED BY THE CONTRACTOR PRIOR TO  
 THE MANUFACTURE OR ORDER OF ANY  
 MATERIALS OR GOODS.

### HEYS ROAD



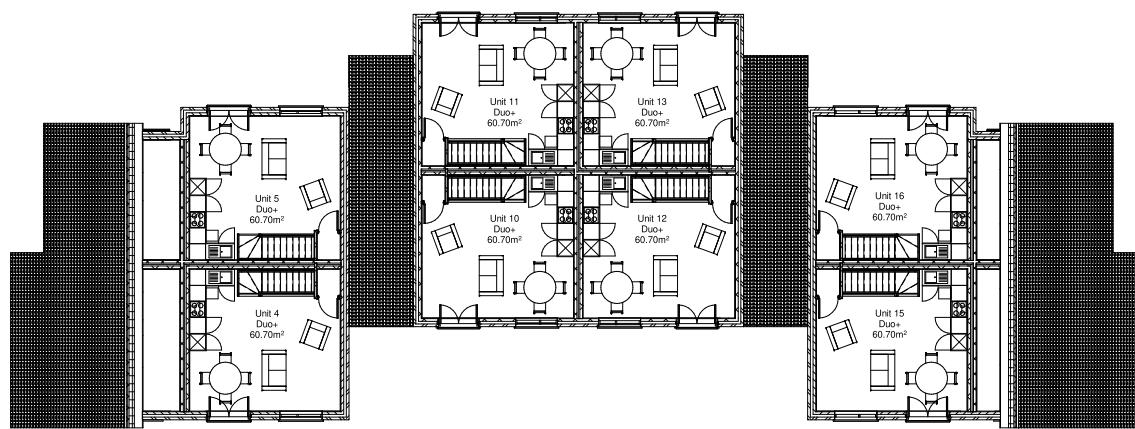
1 Proposed Site Plan Rendered

1 : 200

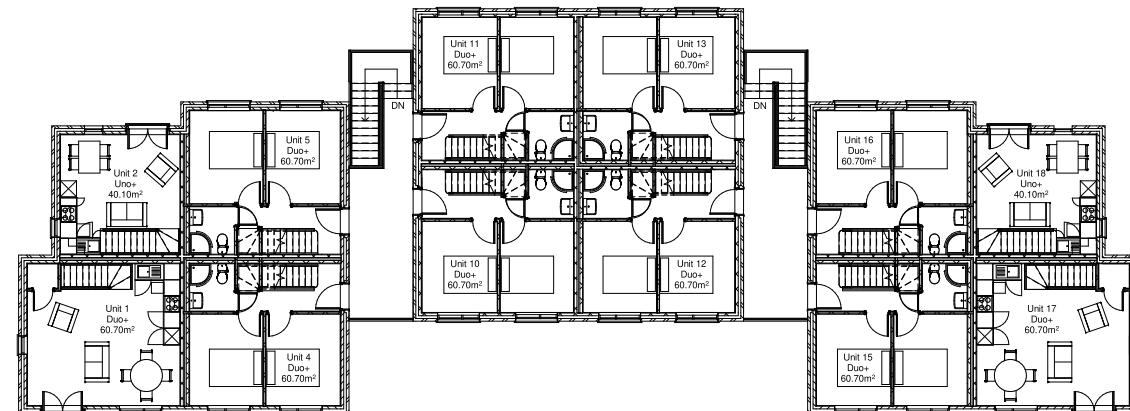
A	Layout updated.	15.07.21
B	Layout updated.	29.07.21
C	Turning area adjusted.	02.08.21
D	Red line boundary and bin stores updated.	10.08.21
Rev	Description	Date

Square One Prestwich Heys Road, Bury, Prestwich		
Proposed Site Plan Rendered		
DRAWING NUMBER		
3889	ABW-	DR-A-A102
DATE	REVISION	STATUS
06/30/21	D	
SCALE	PURPOSE OF ISSUE	
1 : 200		
ABW architects Ltd. architecture building workshop		

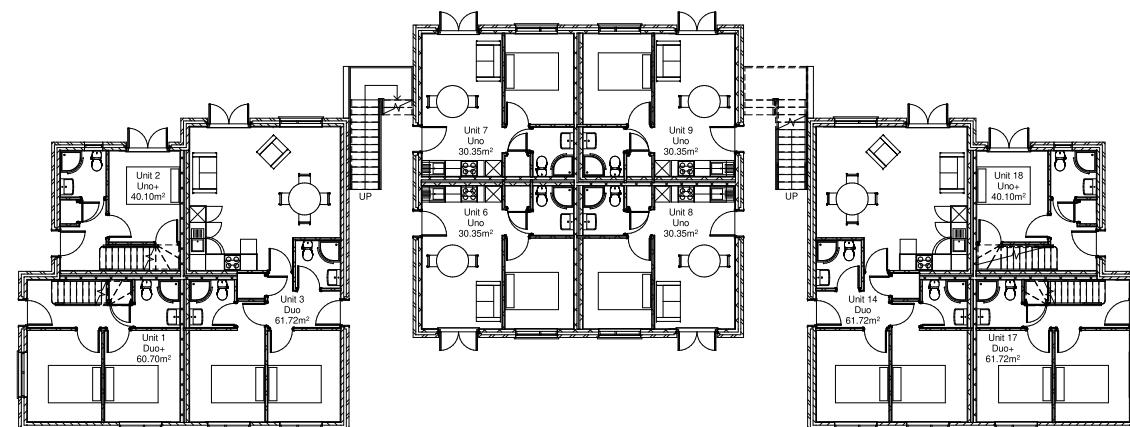
NOTE:  
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③ Proposed Second Floor Plan  
1 : 100



② Proposed First Floor Plan  
1 : 100



① Proposed Ground Floor Plan  
1 : 100

A Block sizes increased; area updated: 08.07.21

B Alteration to front windows in unit 1, 17: 15.07.21

Rev Description Date

Square One Prestwich  
Heys Road,  
Bury,  
Prestwich

Proposed Internal Unit Floor Plans

DRAWING NUMBER

3889 ABW- DR-A-A103

DATE 06/23/21

SCALE 1:100

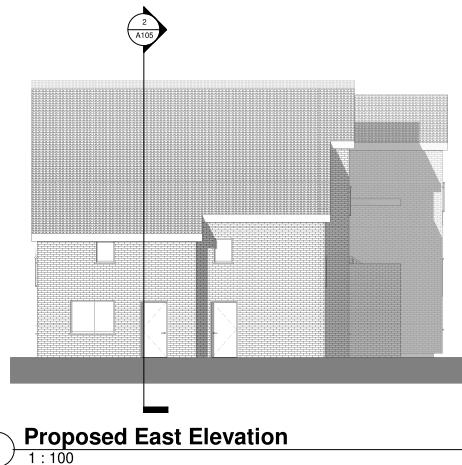
PURPOSE OF ISSUE

**ABW** architects Ltd.  
architecture building workshop

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15/07/2023 13:19:49

NOTE:  
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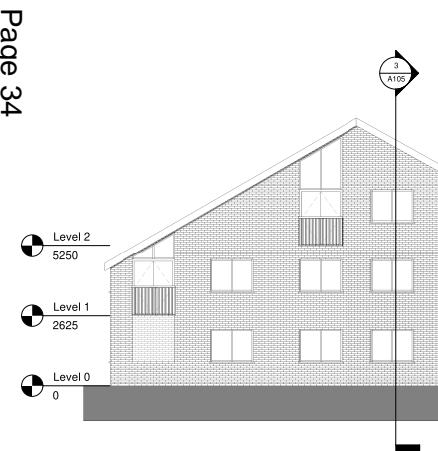
Page 34



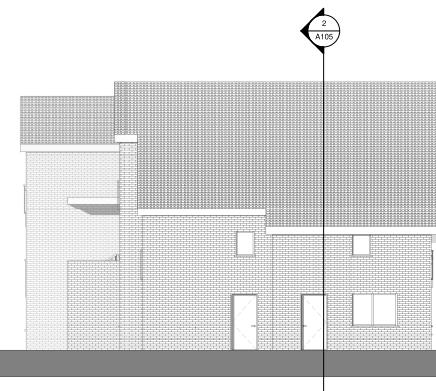
① Proposed East Elevation  
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② Proposed North Elevation  
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④ Proposed South Elevation  
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③ Proposed West Elevation  
1 : 100

#### EXTERNAL FINISHES

Roof:	Concrete inter-locking tiles
Walls:	Facing brickwork (mixture of red/brown and brown/buff)
Windows:	uPVC (mid grey)
Front doors:	Pre-finished / painted composite timber
Balustrades:	Pre-finished / painted metal
Fascias and soffits:	uPVC (mid/dark grey)
Gutters and downpipes:	(mid/dark grey)

A Communal staircase flight updated; roof pitch above stairs flattened. 08.07.21

B Paler brickwork strip added; windows updated; block positions shifted. 15.07.21

C Brickwork updated; Juliet balconies. 29.07.21

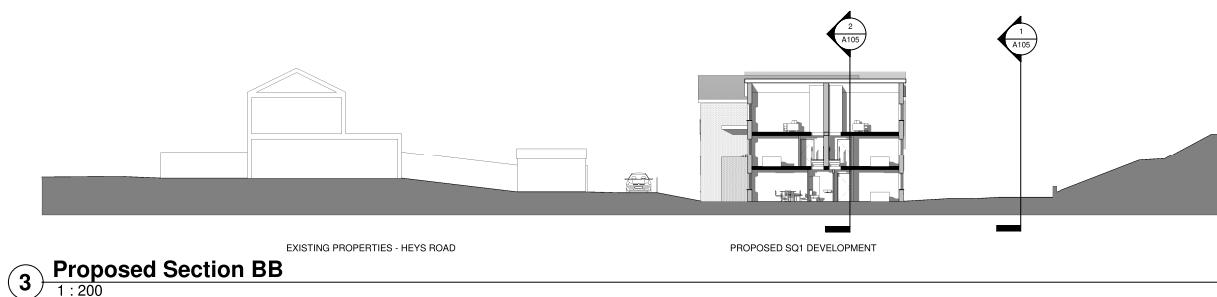
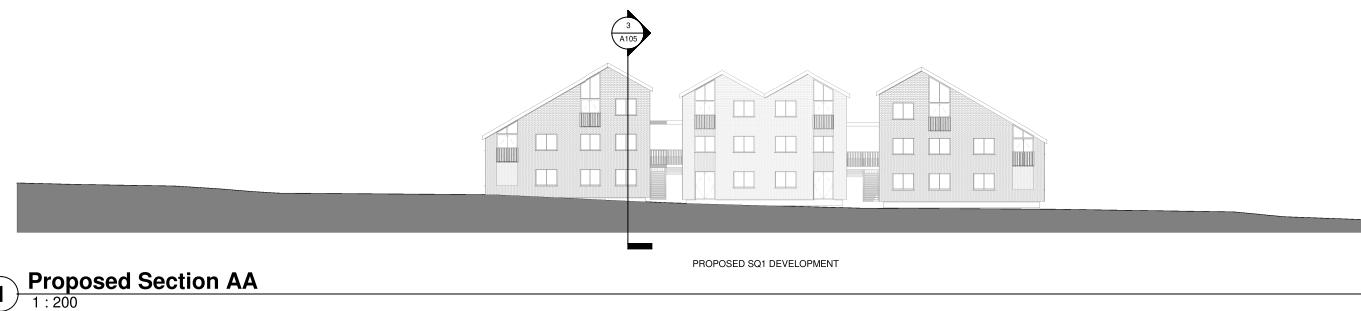
D External finishes list added. 04.08.21

E External finishes list added. 10.08.21

Rev Description Date

Square One Prestwich Heys Road, Bury, Prestwich		
Proposed Elevations		
DRAWING NUMBER		
3889	ABW-	DR-A-A104
DATE	REVISION	STATUS
06/23/21		
SCALE	PURPOSE OF ISSUE	
1 : 100	E	
ABW architects Ltd. architecture building workshop		A1 C

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A	Block positioning updated.	15.07.21
B	Brickwork to the elevation updated.	29.07.21
C	Juliet balconies updated.	04.08.21
D	Labelling updated.	10.08.21
Rev	Description	Date

Square One Prestwich  
Heys Road,  
Bury,  
Prestwich

Proposed Site Sections

DRAWING NUMBER	REVISED	STATUS
3889 ABW-	DR-A-A105	
DATE 06/23/21		
SCALE 1 : 200	D	PURPOSE OF ISSUE
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**Ward:** Radcliffe - East

**Item 03**

**Applicant:** Watson Homes / Irwell Valley Housing Association

**Location:** Land at Morris Street, Radcliffe, Manchester, M26 2HF

**Proposal:** Variation of conditions 2 (approved plans) and 4 (materials) to allow construction of retaining wall to the frontage of plots H1-H14 including associated steps / railings to comply with condition 16 relating to site levels; Reduction in height of eaves and ridge of proposed dwellings, addition of canopies to main entrances; Removal of condition 3 (affordable housing) which will be replaced by a legal agreement

**Application Ref:** 67546/Full

**Target Date:** 10/11/2021

**Recommendation:** Minded to Approve

**It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for affordable housing in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.**

#### **Description**

Prior to the commencement of the flood defence works, the site consisted of open brownfield land to the south of Morris Street. As part of the flood defence works, an earth bund and a wall have been constructed on the perimeter of the site by the Environment Agency. The site was last used as a compound for the construction of the Radcliffe and Redvales flood defence scheme and the site was vacated in late summer 2021.

There are residential properties to the north, east and west of the site and the River Irwell is located to the south.

Planning consent (65015) was granted for the erection of 25 dwellings, which would be a mix of semi-detached and detached properties. The proposed dwellings would be two storeys in height and would be constructed from brick with grey concrete tiles. The proposed dwellings would be constructed behind the recently constructed flood defence by the Environment Agency. Access would be taken from Morris Street.

The proposed development involves the variation of conditions 2 (approved plans) and 4 (materials) and the removal of condition 3 (affordable housing). The changes involve the:

- Construction of a retaining wall from a retaining wall block/brick to the frontage of plots H1 - H14 including associated steps and railings to ensure compliance with condition 16 of permission 65015.
- Reduction in height of eaves and ridge of proposed dwellings
- Addition of canopies to main entrances of dwellings

The applicant seeks approval for the removal of condition 3, which ensured that the units remain as affordable housing. This condition does not include an exclusion for a mortgagee, which is causing problems in raising funds for future developments by the applicant on other sites. It is proposed that the condition is replaced by a legal agreement, which would secure the units as affordable units and would allow the exceptions sought by the applicant.

A condition discharge application has been made to discharge the pre-commencement conditions on application 65015.

The removal of the conditions/variations of conditions permits only a consideration of those conditions and the issues involved specifically in those, not a revisit of the development principles or other non-related issues.

### **Relevant Planning History**

55583 - Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths at land off Morris Street, Radcliffe. Approved with conditions - 30 September 2013.

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell at land to south of Morris Street & land within Close Park, Radcliffe. Approved with conditions - 28 March 2019.

64801 - Redesign of the previously approved flood defence bund to provide sheet piled wall and bund at land at Morris Street, Radcliffe. Withdrawn - 22 July 2000.

65015 - Construction of 25 no. dwellings with associated access, landscaping and ancillary works at land at Morris Street, Radcliffe. Approved with conditions - 23 March 2021.

65020 - Retention of a construction compound, consisting of site cabins, cycle store and car parking, until completion of flood defence works in June 2021 at land to south of Morris Street, Radcliffe. Approved with conditions - 11 February 2020.

### **Publicity**

The neighbouring properties were notified by means of a letter on 29 September 2021 and a press notice was published in the Bury Times on 7 October 2021. Site notices were posted on 5 October 2021.

3 letters have been received from the occupiers of 12 Morris Street, 35 Dumers Chase and 190 Dumers Lane, which have raised the following issues:

- Why are these houses blocking the light in to my kitchen/dining room (1 metre from the boundary). I have been told there is nothing I can do.
- The boundary line appears to be on my property
- I am told there is a window in my kitchen/dining room - it is a door
- I object to the decision to make this affordable housing only as it will devalue the surrounding properties and create issues.
- Where would the steps and retaining wall be built?
- The houses will blockout daylight to our house
- The entry to the site is not adequate to carry more traffic.
- There is a notice banning building of any sort on this land and can only be used for recreational purposes, this being inserted into the covenant of the land when used and owned by the Co-op Funeral Co., who used the land as a bowling green and a tennis court for employees private use.
- All the trees and secure fencing around the outside of the land has been ripped down already by bulldozers.

The neighbouring properties were notified of revised plans by means of a letter on 21 October 2021.

There has been no further response.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Comments awaited and will be reported in the Supplementary Report.

**Drainage Section** - No response

**Environmental Health - Contaminated Land** - No objections

**Waste Management** - No response.

**Environment Agency** - No objections, subject to the inclusion of the conditions recommended as part of the previous application.

**GM Ecology Unit** - No objections.

**Design for security** - No response.  
**United Utilities** - No response.  
**The Coal Authority** - No objections

**Pre-start Conditions** - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

### **Unitary Development Plan and Policies**

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Principle - Residential** - The principle of residential development was established with the grant of planning consent in March 2021. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

**Design and layout** - The proposed addition of canopies above the front door to all plots are minor additions that would enhance and add visual interest to the elevations and would be acceptable.

The proposed development involves the provision of a retaining wall at the front of plots 1 - 14. For plots 1 - 9, the proposed retaining wall would be between 2 metres and 1.3 metres. For plots 10 - 14, the proposed retaining wall would be between 1.9 and 1.6 metres in height.

The proposed retaining wall would be constructed from a retaining wall block/brick with 1.2

metre railings above. The proposed block would blend with the existing and proposed dwellings in the locality and would be acceptable. A ramped access would be provided, which would ensure access for all.

The proposed reduction in the eaves and ridge height of the proposed dwellings would ensure that the proposed dwellings would only be 0.5 metres higher than the adjacent existing dwellings. Given this minor change, the proposed development would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.

There would be at least 20.2 metres between plots 1 - 9 and the properties fronting onto Dumers Chase. There would be between 20 and 22 metres between plots 19 - 25 and the properties fronting onto Dumers Lane. Both of these would be in excess of the 20 metre aspect standard.

There would be 15 metres between plot 25 and the rear of the properties fronting onto Morris Street, which would be in excess of the 13 metre aspect standard required.

There is a window in the gable of No. 12 Morris Street. This window would relate to the kitchen area of the kitchen/dining room and there is a glazed door, which relates to the dining room area. As such, the glazed door to the dining room area would be the habitable room opening and this would back onto the access road. The kitchen window would not be classed as habitable room window and the guidance in SPD6 is clear that less weight will be afforded to habitable room windows located on side elevations. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring property.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/2 and SPD6.

**Other issues** - The proposed changes would not impact upon issues related to contaminated land, ecology, air quality, flood risk, highways or parking issues.

**Removal of condition - affordable housing** - The proposed development involves the removal of condition 3, which states:

The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason. The proposed development has been granted given the particular circumstances of the applicant following a funding package from Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

The condition does not include any exemptions for the mortgagee and does not allow an occupier to exercise the 'right to buy' in due course. As such, it is proposed to delete this condition and replace it with a legal agreement, which would secure the units as affordable

units and would allow the exceptions sought by the applicant, should the situation arise.

Therefore, the proposed development would secure the dwellings as affordable units and would be in accordance with Policy H4/1 of the Bury Unitary Development Plan.

### **Response to objectors**

- The issues relating to loss of privacy and light have been addressed in the main report.
- The impact upon property prices is not a material planning consideration and cannot be taken into account.
- The steps and retaining wall would be constructed to the front of plots 1 - 14.
- There is an extant planning consent in place for 25 dwellings, which can be implemented. The proposed amendments would not generate any additional traffic when compared to the approved scheme.
- The impact upon a covenant is not a material planning consideration and cannot be taken into account.

### **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.

### **Recommendation:** Minded to Approve

### **Conditions/ Reasons**

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 LP1902-3-001 X, LP1902-3-003, LP1902-3-006 J, LP1902-3-200, LP1902-3-300 - Sheet 1, LP1902-3-300 - Sheet 2, LP1902-3-301 - Sheet 1, LP1902-3-301 - Sheet 2, LP1902-3-302, LP1902-3-304 - Sheet 1, LP1902-3-305, LP1902-3-400, LP1902-3-410, LP1902-3-412 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 listed.

3. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to

satisfying the need for affordable housing provision.

4. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

5. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

7. Prior to the commencement of the development hereby approved (excluding site clearance, demolition, or works relating to site investigation, remediation or ground works), a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

8. The development hereby approved shall be carried out in accordance with the reasonable avoidance measures method statement approved as part of condition 11 of permission 65015.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

9. No works to trees or shrubs shall occur between the 1st March and 31st August in

any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

10. The development hereby approved shall be carried out in accordance with the scheme for the eradication of Japanese Knotweed (*Fallonica Japonica*, Rouse Decraene, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*), Giant Hogweed and Monbretia approved as part of condition 12 of permission 65015.

Reason. To ensure the eradication of an invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

11. The development hereby approved shall be carried out in accordance with the method statement to protect the River Irwell approved as part of condition 13 of permission 65015.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

12. No development shall take place until details to show that the proposed development would not impact negatively upon the ecological potential of the River Irwell resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

13. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The scheme shall avoid trees or shrubs within 5 metres of the landward toe of the existing flood defences. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

14. No development approved by this permission shall be commenced until details of the finished floor levels and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason. To ensure the structural integrity of the flood defences, thereby reducing risk from flooding and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and the NPPF.

15. The development hereby approved shall be carried out in accordance with the landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), approved as part of condition 17 of permission 65015. The landscape and ecological management plan shall be implemented prior to first occupation of the dwellings hereby approved.  
Reason. To secure the satisfactory development of the site in the interests of visual amenity and to ensure the protection of wildlife and supporting habitat pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN6/3 - Features of Ecological Value and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
16. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
  - Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
  - Formation of the replacement turning facility on Morris Street and proposed site access to a scope and specification to be agreed, incorporating the provision of footway widths consistent with those in Morris Street, revised footway arrangements at the south west corner of the turning head to provide a minimum width of 1.8m, limits of adoption to an agreed position on the side arm of the turning head, demarcation of the limits the adopted highway, reconstruction of the existing concrete carriageway, provision of adequate arrangements at the interface with the adopted highway to form a maximum 1 in 20 plateau, tactile paved crossing point across the proposed site access/side arm of the turning head at a position to be agreed, give-way markings, and all associated highway and highway drainage works;
  - Formation of the proposed driveway dropped crossings onto Morris Street and reconstruction of both footways to a scope and specification to be agreed;
  - Measures to prevent the discharge of surface water onto the adopted highway from the proposed private estate road;
  - Provision of a street lighting assessment to a scope and specification to be agreed and subsequent scheme of improvements for the junction of the Morris Street with Dumers Lane, Morris Street between this junction and the site access, junction of the site access with Morris Street and the proposed estate road;
  - Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at the junction of the site access with Morris Street and bend in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them.

The details subsequently approved shall be implemented to an agreed phasing plan of both the highway works and housing element of the development and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development  
Policy H2/2 - The Layout of New Housing Development

17. Plots 3 - 9 of the proposed development shall not be commenced unless and until the required stopping-up order has been secured and replacement turning facility on Morris Street has been implemented to an agreed specification and stage of construction, with the facility fully implemented prior to first occupation of the development.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

18. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Access route for vehicles from the highway network;
- Access points to the site for each phase of the development, including any temporary works and measures required to protect highway users and facilitate vehicular access;
- Hours of operation and number of vehicle movements;
- Proposed site hoarding/gate positions clear of appropriate visibility splays onto Morris Street;
- A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

19. No development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road and street lighting within the development have been submitted to and approved by the Local Planning Authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance

details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interests of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

20. The vehicular/pedestrian access arrangements and turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

21. The car parking indicated on the approved plans, incorporating minimum hardstanding lengths of 5.0m and measures to prevent the discharge of surface water onto the adopted highway, shall be surfaced and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

22. Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

23. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

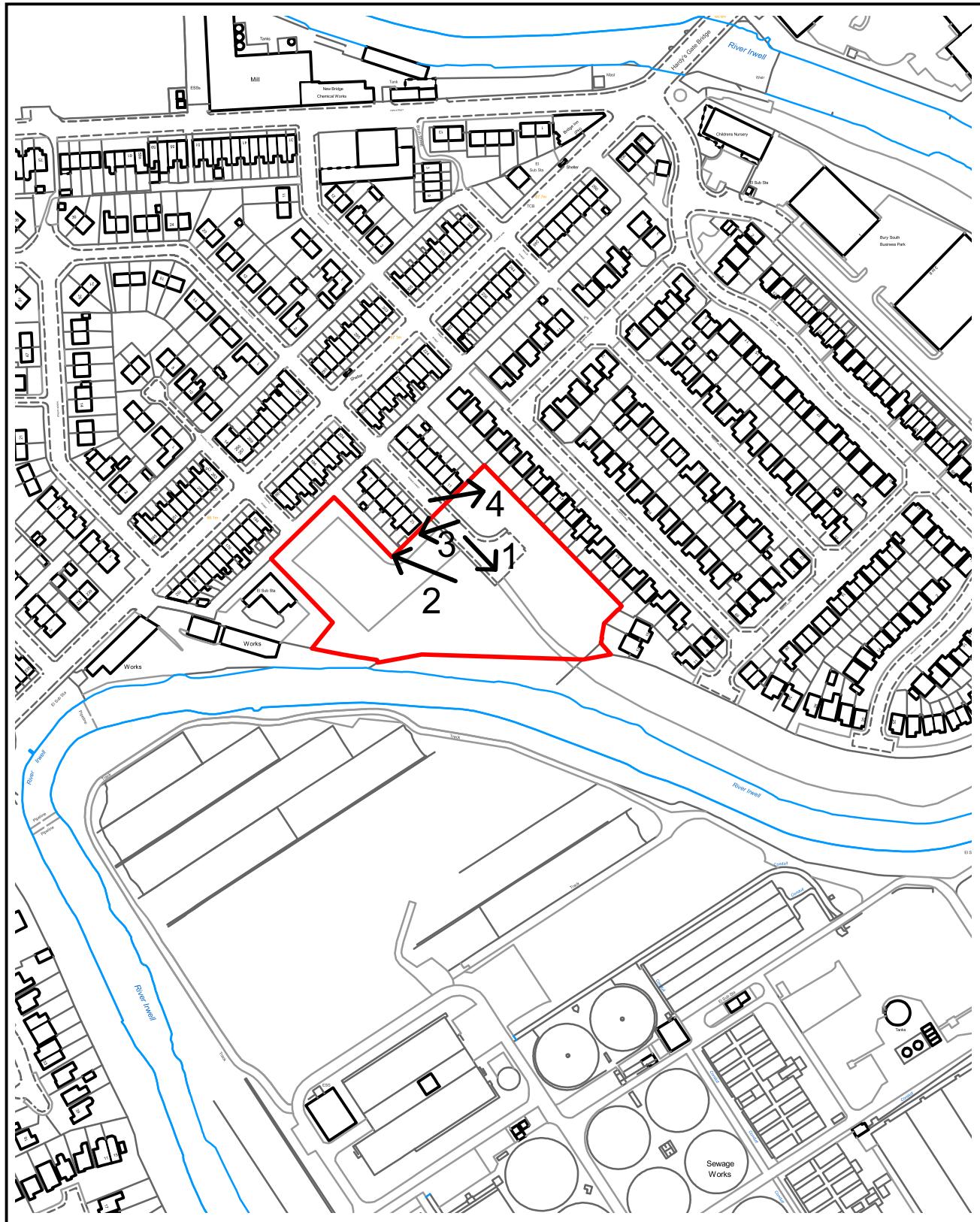
24. Foul and surface water shall be drained on separate systems.

Reason. To ensure a satisfactory scheme of drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 -

Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

# Viewpoints



# **PLANNING APPLICATION LOCATION PLAN**

**APP. NO 67546**

**ADDRESS:** Land at Morris Street, Radcliffe



**Bury**  
COUNCIL

## **Planning, Environmental and Regulatory Services**

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67546

Photo 1



Photo 2



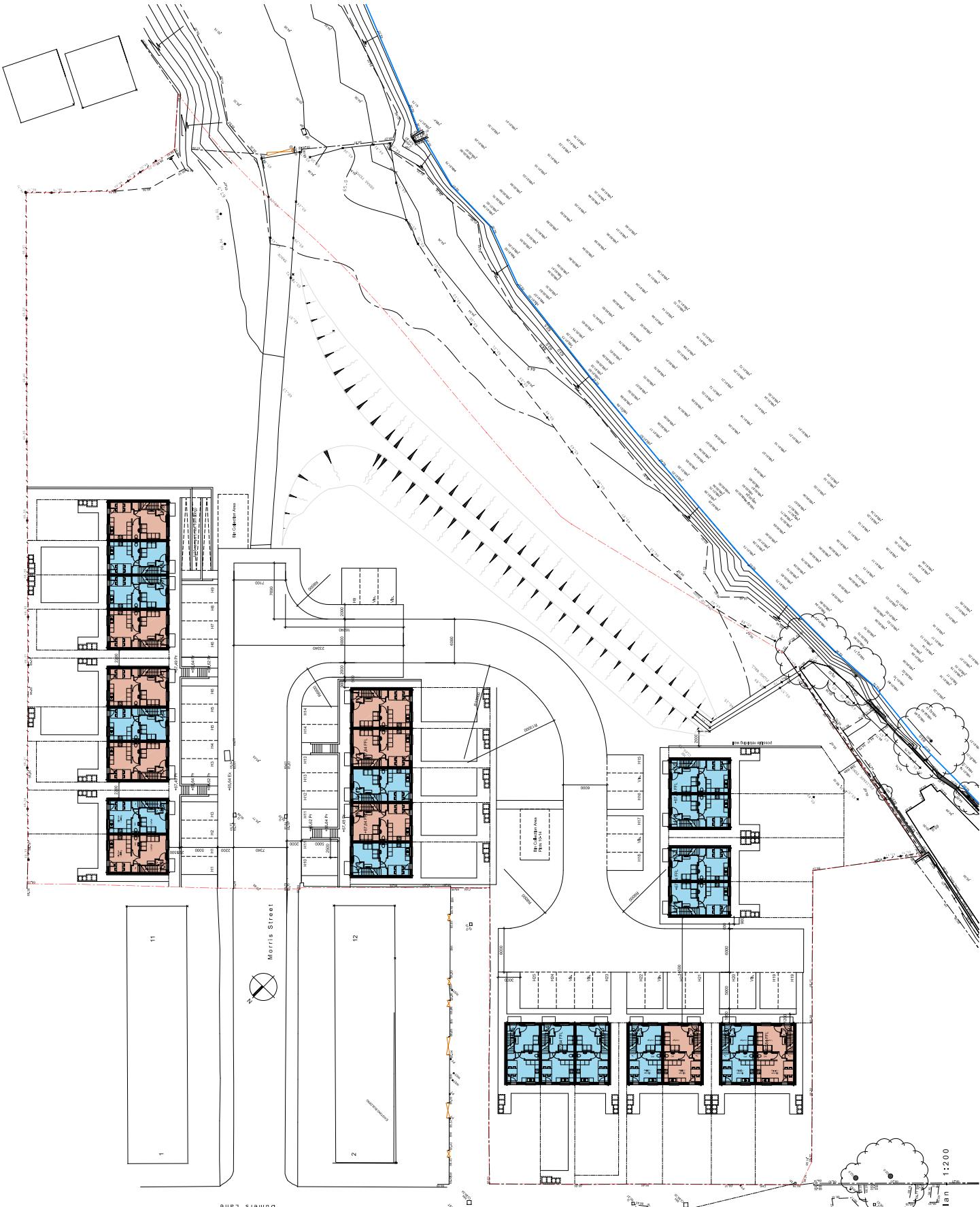
67546

Photo 3

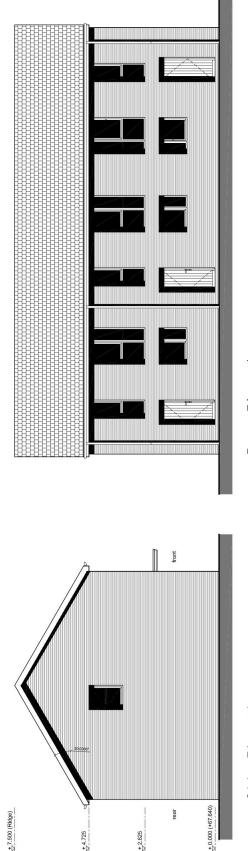


Photo 4





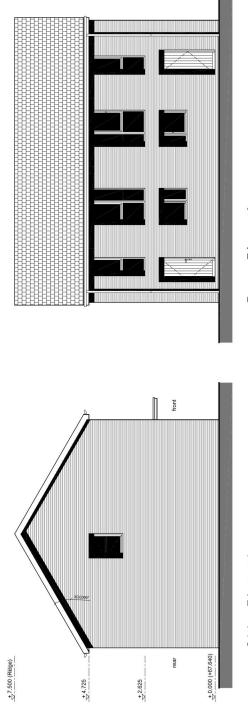
5.7500 (approx.)



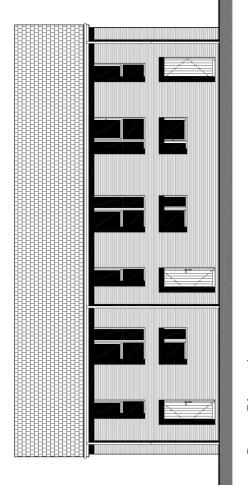
Side Elevation  
Plot 3

Rear Elevation  
Plot 3 & 19-22

5.7500 (approx.)

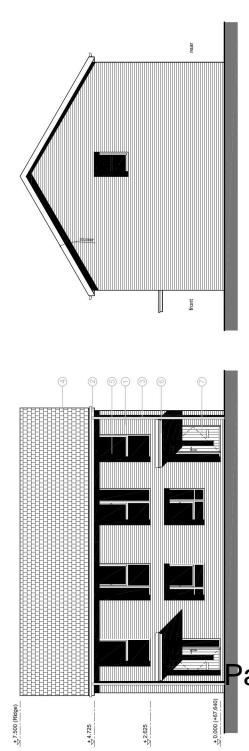


Side Elevation  
Plot 3, 11-2 & 19-22

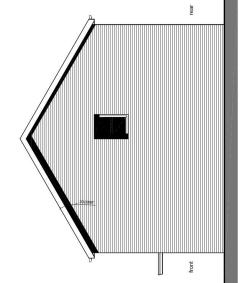


Rear Elevation  
Plot 3

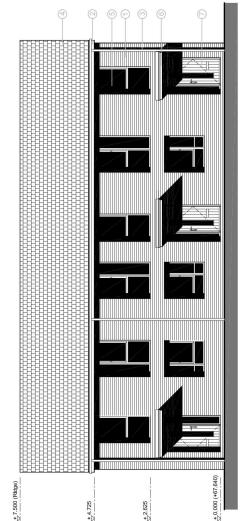
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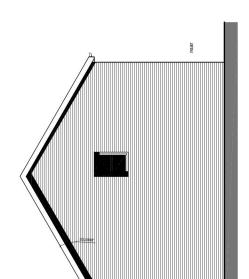
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Plot 3, 11-2 & 19-22



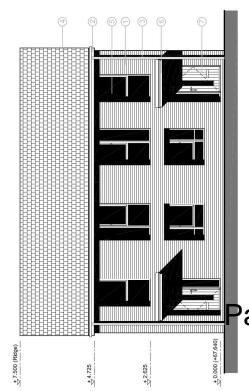
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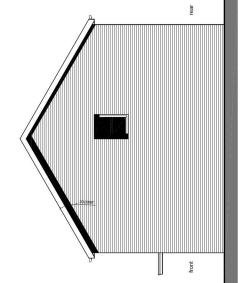
Front Elevation  
Plot 3 - 5



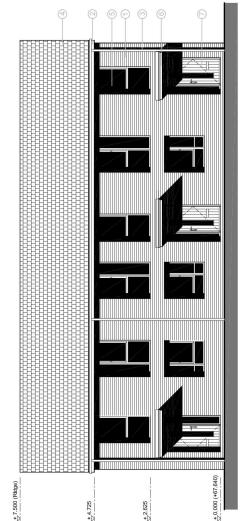
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Plot 3, 20-22



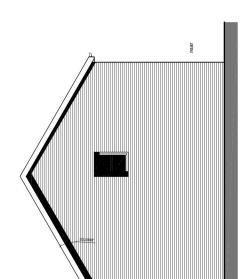
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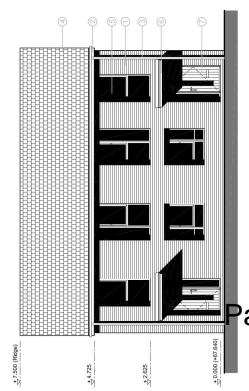
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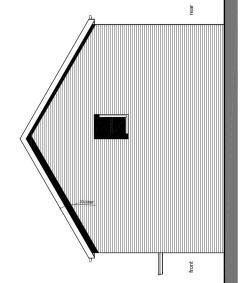
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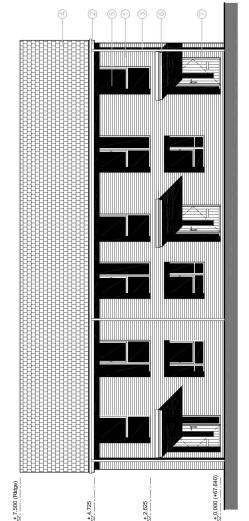
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Plot 3, 20-22



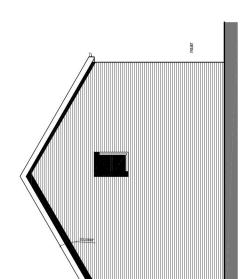
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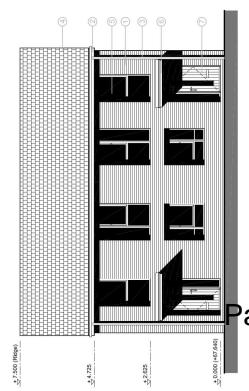
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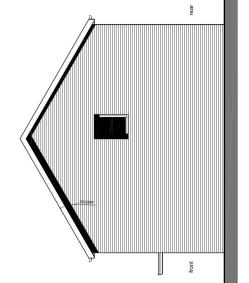
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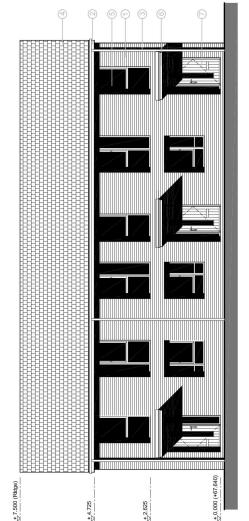
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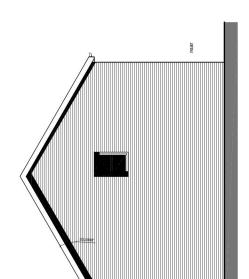
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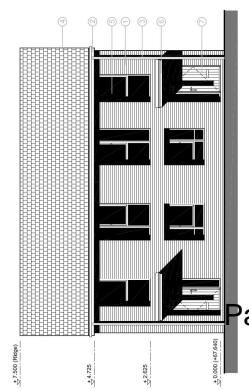
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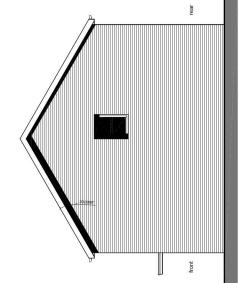
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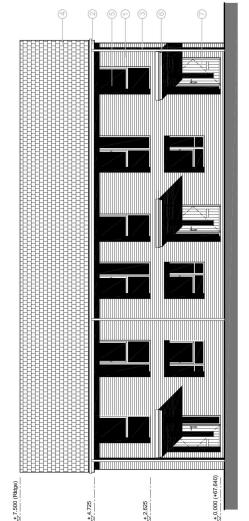
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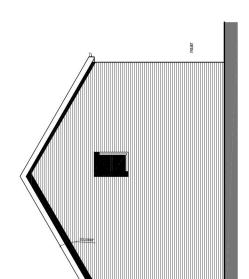
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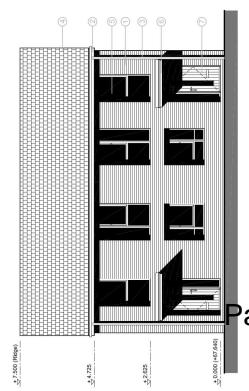
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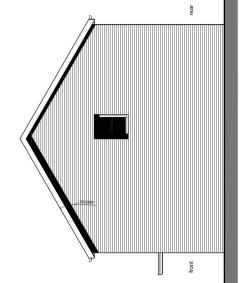
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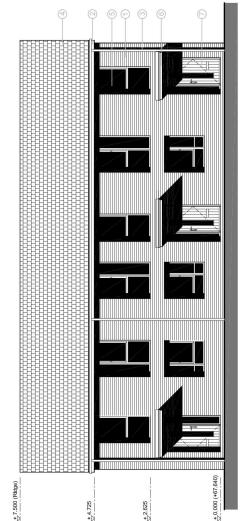
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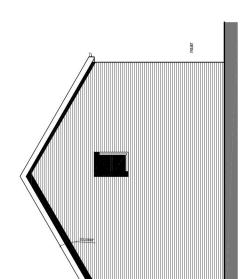
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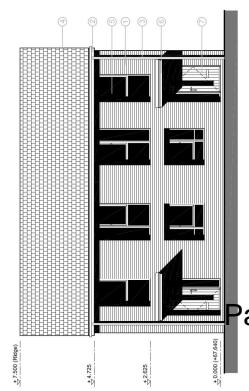
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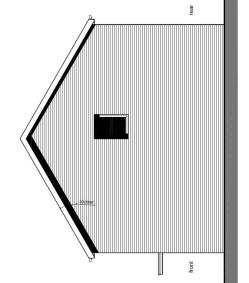
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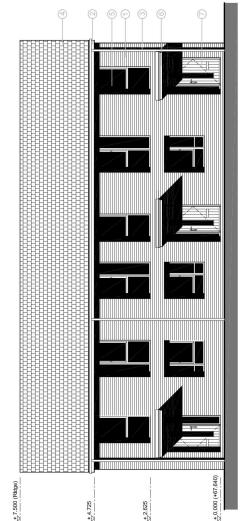
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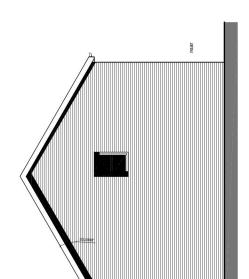
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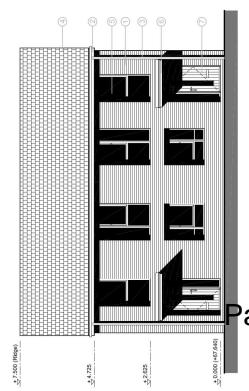
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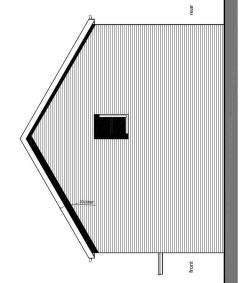
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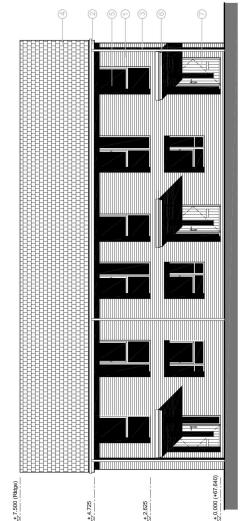
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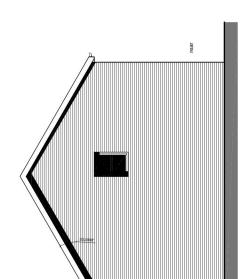
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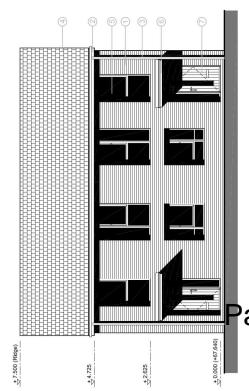
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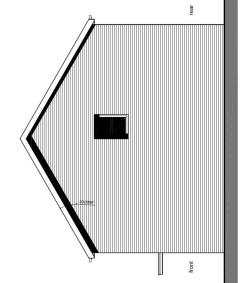
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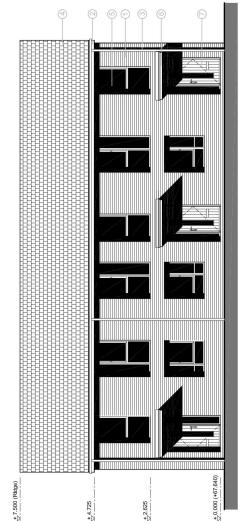
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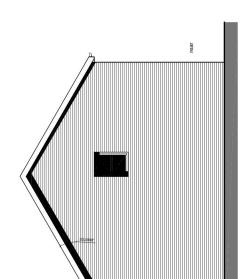
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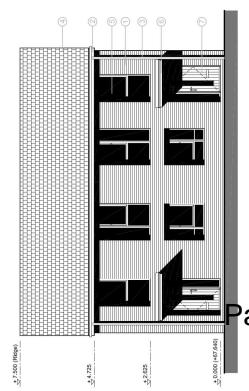
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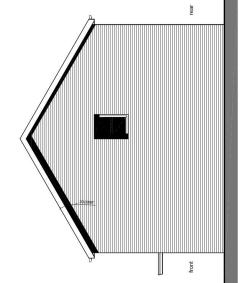
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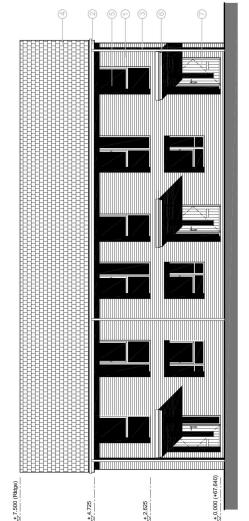
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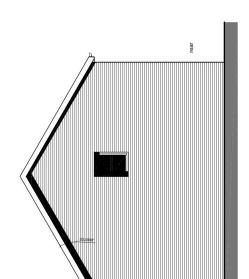
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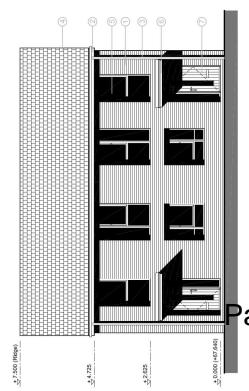
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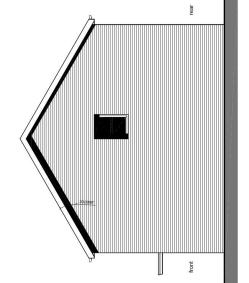
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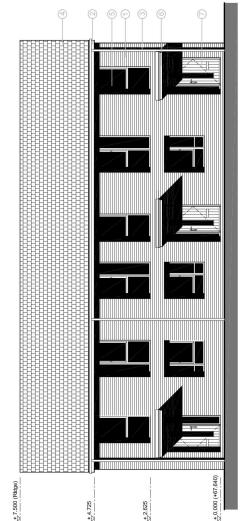
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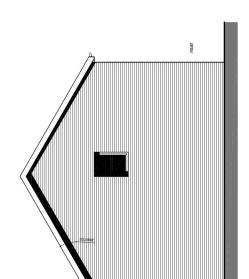
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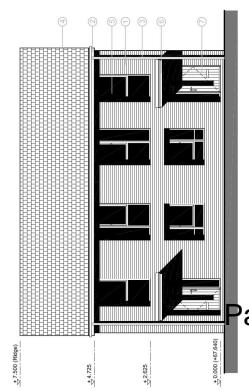
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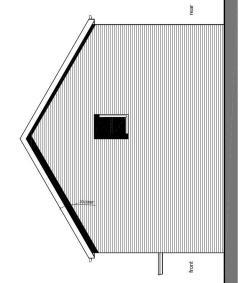
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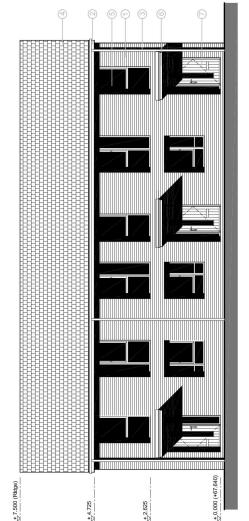
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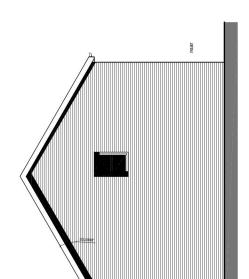
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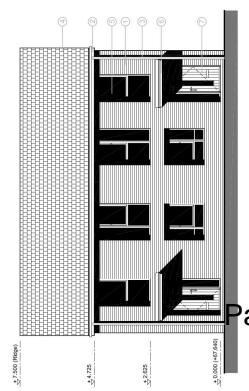
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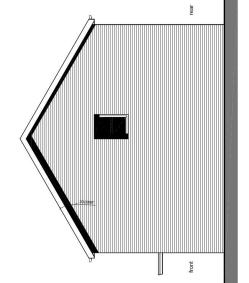
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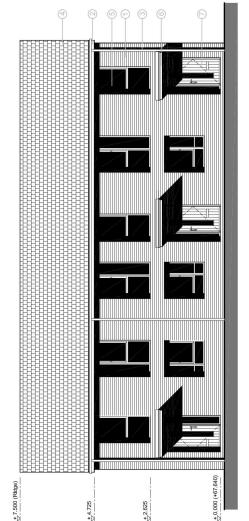
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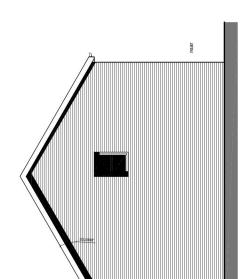
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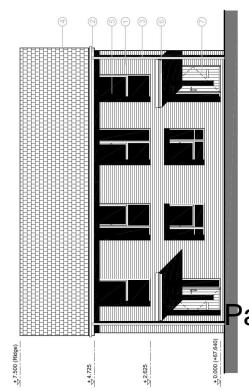
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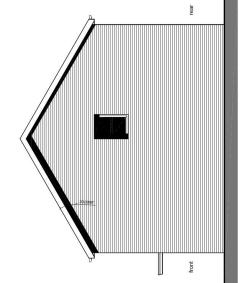
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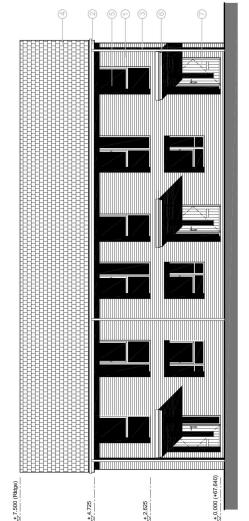
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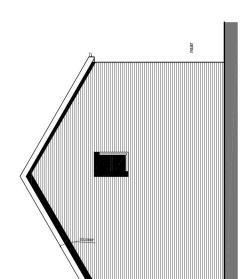
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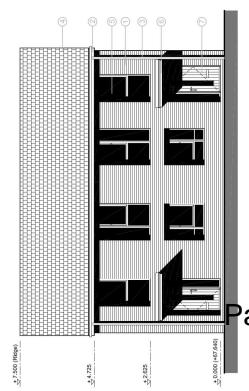
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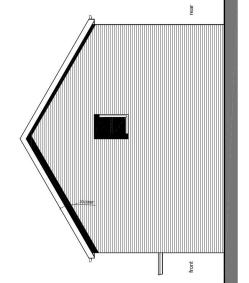
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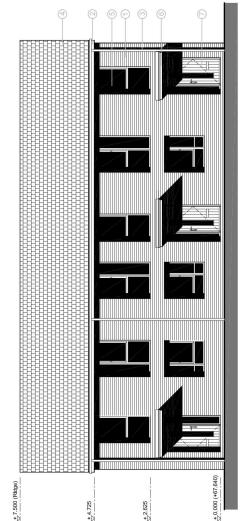
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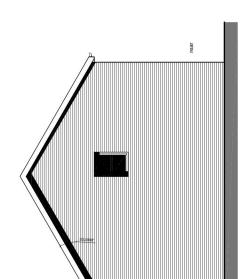
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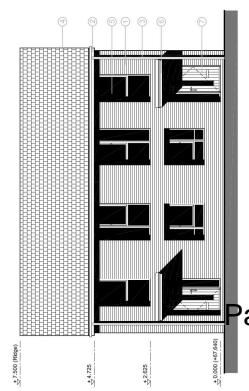
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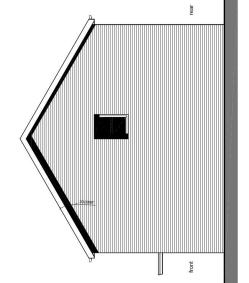
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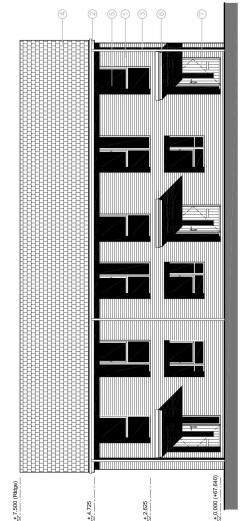
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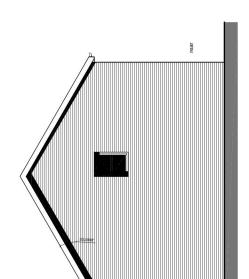
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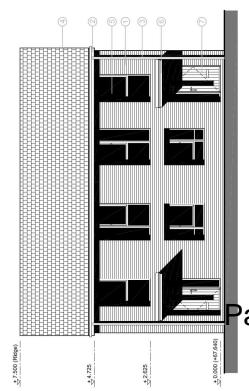
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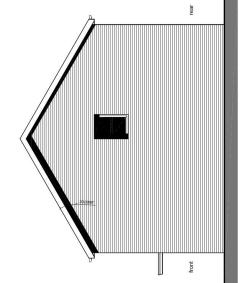
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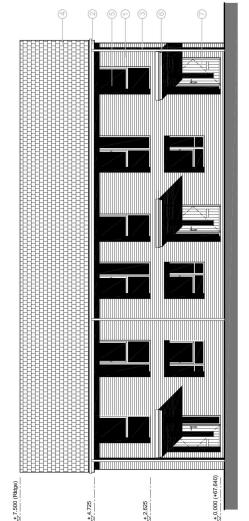
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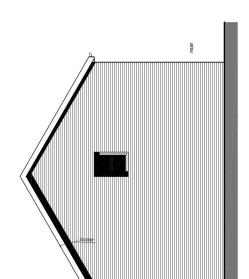
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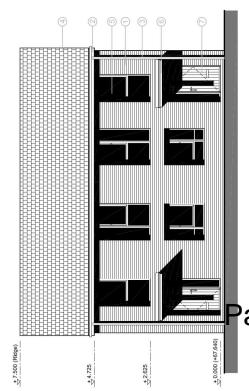
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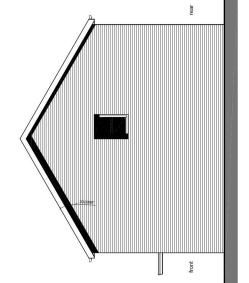
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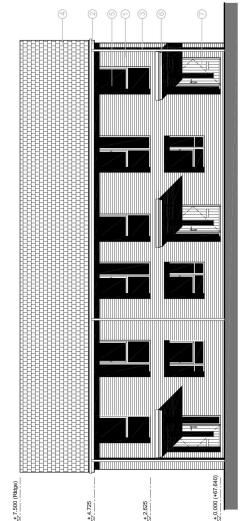
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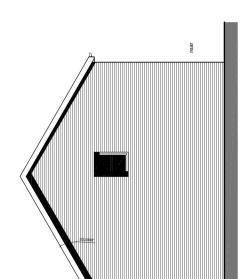
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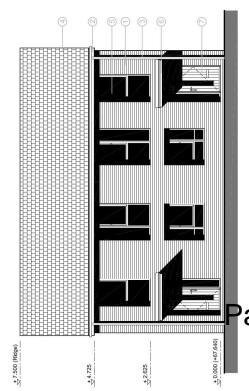
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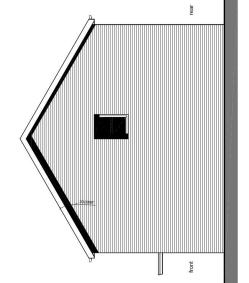
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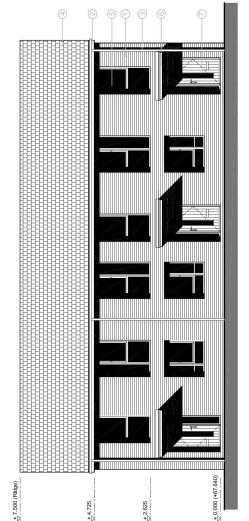
Rear Elevation  
Plot 3, 20-22



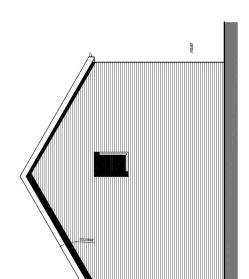
Side Elevation  
Plot 3, 11-2 & 19-22



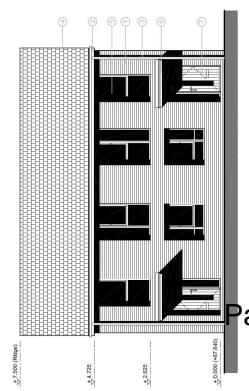
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Plot 3



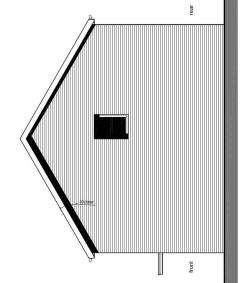
Front Elevation  
Plot 3 - 5



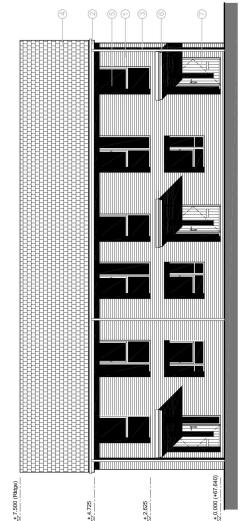
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Plot 3, 20-22



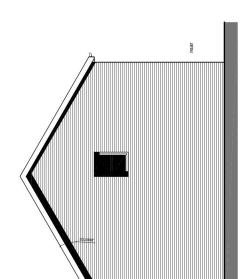
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Plot 3, 11-2 & 19-22



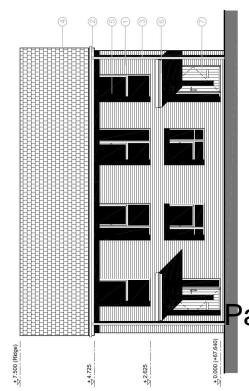
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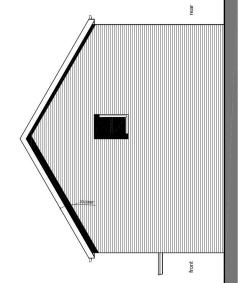
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Plot 3 - 5



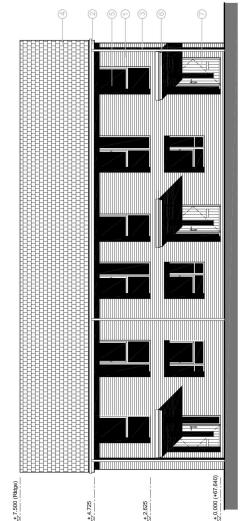
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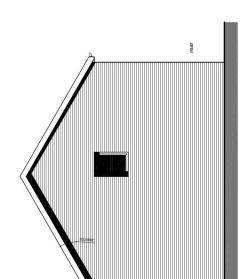
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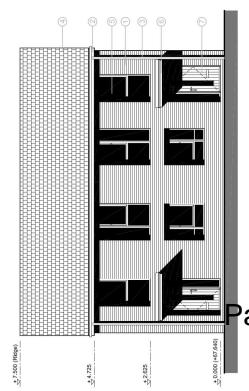
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Plot 3



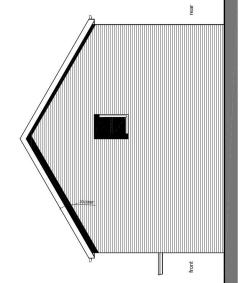
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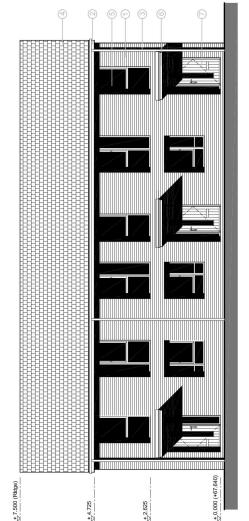
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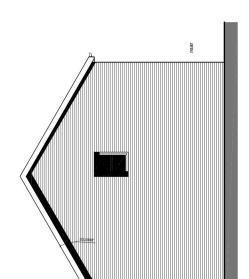
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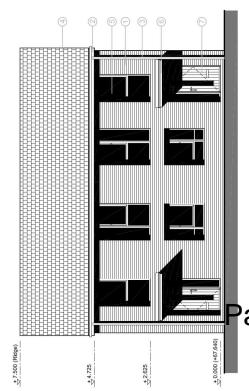
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Plot 3



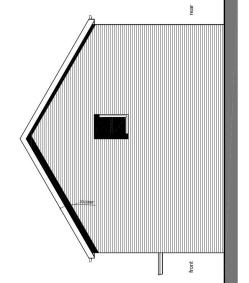
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Plot 3 - 5



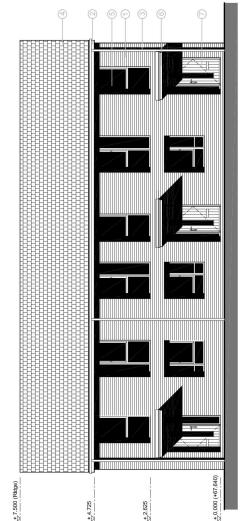
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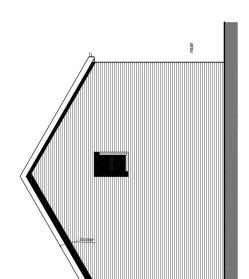
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Plot 3, 11-2 & 19-22



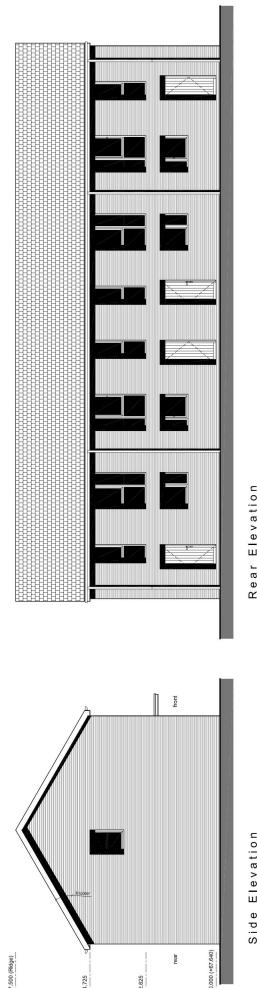
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Plot 3



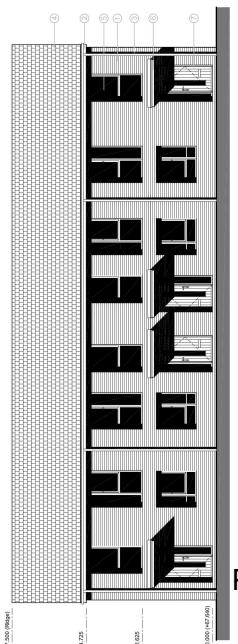
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Plot 3 - 5



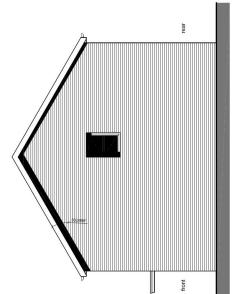
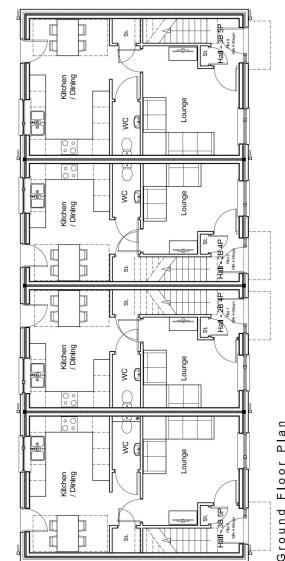
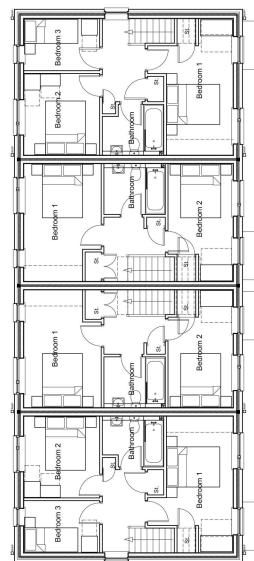
Rear Elevation  
Plot 3, 20-22



Rear Elevation  
Plot 6 6-9

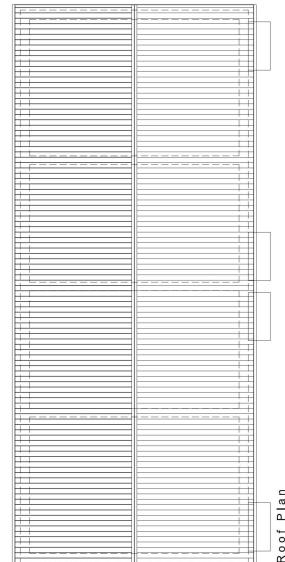


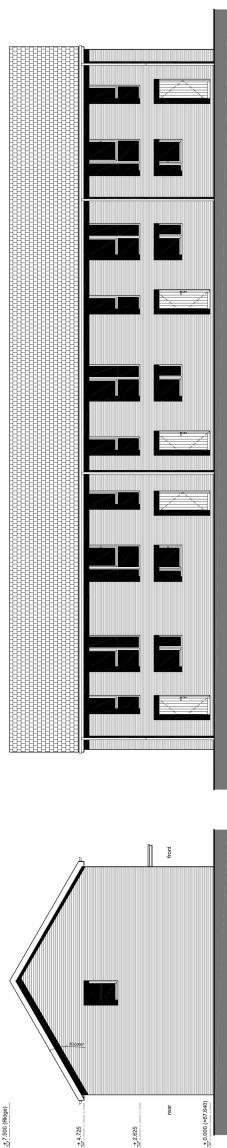
First Floor Plan  
Plots 6-9



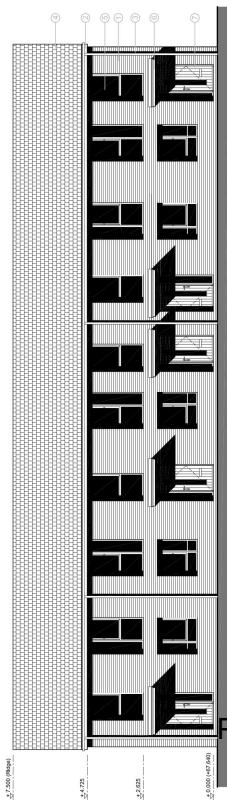
Side Elevation  
Plot 9

Material Legend	
1	Brickwork - 100mm Solid Party Wall
2	Facing Block - Internal with 100mm solid and 100mm hollow core
3	Brickwork Plinth and Capping - Facing Block, Gritstone
4	Roof tiles - Plain Clay - 100mm
5	Windows - UPVC Sash, 40mm to outside, 10mm inside, 10mm frame
6	Cavetto - Whitebeam by House of Timber, colour grey
7	Front door - Black off white MDF in 18mm frame

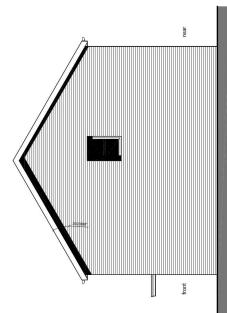




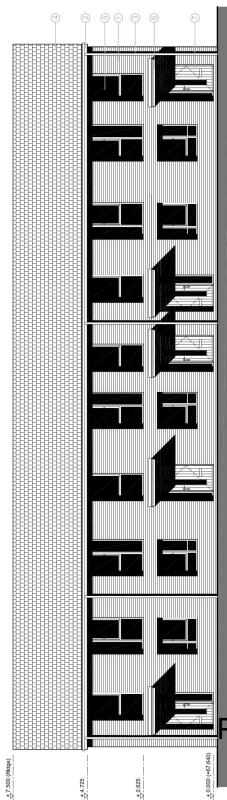
Rear Elevation  
Plot 10-14



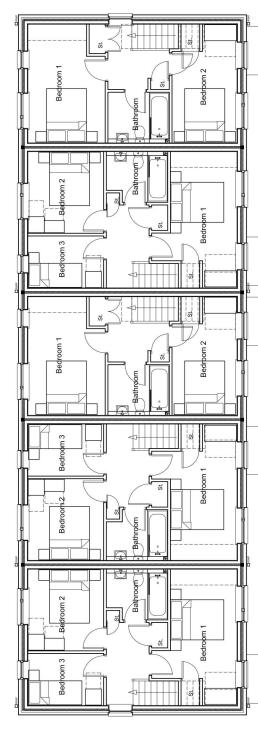
Side Elevation  
Plot 10-14



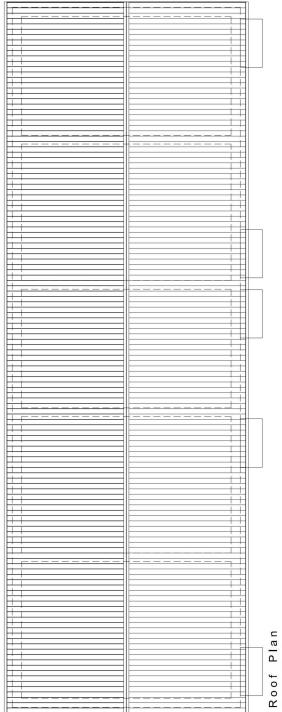
Side Elevation  
Plot 10-14



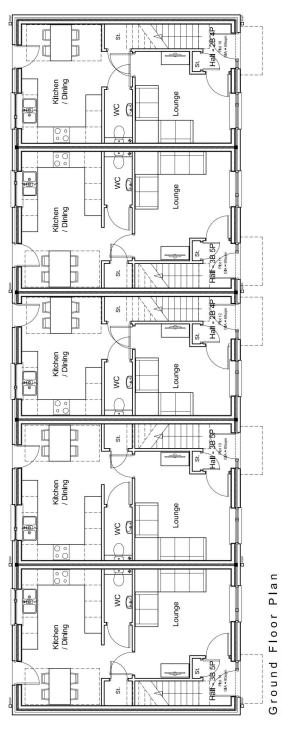
First Floor Plan  
Plot 10-14



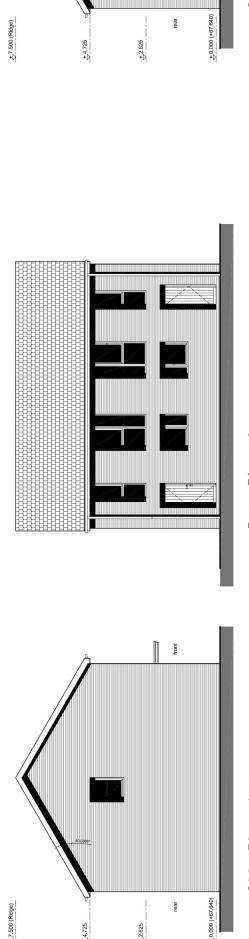
Ground Floor Plan  
Plot 10-14



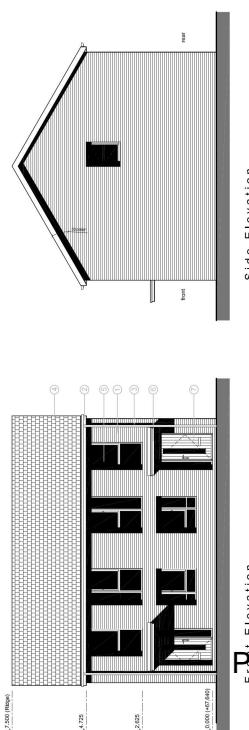
Roof Plan  
Plot 10-14



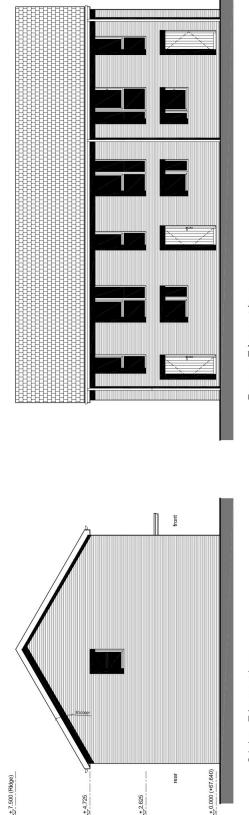
Roof Plan  
Plot 10-14



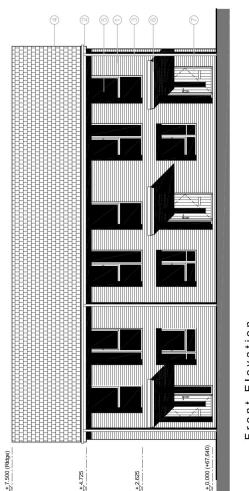
Side Elevation  
Plot 5 15-16



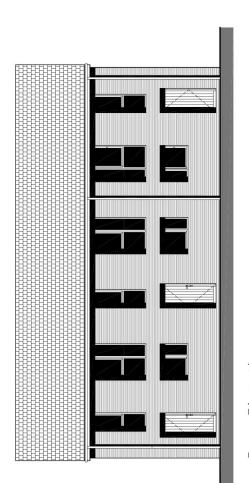
Side Elevation  
Plot 5 15-16



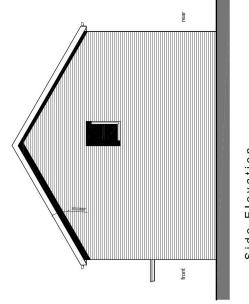
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Plot 5 15-16



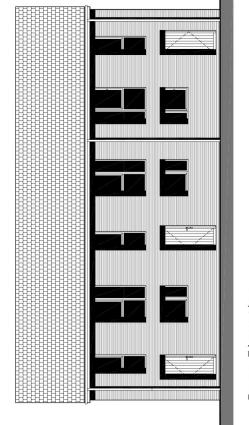
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Plot 5 15-16



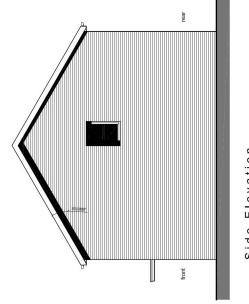
Rear Elevation  
Plot 5 15-16



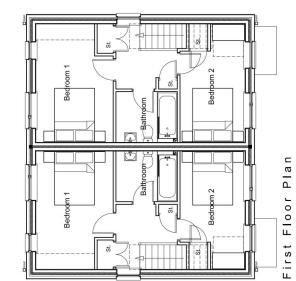
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Plot 5 15-16



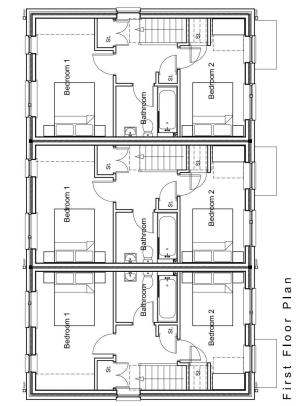
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Plot 5 15-16



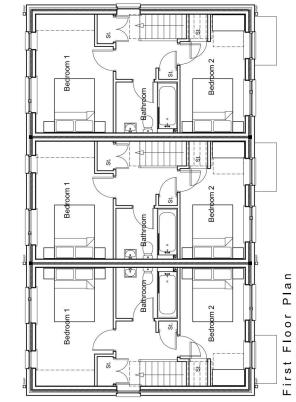
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Plot 5 15-16



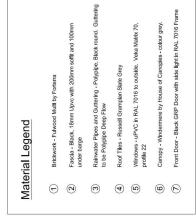
First Floor Plan  
Plot 5 15-16



First Floor Plan  
Plot 5 15-16

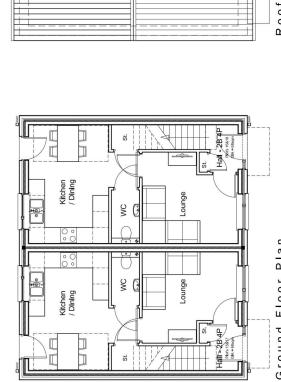


First Floor Plan  
Plot 5 15-16

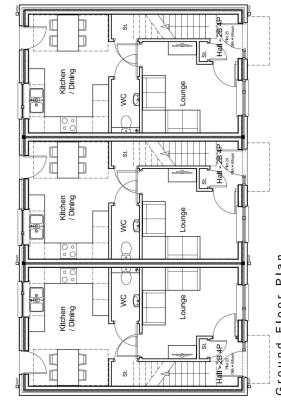


Material Legend

Blockwork - Smooth Face  
Facing Block, Internal Wall 200mm thick and 100mm internal height  
Reinforced Plastering - Plaster Block Board, Gypsum  
Roof tiles - Smooth ceramic tile, 6mm  
Windows - UPVC H, 6mm glass, Frosted  
Doors - Black GRP door with white frame



Ground Floor Plan  
Plot 5 15-16



Ground Floor Plan  
Plot 5 15-16



Roof Plan  
Plot 5 15-16



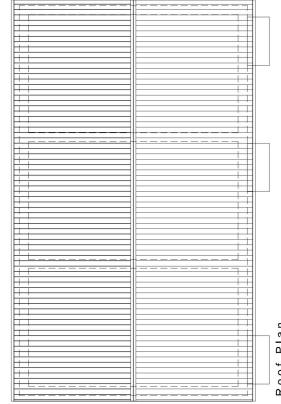
Roof Plan  
Plot 5 15-16



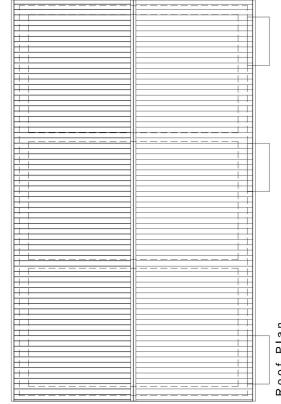
Roof Plan  
Plot 5 15-16



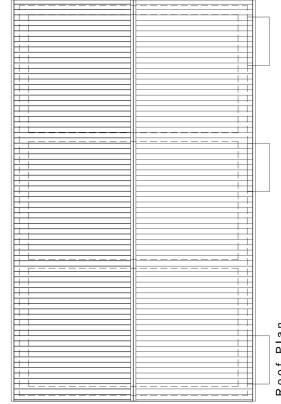
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Plot 5 15-16



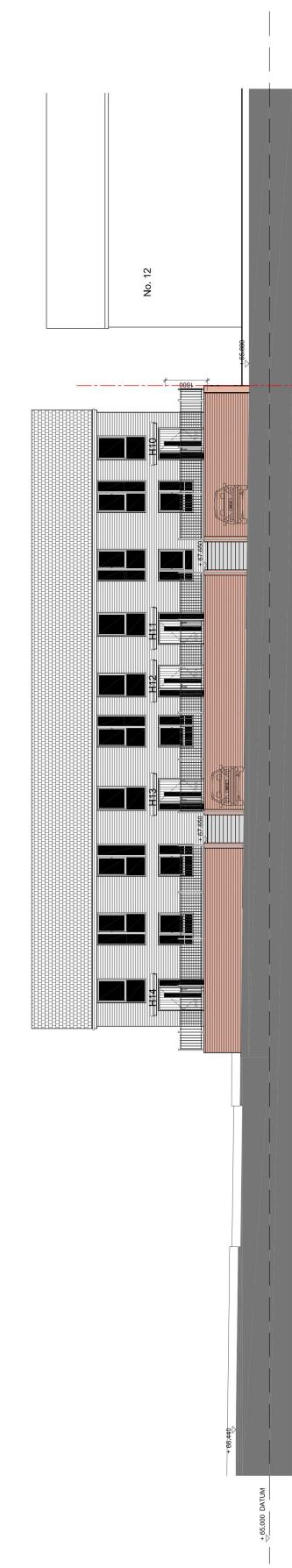
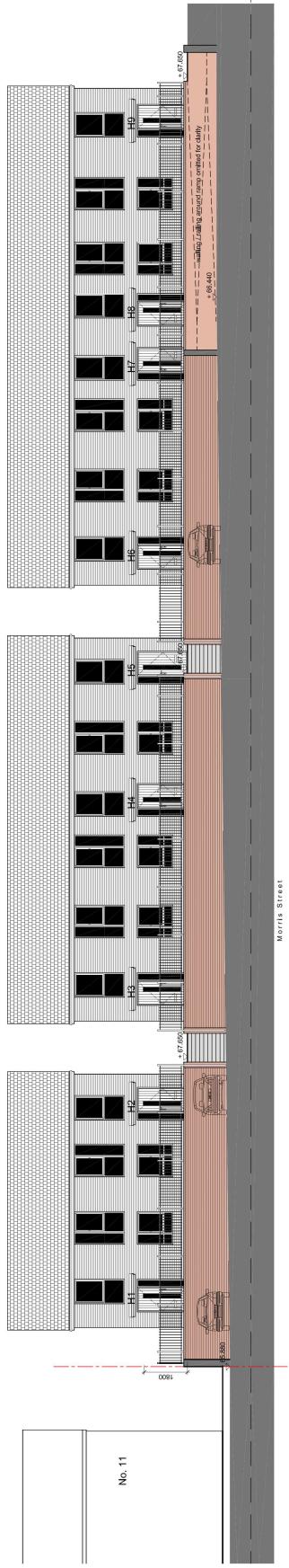
Roof Plan  
Plot 5 15-16



Roof Plan  
Plot 5 15-16



Roof Plan  
Plot 5 15-16



**Ward:** North Manor

Item 04

**Applicant:** Mrs Claire Balesi

**Location:** 10 Vernon Road, Tottington, Bury, BL8 4DD

**Proposal:** Variation of conditions 5 & 6 following approval of planning permission 62132 - Change opening hours from 07:00 - 19:00 to 08:00 - 21:00; Amend wording of condition 6 to allow doors and windows to be open till 9.30pm

**Application Ref:** 67639/Full

**Target Date:** 01/12/2021

**Recommendation:** Approve with Conditions

#### **Description**

The application relates to a ground floor unit within a Neighbourhood Shopping Centre. There are apartments above, accessed from a walkway at the rear and residential properties to the front, are 32m away across Vernon Road. There is a communal parking area at the rear and on street parking on the service road to the front.

The original application to change of use of shop to cafe was approved in 2018 (62132). The approval was subject to conditions restricting opening hours and opening and closing doors to 7pm. A subsequent application (67353) to vary the hours condition to allow opening to 10pm was refused in October.

Following the refusal for 10pm closing, this revised application seeks to vary the conditions and extend the opening hours to 9pm and allowing doors and window opening to 9.30pm to allow finishing up, cleaning and ventilation.

The restaurant has 36/38 covers. During the week, there would be two staff in the morning and 4/5 staff in afternoon/evening. At weekends there would be 5-7 staff in the evenings.

#### **Relevant Planning History**

67353 - Variation of condition to vary hours of opening to 10pm - Refused 01/10/2021. The noise and disturbance associated with the extended opening hours would be seriously detrimental to the amenities of nearby residents.

62132 - Change of use from shop (Class A1) to cafe (Class A3); New shop front and installation of flue at rear - Approved 01/08/2018

38474 - 12 Vernon Road - Change of use from medical centre to hot food takeaway (with opening hours to 11.30pm) - Refused on grounds that the takeaway would be seriously detrimental to the residential amenities of nearby occupiers by reason of the noise, smell, disturbance and general activity associated with the proposed use. There was also insufficient information on the flue/ extractor system

#### **Publicity**

Immediate neighbours notified by letter dated 26/10/2021. Three objections from Nos.2A, 4A, 7 and 9 Vernon Road, 2 Sandringham Drive and 1 Hayfield Close relating to noise and disturbance and odours.

- People served just before the closing time of 21:00 will still be there at 22:00! This does nothing at all to reduce noise emanating from the Bistro, especially on summer evenings.
- Consideration needs to be given not just to owners of the Bistro and their customers but

also to members of this community living directly opposite and above the Bistro in this residential area.

- Traffic has increased on Vernon Road and so too the numbers of people visiting the shops during the course of the day. So in the evenings when the shops have closed and the volume of traffic decreases, this quieter time is much appreciated especially by those living nearest the shops. This is particularly so on summer evenings when wanting to have windows open and to spend more time in the garden.
- Like the majority of residents in this community I value the convenience of our local shops. This situation would not have arisen if the Bistro had adhered to the original agreed opening hours of 07:00 - 19:00. For some time now the Bistro has been open till 9pm and beyond. It is only since this latest application was made that the original stipulated times have been followed. This does not give any re-assurance that any other designated closing time would be adhered to.
- Fumes and odours from the premises causing concerns later in evening.

Over a hundred comments have been received from various addresses in favour of the proposal, stating that the business has been successful despite difficult circumstances and is a benefit to the area in terms of the local economy and community and that the extended hours would not cause undue noise and disturbance as it is well run and customers are mostly local, more mature and not boisterous.

The objectors and supporters have been notified of the Planning Control Committee.

#### **Statutory/Non-Statutory Consultations**

**Environmental Health** - No objection to the extended opening time.

#### **Pre-start Conditions - N/A**

#### **Unitary Development Plan and Policies**

S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
NPPF	National Planning Policy Framework
EC4/1	Small Businesses

#### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

**Relevant Policies** - The National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth, taking into account both local business and wider opportunities for development. In terms of the wider community, the NPPF states that planning decisions should promote social interaction to enhance the sustainability of communities and residential environments.

**UDP Policy EC4/ Small Businesses.** Proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

**S1/5 Neighbourhood Centres and Local Shops.** The Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

**S2/6 - Food and Drink.** The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

**Use** - The use of the premises as a cafe/restaurant is not at issue as this was approved by the previous approval for the change of use from a shop in 2018.

**Business and economy** - With the levels of support received in favour of the restaurant, the business appears to be very popular locally and clearly adds to the viability and vitality of the Neighbourhood Shopping Centre. It is important to note that it as well as supporting

the applicant, it employs up to seven part time or full time staff.

**Opening times and Residential amenity** - The existing business, since its establishment in 2018, appears to be popular locally, despite difficult circumstances during Covid. Evidence does suggest that it has been opening beyond 7pm, which was the initial proposed closing time set out in the initial change of use application. However this reflected the National Guidance in response to the pandemic on the important role that food provision can make to the community. This application is therefore seeking to build upon the original consent whilst understanding the need to balance amenity by proposing a 9pm closing and this is what is being assessed.

The main issue with regard to any assessment of the proposal to extend the opening time of the business to 9pm from 7pm would be the impact of any noise and disturbance on neighbours, either from the premises itself or customers coming and going from it, particularly towards the end of the evening.

In terms of the relationship with neighbours, the nearest residents are on the flats above the shopping centre. Residential properties to the front, are 32m away across Vernon Road and to the West on Sandringham Drive, about 35m away.

It is noted that the existing co-op on the shopping row is open until 10pm. With all the other units on the row closing early evening, the immediate area, is relatively quiet.

It is noted that a complaint was made in the past as a result of the business opening after 9pm. However the bistro is relatively modest in size (approx 70sqm) with around 36 covers and has no external eating areas. With existing restrictions on noise and Environmental Health regulations in place, it is not considered that there would be excessive noise and disturbance emanating from the premises. Given the site is within an existing commercial centre where there is a shop already open until 10pm, the 9pm closing is not considered unreasonable with existing constraints in place. With the 9pm closing, it would reasonable to allow doors and windows to open until 9.30pm to allow finishing up and clearing away, particularly in light of Covid restrictions. The applicant is also aware that the business's continued success is based on a good relationship with neighbours and has indicated that customers would be advised to leave the premises as quietly as possible.

Given the benefits of the business to the local economy and maintaining the vitality and viability of the Neighbourhood Shopping Centre, the impact in terms of noise and disturbance would not be so significant to warrant refusal with conditions and other restrictions in place.

**Public representations** - The issues raised by those making representations have been addressed in the above report.

#### **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.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

1. This decision relates to drawings numbered 10434/P/L01, L02, L03, E01, P01,

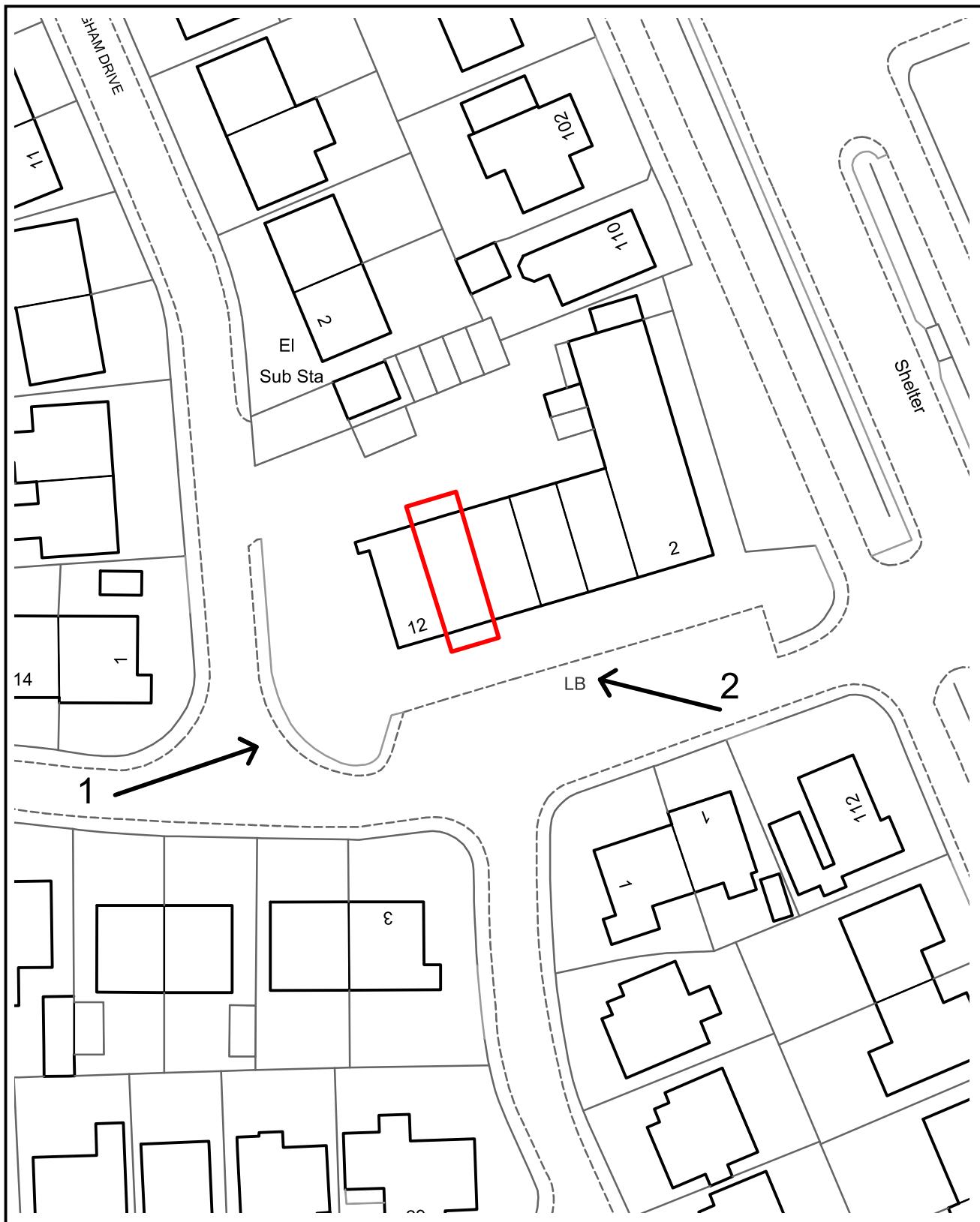
P02, 10434/P/E02/B and 1120EX(A) and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

2. Noise levels shall not exceed the following:  
The noise level associated with the proposed plant/air intake/ extractor shall not exceed NR45dB(A) as measured outside the closest residential window.  
The noise level associated with activities within the cafe shall not exceed 25dB(A) as measured from the closest residential window.  
Reason. In the interests of residential amenity pursuant to the NPPF and UDP Policies S2/6 Food and Drink, EN7/2 Noise Pollution.
3. The recommendations within the Noise Management Plan, detailed in the Noise Impact Assessment (Clement Acoustics, dated 29/06/2018) submitted with application 62132, shall be implemented and thereafter maintained for the duration of the use hereby approved.  
Reason. In the interests of residential amenity, pursuant to the NPPF and UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
4. The cafe/restaurant hereby permitted shall not be open to customers outside the following times: 0700hrs to 2100hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
5. All doors and windows shall be closed after 9.30pm.  
Reason. In the interests of residential amenity pursuant to UDP Policy S2/6 Food and Drink and EN7/2 Noise Pollution.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

**APP. NO 67639**

**ADDRESS: 10 Vernon Road  
Tottington**



**Bury**  
COUNCIL

**Planning, Environmental and Regulatory Services**

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67639

Photo 1



Photo 2



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#### SITE SPECIFIC HAZARDS

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 2015 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

#### ORDNANCE SURVEY LICENCE

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#### NOTES

#### APPLICATION BOUNDARY

#### OWNERSHIP BOUNDARY

REV.	DATE	NOTES	INIT.
------	------	-------	-------

#### CLIENT / PROJECT

MRS CLAIRE BELESI

10 VERNON ROAD

GREENMOUNT, BURY

#### DRAWING TITLE

EXISTING LOCATION PLAN

#### PLANNING

PROJECT NUMBER	DRAWN		TYPE & NUMBER	ELEVATIONS	PRELIM. COLOUR
	DATE	SECTION	UNIT / BLOCK	CODE	LETTER
10434	10.01.18	L	MB	1:1250	-

#### STATUS

P L01 -

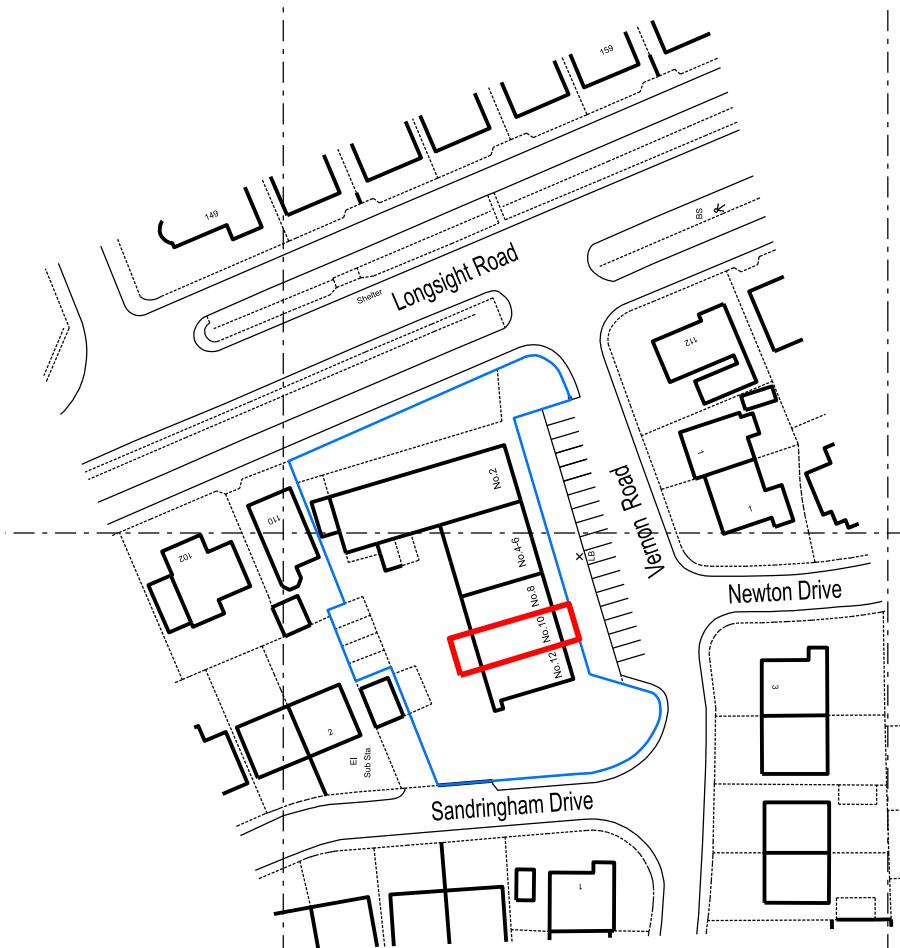
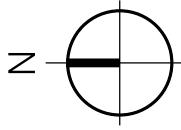
#### THE RATCLIFFE GROVES PARTNERSHIP

#### MANCHESTER

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# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>14 December 2021</b>
<b>SUBJECT:</b>	<b>DELEGATED DECISIONS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report lists: Recent delegated planning decisions since the last PCC
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS****DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

---

**1.0 BACKGROUND**

This is a monthly report to the Planning Control Committee of the delegated planning decisions made by the officers of the Council.

**2.0 CONCLUSION**

That the item be noted.

---

**List of Background Papers:-None****Contact Details:-**

David Marno, Head of Development Management  
Planning Services, Department for Resources and Regulation  
3 Knowsley Place  
Bury BL9 0EJ

**Tel: 0161 253 5291**  
**Email: [d.marno@burysc.gov.uk](mailto:d.marno@burysc.gov.uk)**

## Planning applications decided using Delegated Powers

Between 01/11/2021 and 05/12/2021



Ward: Bury East

**Application No.:** 63764    **App. Type:** FUL    10/11/2021    Refused

**Location:** Acorn Business Centre, Fountain Street North, Bury, BL9 7AN

**Proposal:** Change of use of first and second floors from office to 28 no. person house in multiple occupation (HMO) (Sui Generis)

**Application No.:** 67397    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 197 Rochdale Road, Pimhole, Bury, BL9 7BB

**Proposal:** Two/single storey rear extension; Front and rear dormers; Change of use of 1st and 2nd floors to 1 no. residential flat; New side entrance

**Application No.:** 67523    **App. Type:** GPDE    09/11/2021    Prior Approval Not Required - Extension

**Location:** Hunters Lodge, 5 Riders Gate, Bury BL9 7RD

**Proposal:** Prior approval for proposed single storey rear extension

**Application No.:** 67562    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 19 Parsons Lane, Bury, BL9 0LY

**Proposal:** Variation of condition 3 following approval of planning permission 62995- Vary condition to allow rear face of the development to be rendered

Ward: Bury East - Moorside

**Application No.:** 67287    **App. Type:** FUL    04/11/2021    Approve with Conditions

**Location:** 6 Arley Avenue, Bury, BL9 5HD

**Proposal:** Roof extension/raise roof ridge height to form second floor, two storey extensions at front/rear render to external elevations and change of use of ground floor from childrens nursery (Class E) to form 1 no. residential dwelling (Class C3)

**Application No.:** 67294    **App. Type:** FUL    29/11/2021    Approve with Conditions

**Location:** 2 Arley Avenue, Bury, BL9 5HD

**Proposal:** Construction of 1 no. new dwelling.

**Application No.:** 67395    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 6 Louis Avenue, Bury, BL9 5EQ

**Proposal:** Two storey side and single storey rear extension

**Application No.:** 67518    **App. Type:** TEL    22/11/2021    Prior Approval Required and Refused

**Location:** Pavement adj Fernhill Works (junction of Birch Street), Park Road, Bury, BL9 5BQ

**Proposal:** 15m mast structure supporting antennae and fibre cable together with associated radio housing cabinets all being electronic communications apparatus for the purpose of the Applicant's electronic communications network.

---

**Application No.:** 67543    **App. Type:** FUL    22/11/2021    Approve with Conditions

**Location:** 209 Walmersley Road, Bury, BL9 5DF

**Proposal:** Single storey rear/side extension

---

**Application No.:** 67589    **App. Type:** ADV    25/11/2021    Approve with Conditions

**Location:** Unit 5a, Woodfields Retail Park, Peel Way, Bury, BL9 5BY

**Proposal:** 1 no. internally illuminated fascia sign and 2 no. non illuminated fascia signs

---

**Application No.:** 67611    **App. Type:** FUL    23/11/2021    Refused

**Location:** Salisbury Conservative Club, Badger Street, Bury, BL9 6AD

**Proposal:** Change of use from club to sweets manufacturing unit (Class B2)

## Ward: Bury East - Redvales

---

**Application No.:** 67394    **App. Type:** TEL    02/11/2021    Approve with Conditions

**Location:** Pavement adj 574 Manchester Road (near junction with Mount Zion Road), Bury, BL9 9SW

**Proposal:** Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works

---

**Application No.:** 67534    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 11 Wellfield Close, Bury, BL9 9PG

**Proposal:** Replacement of existing conservatory with single storey rear extension and loft conversion

---

**Application No.:** 67548    **App. Type:** LDCP    09/11/2021    Refused

**Location:** 2 Hendon Drive, Bury, BL9 9TT

**Proposal:** Lawful development certificate for proposed garden room to side

---

**Application No.:** 67551    **App. Type:** LDCP    18/11/2021    Lawful Development

**Location:** 26 St Peters Road, Bury, BL9 9RB

**Proposal:** Lawful development certificate for proposed hip to gable roof extension

---

**Application No.:** 67559    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 3A Parliament Street, Bury, BL9 0TE

**Proposal:** Single storey extension at side/rear

---

**Application No.:** 67571    **App. Type:** FUL    18/11/2021    Approve with Conditions

**Location:** Unit 1, Bracken Trade Park, Dumers Lane, Bury, BL9 9PE

**Proposal:** The Installation of 1 window to the front facade of the building associated with new internal mezzanine floor

---

**Application No.:** 67601    **App. Type:** LDCP    18/11/2021    Lawful Development

**Location:** 8 Blackford Avenue, Bury, BL9 9TE

**Proposal:** Lawful Development Certificate for proposed single storey side/rear extension

---

**Application No.:** 67608    **App. Type:** FUL    22/11/2021    Approve with Conditions  
**Location:** 5 Manor Gardens, Bury, BL9 9FY

**Proposal:** Two/single storey extension at side with garage; Loft conversion with rear dormer

**Ward:** **Bury West - Church**

---

**Application No.:** 67174    **App. Type:** FUL    04/11/2021    Approve with Conditions  
**Location:** Footbridge to the south of Wellington Viaduct at end of Hinds Lane

**Proposal:** Replacement of footbridge over river Irwell with new pedestrian and cycle bridge

---

**Application No.:** 67375    **App. Type:** FUL    05/11/2021    Approve with Conditions  
**Location:** 72 Haslam Hey Close, Bury, BL8 2LB

**Proposal:** First floor side extension with garage conversion and alterations to porch.

---

**Application No.:** 67556    **App. Type:** LDCP    03/12/2021    Lawful Development  
**Location:** 141 Ainsworth Road, Bury, BL8 2RT

**Proposal:** Lawful development certificate for proposed change of use of existing dwelling house (Class C3(a)) to a care home (Class C2) for 4 young adults (16-18 years old) with 1 non-resident carer

---

**Application No.:** 67605    **App. Type:** GPDE    09/11/2021    Prior Approval Not Required - Extension  
**Location:** 6 Kingston Close, Bury, BL8 2EN

**Proposal:** Prior approval for proposed single storey rear extension

---

**Application No.:** 67609    **App. Type:** FUL    11/11/2021    Approve with Conditions  
**Location:** 476 Bolton Road, Bury, BL8 2DU

**Proposal:** Two storey rear extension; new front entrance to existing porch

---

**Application No.:** 67616    **App. Type:** GPDE    09/11/2021    Prior Approval Not Required - Extension  
**Location:** 18 Belmont Drive, Bury, BL8 2HU

**Proposal:** Prior approval for proposed single storey rear extension

**Ward:** **Bury West - Elton**

---

**Application No.:** 66872    **App. Type:** FUL    01/11/2021    Approve with Conditions  
**Location:** 365 Brandlesholme Road, Bury, BL8 1HS

**Proposal:** Single storey front extension to form new shop entrances; sub-division of existing Chip Shop floor space to create one additional commercial unit (Class E); reconfiguration of the existing 3 bedroom dwelling layout to form a 1 bed first floor flat with a new external staircase and entrance at side

---

**Application No.:** 67102    **App. Type:** FUL    18/11/2021    Approve with Conditions  
**Location:** 96 Tottington Road, Bury, BL8 1LR

**Proposal:** Single storey extension at rear

---

<b>Application No.:</b> 67295	<b>App. Type:</b> FUL	03/11/2021	Approve with Conditions			
<b>Location:</b>	24 Throstle Grove, Bury, BL8 1EB					
<b>Proposal:</b> Front porch extension, new pitched roof at front/side, conversion of garage to living accommodation, replacement windows and extension to driveway/pavement crossing						
<b>Application No.:</b> 67483	<b>App. Type:</b> LDCP	12/11/2021	Lawful Development			
<b>Location:</b>	15 March Drive, Bury, BL8 1XQ					
<b>Proposal:</b> Lawful development certificate for proposed change of use of existing domestic garage to commercial home brewery business						
<b>Application No.:</b> 67509	<b>App. Type:</b> FUL	04/11/2021	Approve with Conditions			
<b>Location:</b>	71 Crostons Road, Bury, BL8 1LB					
<b>Proposal:</b> Change of use from retail (Class E) to hot food takeaway (Sui Generis) with extraction flue at rear						
<b>Application No.:</b> 67514	<b>App. Type:</b> FUL	18/11/2021	Approve with Conditions			
<b>Location:</b>	5 Hailsham Close, Bury, BL8 1YG					
<b>Proposal:</b> Removal of conservatory; Two storey rear extension						
<b>Application No.:</b> 67517	<b>App. Type:</b> TEL	25/11/2021	Prior Approval Required and Refused			
<b>Location:</b>	Pavement (adj 2 Harvey Street) opposite 146-148 Walshaw Road, Bury, BL8 1NJ					
<b>Proposal:</b> 15m mast structure supporting antennae and fibre cable together with associated radio housing cabinets all being electronic communications apparatus for the purpose of the Applicant's electronic communications network.						
<b>Application No.:</b> 67522	<b>App. Type:</b> ADV	22/11/2021	Approve with Conditions			
<b>Location:</b>	Perrys Limited, Crostons Road, Bury, BL8 1AJ					
<b>Proposal:</b> 4 no. internally illuminated fascia signs						
<b>Ward:</b> North Manor						
<b>Application No.:</b> 67044	<b>App. Type:</b> FUL	18/11/2021	Split Decision			
<b>Location:</b>	Stonehaven, Bolton Road, Tottington, Bury, BL8 4JN					
<b>Proposal:</b> A = Single storey rear extension; Garage alterations; B = Alterations to boundary wall and gate;						
<b>Application No.:</b> 67238	<b>App. Type:</b> FUL	22/11/2021	Approve with Conditions			
<b>Location:</b>	2 Westgate Avenue, Ramsbottom, Bury, BL0 9SS					
<b>Proposal:</b> Two storey side extension; Two storey/single storey rear extension; Hip to gable roof conversion at side; Roof extension at rear; New driveway and access to front						
<b>Application No.:</b> 67390	<b>App. Type:</b> LBC	25/11/2021	Approve with Conditions			
<b>Location:</b>	The Lee, 635 Walmersley Road, Bury, BL9 5JA					
<b>Proposal:</b> Listed building consent for the removal of chimney and replacement of rainwater goods						
<b>Application No.:</b> 67412	<b>App. Type:</b> FUL	17/11/2021	Approve with Conditions			
<b>Location:</b>	36 Fernview Drive, Tottington, Bury, BL0 9XG					
<b>Proposal:</b> Single storey rear and side extension; Single storey front extension						

<b>Application No.:</b> 67430	<b>App. Type:</b> FUL	03/11/2021	Approve with Conditions
<b>Location:</b>	23 Sandringham Drive, Tottington, Bury, BL8 4DJ		
<b>Proposal:</b>	Single storey rear extension; Front and rear dormers; Replacement windows and rendering of walls		
<b>Application No.:</b> 67450	<b>App. Type:</b> FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	6 Ashborne Drive, Summerseat, Ramsbottom, Bury, BL9 5PD		
<b>Proposal:</b>	Single storey extension at side; Formation of lower ground floor level with reconfiguration of glazing to rear elevation, addition of new windows/doors and new terrace; Loft conversion and external alterations		
<b>Application No.:</b> 67454	<b>App. Type:</b> FUL	11/11/2021	Approve with Conditions
<b>Location:</b>	390 Bolton Road, Tottington, Bury, BL8 4JR		
<b>Proposal:</b>	Single storey rear extension to existing kitchen/diner		
<b>Application No.:</b> 67478	<b>App. Type:</b> FUL	15/11/2021	Approve with Conditions
<b>Location:</b>	5 Gainsborough Road, Tottington, Bury, BL0 9XA		
<b>Proposal:</b>	Single storey side and rear extension; Front porch		
<b>Application No.:</b> 67491	<b>App. Type:</b> FUL	25/11/2021	Approve with Conditions
<b>Location:</b>	47 Wood Road Lane, Summerseat, Bury, BL9 5QA		
<b>Proposal:</b>	Demolition of existing music studio in rear garden to be replaced with new building with associated landscaping		
<b>Application No.:</b> 67500	<b>App. Type:</b> FUL	02/12/2021	Approve with Conditions
<b>Location:</b>	16 Brierfield Drive, Bury, BL9 5JJ		
<b>Proposal:</b>	Single storey rear extension with new terrace and landscaping		
<b>Application No.:</b> 67502	<b>App. Type:</b> FUL	02/11/2021	Approve with Conditions
<b>Location:</b>	2 Station Road, Tottington, Bury, BL8 4BJ		
<b>Proposal:</b>	Out-building to contain a home office and shower room, ancillary to the existing dwelling.		
<b>Application No.:</b> 67528	<b>App. Type:</b> FUL	18/11/2021	Refused
<b>Location:</b>	7 Brookside Crescent, Tottington, Bury, BL8 4BG		
<b>Proposal:</b>	Two storey/single storey side & rear extension with open roof terrace at rear		
<b>Application No.:</b> 67615	<b>App. Type:</b> FUL	02/12/2021	Approve with Conditions
<b>Location:</b>	5 Redwing Road, Tottington, Bury, BL8 4ET		
<b>Proposal:</b>	Single storey rear extension		
<b>Ward:</b>	<b>Prestwich - Holyrood</b>		
<b>Application No.:</b> 67194	<b>App. Type:</b> FUL	09/11/2021	Approve with Conditions
<b>Location:</b>	281 Bury Old Road, Prestwich, Manchester, M25 1JA		
<b>Proposal:</b>	Proposed pergola with an electric-controlled retractable roof, located at the beer garden area.		

---

**Application No.:** 67398    **App. Type:** FUL    01/11/2021    Approve with Conditions

**Location:** 37 Parkville Road, Prestwich, Manchester, M25 2QG

**Proposal:** Single storey rear and part side extension; Hip to gable loft conversion with rear dormer

---

**Application No.:** 67422    **App. Type:** FUL    22/11/2021    Refused

**Location:** 7 Thornley Road, Prestwich, Manchester, M25 2SN

**Proposal:** Two storey side extension

---

**Application No.:** 67453    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 55 Polefield Road, Prestwich, Manchester, M25 2GN

**Proposal:** Proposed single/two storey rear extension and single storey side extension

---

**Application No.:** 67456    **App. Type:** FUL    01/11/2021    Approve with Conditions

**Location:** 20 Barnard Avenue, Whitefield, M45 6TY

**Proposal:** Rear & side extension with new roof to garage

---

**Application No.:** 67477    **App. Type:** FUL    18/11/2021    Refused

**Location:** 48 Peveril Close, Whitefield, Manchester, M45 6NR

**Proposal:** Two storey side extension and creation of on-site parking to front of the property with dropped kerb

---

**Application No.:** 67547    **App. Type:** FUL    25/11/2021    Approve with Conditions

**Location:** 5 Mount Pleasant, Prestwich, Manchester, M25 2SD

**Proposal:** Demolition of existing conservatory and erection of a single storey rear extension and side dormer loft conversion

---

**Application No.:** 67572    **App. Type:** GPDE    03/11/2021    Prior Approval Not Required - Extension

**Location:** 87 Parrenthorn Road, Prestwich, Manchester, M25 2RL

**Proposal:** Prior approval for proposed single storey rear extension

---

**Application No.:** 67590    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 11 Woodgate Drive, Prestwich, Manchester, M25 2QZ

**Proposal:** Change of roof from hipped to gable

---

**Ward:** **Prestwich - Sedgley**

---

**Application No.:** 67251    **App. Type:** FUL    03/12/2021    Approve with Conditions

**Location:** 4 Craigwell Road, Prestwich, Manchester, M25 0EF

**Proposal:** Two storey extension to the side and rear; Single storey front extension; Increasing height to the roof including dormers to the front and rear

---

**Application No.:** 67324    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 21 Sheepfoot Lane, Prestwich, Manchester, M25 0BN

**Proposal:** Two storey side extension with balcony at rear; Extension to basement level including rear and side single storey extensions with roof terrace; Alterations to rear doors and windows; Widening of front entrance door; Widening of front bay window

---

<b>Application No.:</b>	67388	<b>App. Type:</b>	FUL	18/11/2021	Approve with Conditions
<b>Location:</b>	16 & 18 Bishops Road, Prestwich, Manchester, M25 0HS				
<b>Proposal:</b>	Hip to gable roof extensions, raising of roof ridge height with loft conversion (nos. 16 & 18) and dormers at front/rear/side (no. 16); Two/single storey rear extension and two storey front bay extension (no.16)				
<b>Application No.:</b>	67409	<b>App. Type:</b>	FUL	02/11/2021	Approve with Conditions
<b>Location:</b>	8 Dorchester Avenue, Prestwich, Manchester, M25 0LH				
<b>Proposal:</b>	Single storey side extension				
<b>Application No.:</b>	67484	<b>App. Type:</b>	FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	9 Harrogate Avenue, Prestwich, Manchester, M25 0LT				
<b>Proposal:</b>	Single Storey Bay Extension at Front				
<b>Application No.:</b>	67516	<b>App. Type:</b>	LDCP	01/11/2021	Lawful Development
<b>Location:</b>	12 Princess Avenue, Prestwich, Manchester, M25 0LG				
<b>Proposal:</b>	Lawful development certificate for proposed new rear single storey extension				
<b>Application No.:</b>	67541	<b>App. Type:</b>	FUL	15/11/2021	Approve with Conditions
<b>Location:</b>	3 Princess Avenue, Prestwich, Manchester, M25 0LG				
<b>Proposal:</b>	Single storey side and rear extension; Front porch				
<b>Application No.:</b>	67558	<b>App. Type:</b>	GPDE	10/11/2021	Prior Approval Not Required - Extension
<b>Location:</b>	39 Richmond Avenue, Prestwich, Manchester, M25 0LZ				
<b>Proposal:</b>	Prior approval for proposed single storey rear extension				
<b>Application No.:</b>	67565	<b>App. Type:</b>	FUL	22/11/2021	Approve with Conditions
<b>Location:</b>	5 Woodhill Grove, Prestwich, Manchester, M25 0AE				
<b>Proposal:</b>	Hip to gable roof extension; Loft conversion with front and rear dormers; First floor rear extension.				
<b>Application No.:</b>	67582	<b>App. Type:</b>	FUL	03/12/2021	Refused
<b>Location:</b>	1 Castle Hill Road, Prestwich, Manchester, M25 0FR				
<b>Proposal:</b>	Two storey side extensions; Loft conversion with 2 front dormers; Atrium at the front				
<b>Application No.:</b>	67602	<b>App. Type:</b>	FUL	25/11/2021	Approve with Conditions
<b>Location:</b>	10 Randlesham Street, Prestwich, Manchester, M25 1GY				
<b>Proposal:</b>	Single storey side/rear extension: Pitched roof to front bay window and porch				
<b>Application No.:</b>	67640	<b>App. Type:</b>	LDCP	02/12/2021	Lawful Development
<b>Location:</b>	70 Sheepfoot Lane, Prestwich, Manchester, M25 0DN				
<b>Proposal:</b>	Proposed lawful development certificate for loft conversion with hip to gable extension and rear dormer				

---

---

**Application No.:** 67643    **App. Type:** FUL    25/11/2021    Approve with Conditions

**Location:** 14 Ravens Close, Prestwich, Manchester, M25 0FU

**Proposal:** Single storey rear extension; single storey side extension

---

**Application No.:** 67646    **App. Type:** FUL    25/11/2021    Approve with Conditions

**Location:** 10 Chandos Road, Prestwich, Manchester, M25 9WW

**Proposal:** Hip to gable roof extension; Dormer extensions to front to form loft conversion

---

**Application No.:** 67712    **App. Type:** GPDE    03/12/2021    Prior Approval Not Required - Extension

**Location:** 3 Charlbury Avenue, Prestwich, Manchester, M25 0FJ

**Proposal:** Prior approval for proposed single storey rear extension

---

**Application No.:** 67724    **App. Type:** GPDE    03/12/2021    Prior Approval Not Required - Extension

**Location:** 7 Hartley Avenue, Prestwich, Manchester, M25 0AT

**Proposal:** Prior approval for proposed single storey rear extension

---

**Ward:** **Prestwich - St Mary's**

---

**Application No.:** 67416    **App. Type:** FUL    01/11/2021    Approve with Conditions

**Location:** 127 Hilton Lane, Prestwich, Manchester, M25 9XG

**Proposal:** Single storey rear extension.

---

**Application No.:** 67425    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 90 Lowther Road, Prestwich, Manchester, M25 9QP

**Proposal:** Two storey side and rear extension; Single storey rear extension

---

**Application No.:** 67507    **App. Type:** FUL    12/11/2021    Approve with Conditions

**Location:** 22 Scott Road, Prestwich, Manchester, M25 9GN

**Proposal:** Removal of existing first floor extension and construction of new first floor extension at side;  
Two storey rear extension; Single storey rear extension with roof lights

---

**Application No.:** 67529    **App. Type:** FUL    11/11/2021    Approve with Conditions

**Location:** 6 Mountside Crescent, Prestwich, Manchester, M25 3JF

**Proposal:** Two storey side extension

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**Application No.:** 67603    **App. Type:** LDCP    23/11/2021    Refused

**Location:** 5 Shelley Road, Prestwich, Manchester, M25 9GH

**Proposal:** Lawful development certificate for proposed change of use of existing dwelling house (Class C3(a)) to supported housing scheme for 4 young adults (Class C3(b))

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**Application No.:** 67637    **App. Type:** FUL    22/11/2021    Approve with Conditions

**Location:** 34 Carr Avenue, Prestwich, Manchester, M25 9TP

**Proposal:** Single storey side extension

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**Application No.:** 67683    **App. Type:** FUL    30/11/2021    Approve with Conditions

**Location:** 10 Brookmoor Road, Prestwich, M25 3EJ

**Proposal:** Single storey flat roof rear extension

**Ward:** Radcliffe - East

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**Application No.:** 66459    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** Land to west of Bury Point, Bury Road, Radcliffe, Manchester, M26 2WX

**Proposal:** Construction of an earth bund within existing channel, approximately 20m in length with a maximum height of 2.5m. Installation of a 600mm culvert to maintain water flow. 100mm headwalls at each side will be included to allow for galvanised steel handrail.

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**Application No.:** 66985    **App. Type:** TEL    10/11/2021    Prior Approval Required and Granted

**Location:** Grass verge, opposite Ainsworth Arms, Bury & Bolton Road, Radcliffe, M26 4JF

**Proposal:** Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

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**Application No.:** 67463    **App. Type:** FUL    18/11/2021    Approve with Conditions

**Location:** 2 Meadowside Close, Radcliffe, Manchester, M26 4JR

**Proposal:** Two storey front extension; Two storey front/side extension; Single storey rear extension; Loft conversion with 3 dormers; Raising ridge height;

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**Application No.:** 67471    **App. Type:** FUL    04/11/2021    Approve with Conditions

**Location:** 47 Riverside Road, Radcliffe, Manchester, M26 2PX

**Proposal:** Two storey side extension; Single storey rear & front extension; Erection of 1.8m high wall

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**Application No.:** 67519    **App. Type:** TEL    25/11/2021    Prior Approval Required and Refused

**Location:** Pavement (adj 1 Lowton Street) opposite 20-22 Robertson Street, Radcliffe, Manchester, M26 4DW

**Proposal:** 15m mast structure supporting antennae and fibre cable together with associated radio housing cabinets all being electronic communications apparatus for the purpose of the Applicant's electronic communications network.

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**Application No.:** 67539    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 443 Bury And Bolton Road, Radcliffe, Manchester, M26 4LJ

**Proposal:** Two storey/single storey rear extension with access to rear balcony, alterations to front elevation including canopy.

---

**Application No.:** 67592    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 11 Crosby Road, Radcliffe, Manchester, M26 4JL

**Proposal:** New opening in existing wall to accept bi-fold doors.

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**Application No.:** 67620    **App. Type:** FUL    18/11/2021    Refused

**Location:** 1 Parkside Close, Radcliffe, Manchester, M26 2QS

**Proposal:** Two storey side extension

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**Application No.:** 67650    **App. Type:** FUL    30/11/2021    Approve with Conditions

**Location:** 1 Coventry Road, Radcliffe, Manchester, M26 4FY

**Proposal:** Single storey rear extension

**Ward: Radcliffe - North**

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**Application No.:** 67368    **App. Type:** FUL    30/11/2021    Refused

**Location:** The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Radcliffe, Bolton, BL2 5PT

**Proposal:** Demolition of existing building to be replaced with 2 no. dwellings

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**Application No.:** 67513    **App. Type:** FUL    25/11/2021    Approve with Conditions

**Location:** 34 Sunningdale Avenue, Radcliffe, Manchester, M26 3WJ

**Proposal:** Single storey rear extension, 2 no. rear dormers and external alterations

---

**Application No.:** 67557    **App. Type:** FUL    25/11/2021    Approve with Conditions

**Location:** 70 Westminster Avenue, Radcliffe, Manchester, M26 3QL

**Proposal:** Replacement of existing conservatory with single storey extension at side/rear

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**Application No.:** 67629    **App. Type:** FUL    15/11/2021    Approve with Conditions

**Location:** 199 Bury New Road, Radcliffe, Bolton, BL2 6QQ

**Proposal:** Single storey front extension

**Ward: Radcliffe - West**

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**Application No.:** 66109    **App. Type:** FUL    09/11/2021    Approve with Conditions

**Location:** 136 Stand Lane, Radcliffe, Manchester, M26 1GS

**Proposal:** Two/single storey extension at side to form retail at ground floor and 1 no. additional apartment to first floor with new access at side

---

**Application No.:** 67308    **App. Type:** FUL    05/11/2021    Approve with Conditions

**Location:** 53 Outwood Road, Radcliffe, Manchester, M26 1AQ

**Proposal:** Change of use of basement from storage to residential; New boundary wall.

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**Application No.:** 67466    **App. Type:** FUL    22/11/2021    Approve with Conditions

**Location:** Land to rear of 51-61 Ainsworth Road, Radcliffe, Manchester, M26 4FA

**Proposal:** Erection of 1 no. dwelling

---

**Application No.:** 67480    **App. Type:** LDCP    18/11/2021    Lawful Development

**Location:** 7 Dingle Close, Radcliffe, Manchester, M26 1UN

**Proposal:** Lawful development certificate for proposed single storey extension at rear

<b>Application No.:</b> 67512	<b>App. Type:</b> FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	17 Ashurst Grove, Radcliffe, Manchester, M26 1UL		
<b>Proposal:</b>	Single storey side/rear extension; Garage conversion		
<b>Application No.:</b> 67563	<b>App. Type:</b> GPDE	10/11/2021	Prior Approval Not Required - Extension
<b>Location:</b>	7 Firwood Crescent, Radcliffe, Manchester, M26 1BN		
<b>Proposal:</b>	Prior approval for proposed single storey rear extension		
<b>Application No.:</b> 67574	<b>App. Type:</b> FUL	23/11/2021	Approve with Conditions
<b>Location:</b>	King George V Playing Fields, Outwood Road, Radcliffe, Manchester, M26 9AQ		
<b>Proposal:</b>	Erection of V-mesh fencing around 3 football pitches including access gates for vehicles and public; Fenced enclosure surrounding existing storage container		
<b>Ward:</b>	<b>Ramsbottom + Tottington - Tottington</b>		
<b>Application No.:</b> 67258	<b>App. Type:</b> FUL	11/11/2021	Approve with Conditions
<b>Location:</b>	Gorsey Clough Nursing Home, Harwood Road, Tottington, Bury, BL8 3PT		
<b>Proposal:</b>	Improvements to existing site entrance including the construction of new site boundary wall		
<b>Application No.:</b> 67316	<b>App. Type:</b> FUL	18/11/2021	Approve with Conditions
<b>Location:</b>	40 Holly Street, Tottington, Bury, BL8 3EZ		
<b>Proposal:</b>	Partition of storage area at rear of existing ground floor shop to create additional commercial unit (Class E) with new shop front to side elevation and associated works		
<b>Application No.:</b> 67379	<b>App. Type:</b> FUL	01/11/2021	Approve with Conditions
<b>Location:</b>	318 Turton Road, Tottington, Bury, BL8 3QF		
<b>Proposal:</b>	Change of use of land to within the domestic curtilage to create new access driveway including stone retaining wall and gate; Erection of double garage		
<b>Application No.:</b> 67405	<b>App. Type:</b> FUL	01/11/2021	Approve with Conditions
<b>Location:</b>	10 Brownhills Close, Tottington, Bury, BL8 3LF		
<b>Proposal:</b>	Demolition of garage and erection of a two storey side extension and single storey rear extension		
<b>Application No.:</b> 67479	<b>App. Type:</b> FUL	30/11/2021	Approve with Conditions
<b>Location:</b>	4 Royds Close, Tottington, Bury, BL8 3QD		
<b>Proposal:</b>	Single storey rear and side extension; Front porch		
<b>Application No.:</b> 67530	<b>App. Type:</b> FUL	11/11/2021	Approve with Conditions
<b>Location:</b>	91 Meadow Way, Tottington, Bury, BL8 3HU		
<b>Proposal:</b>	Removal of conservatory and replace with single storey rear/side extension		
<b>Application No.:</b> 67544	<b>App. Type:</b> FUL	25/11/2021	Approve with Conditions
<b>Location:</b>	27 Beryl Avenue, Tottington, Bury, BL8 3NF		
<b>Proposal:</b>	Replace existing conservatory with storey rear extension with balcony above; New front porch and replacement roofs to ground floor front elevation		

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<b>Application No.:</b>	67578	<b>App. Type:</b>	LDCP	02/12/2021	Lawful Development
<b>Location:</b>	10 Market Place, Ramsbottom, Bury, BL0 9HT				
<b>Proposal:</b>	Lawful development certificate for proposed use of two floors for the sale of food and drink Class E(b) above existing hair salon Class E(a)				

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<b>Application No.:</b>	67583	<b>App. Type:</b>	FUL	22/11/2021	Approve with Conditions
<b>Location:</b>	4 Upton Way, Tottington, Bury, BL8 3BT				
<b>Proposal:</b>	Single storey rear extension to form new sun lounge				

## Ward: Ramsbottom and Tottington - Ramsbottom

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<b>Application No.:</b>	67359	<b>App. Type:</b>	FUL	30/11/2021	Approve with Conditions
<b>Location:</b>	Kibboth Crew, Ramsbottom, Bury, BL0 9DR				
<b>Proposal:</b>	Demolition of existing two storey dwelling and its replacement with a detached two storey dwelling and all associated works				

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<b>Application No.:</b>	67420	<b>App. Type:</b>	FUL	02/11/2021	Approve with Conditions
<b>Location:</b>	6 Redisher Croft, Ramsbottom, Bury, BL0 9JS				
<b>Proposal:</b>	Replace existing window and door furniture to existing conservatory and re roofing with a lightweight composite slate roof				

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<b>Application No.:</b>	67426	<b>App. Type:</b>	FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	81 St Andrews Close, Ramsbottom, BL0 9LB				
<b>Proposal:</b>	Single storey side/rear & front extension				

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<b>Application No.:</b>	67436	<b>App. Type:</b>	FUL	08/11/2021	Approve with Conditions
<b>Location:</b>	Carn Brae, 130 Helmshore Road, Ramsbottom, Bury, BL8 4PB				
<b>Proposal:</b>	Removal of pitched roof to be replaced with balcony/terrace with glass balustrade to east/south elevations				

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<b>Application No.:</b>	67570	<b>App. Type:</b>	FUL	11/11/2021	Approve with Conditions
<b>Location:</b>	262 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0EF				
<b>Proposal:</b>	Conversion of existing first floor sunroom to bedroom; Replacement dormer roof				

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## Ward: Whitefield + Unsworth - Besses

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<b>Application No.:</b>	66804	<b>App. Type:</b>	FUL	18/11/2021	Approve with Conditions
<b>Location:</b>	Unsworth South Social Club, Derwent Avenue, Whitefield, Manchester, M45 8HU				
<b>Proposal:</b>	Demolition of existing building and erection of 10 residential dwellings with associated access, car parking and landscaping				
<b>Application No.:</b>	67240	<b>App. Type:</b>	FUL	01/11/2021	Refused
<b>Location:</b>	277 Parr Lane, Bury, BL9 8PJ				
<b>Proposal:</b>	Change of use of land to be within the residential curtilage enclosed by 1.8m high fence				

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<b>Application No.:</b>	67318	<b>App. Type:</b>	FUL	01/11/2021	Refused
<b>Location:</b>	273 Parr Lane, Bury, BL9 8PJ				
<b>Proposal:</b>	Retrospective planning permission for proposed change of use of land to the rear of property to be within the residential curtilage				
<b>Application No.:</b>	67338	<b>App. Type:</b>	FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	11 Ashby Grove, Whitefield, Manchester, M45 6EX				
<b>Proposal:</b>	Two storey extension at side/first floor extension at rear				
<b>Application No.:</b>	67365	<b>App. Type:</b>	FUL	09/11/2021	Approve with Conditions
<b>Location:</b>	18 Derwent Close, Whitefield, Manchester, M45 8HL				
<b>Proposal:</b>	Two storey and single storey rear/side extension; single storey front extension				
<b>Application No.:</b>	67382	<b>App. Type:</b>	FUL	01/11/2021	Approve with Conditions
<b>Location:</b>	15 Bradley Drive, Bury, BL9 8PT				
<b>Proposal:</b>	Two/single storey extension at rear with juliet balcony; Conversion of garage to living accommodation with first floor side extension; Render to external elevations; Widening of driveway and erection of boundary wall/sliding gates at front/side				
<b>Application No.:</b>	67433	<b>App. Type:</b>	FUL	02/12/2021	Refused
<b>Location:</b>	Car park between 4 Charnley Mews & 1 Charnley Street, Whitefield, Manchester, M45 6BG				
<b>Proposal:</b>	Erection of detached garage				
<b>Application No.:</b>	67498	<b>App. Type:</b>	FUL	04/11/2021	Approve with Conditions
<b>Location:</b>	5A Oak Lane, Whitefield, Manchester, M45 8FT				
<b>Proposal:</b>	Two storey extension to the side; Pitched roof with concrete roof tiles across new and existing roof; Front porch; New access and 1 no. parking spaces to side/rear				
<b>Ward:</b>	<b>Whitefield + Unsworth - Pilkington Park</b>				
<b>Application No.:</b>	66914	<b>App. Type:</b>	FUL	18/11/2021	Approve with Conditions
<b>Location:</b>	170 Bury New Road, Whitefield, Manchester, M45 6QF				
<b>Proposal:</b>	Change of use from first floor flat to an Aperitif bar (Sui Generis)				
<b>Application No.:</b>	67302	<b>App. Type:</b>	FUL	23/11/2021	Approve with Conditions
<b>Location:</b>	25 Sergeants Lane, Whitefield, Manchester, M45 7TR				
<b>Proposal:</b>	Removal of existing porch; two storey extension at front; single storey / two storey extension at side and elevational changes including change rear window / door to bi-folding doors				
<b>Application No.:</b>	67460	<b>App. Type:</b>	FUL	01/11/2021	Approve with Conditions
<b>Location:</b>	2 Ross Avenue, Whitefield, Manchester, M45 7FH				
<b>Proposal:</b>	First floor extensions at side and rear and single storey extension at rear				

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**Application No.:** 67465    **App. Type:** FUL    01/11/2021    Approve with Conditions  
**Location:** 43 Radcliffe New Road, Radcliffe, Manchester, M45 7QZ

**Proposal:** Single storey side extension with link to existing garage conversion.

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**Application No.:** 67538    **App. Type:** FUL    22/11/2021    Approve with Conditions  
**Location:** 11 Kibworth Close, Whitefield, Manchester, M45 7LS

**Proposal:** Two storey rear extension

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**Application No.:** 67584    **App. Type:** FUL    05/11/2021    Approve with Conditions  
**Location:** 94 Ringley Road, Whitefield, Manchester, M45 7LN

**Proposal:** Single storey side and rear extensions

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**Application No.:** 67587    **App. Type:** FUL    11/11/2021    Approve with Conditions  
**Location:** 82 Ringley Road, Whitefield, Manchester, M45 7LN

**Proposal:** Variation of condition no.2 (approved drawings) on p/p 66264 to enclose the existing external balcony with new gable roof over, a new juliet balcony to front elevation, amended window to rear, rooflights to rear roof slope and feature stone cladding

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**Application No.:** 67604    **App. Type:** FUL    22/11/2021    Approve with Conditions  
**Location:** 40 Philips Park Road West, Whitefield, Manchester, M45 7GJ

**Proposal:** Demolition of existing rear garage; Single storey side/rear extension with pitched roof

**Ward:** **Whitefield + Unsworth - Unsworth**

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**Application No.:** 67470    **App. Type:** TEL    02/11/2021    Prior Approval Required and Granted  
**Location:** Pavement opposite Blenheim House, Little 66, Roach Bank Road, Bury, BL9 8RQ

**Proposal:** Proposed 5G telecoms installation: H3G Phase 8 20m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.

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**Application No.:** 67501    **App. Type:** LDCP    18/11/2021    Lawful Development  
**Location:** 24 Elms Road, Whitefield, Manchester, M45 8GR

**Proposal:** Lawful development certificate for proposed use of land to station a mobile home granny annexe for use incidental to the main dwelling

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**Application No.:** 67576    **App. Type:** LDCP    17/11/2021    Lawful Development  
**Location:** 36 Melton Drive, Bury, BL9 8BE

**Proposal:** Lawful Development Certificate for proposed single storey extension at side

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**Total Number of Applications Decided:** 131

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>14 December 2021</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## 1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

## 2.0 CONCLUSION

That the item be noted.

### List of Background Papers:-

#### Contact Details:-

David Marno, Head of Development Management  
Planning Services, Department for Resources and Regulation,  
3 Knowsley Place ,Bury BL9 0EJ

**Tel: 0161 253 5291**  
**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**

**Planning Appeals Lodged  
between 01/11/2021 and 05/12/2021**



**Application No.:** 66444/FUL

**Appeal lodged:** 25/11/2021

**Decision level:** COM

**Appeal Type:**

**Recommended Decision:** Approve with Conditions

**Applicant:** Mr Nicholas Mordin

**Location** Brookhouse Farm, 218 Holcombe Road, Tottington, Bury, BL8 4BQ

**Proposal** Demolition of existing garages/stables and erection of 1 no. dwelling

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**Application No.:** 66513/FUL

**Appeal lodged:** 10/11/2021

**Decision level:** DEL

**Appeal Type:**

**Recommended Decision:** Refuse

**Applicant:** Mr & Mrs Sanders

**Location** Davises Farm, Mather Road, Bury, BL9 6TJ

**Proposal** Refurbishment of existing timber storage building including replacing existing timber doors with new timber doors, alterations to fenestration to include 2 no. doors and 2 no. windows in relation to a cattery area and incorporating the existing open storage area within the footprint of the building by the provision of additional cladding to match existing

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**Application No.:** 67263/FUL

**Appeal lodged:** 09/11/2021

**Decision level:** DEL

**Appeal Type:**

**Recommended Decision:** Refuse

**Applicant:** Mr & Mrs Rose

**Location** 5 Holmfield Avenue, Prestwich, Manchester, M25 0BH

**Proposal** Demolition of existing dwelling and erection of 1 no. dwelling

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**Total Number of Appeals Lodged: 3**

## **The Ombudsman's final decision**

**Summary:** We will not investigate Miss X's complaint about the Council's decision to approve the installation of a new mobile phone mast on land near her home. This is because there is no evidence of fault by the Council affecting its decision and we cannot achieve the outcome Miss X wants, which is to move the mast.

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## **The complaint**

1. The complainant, Miss X, complains about the Council's decision to approve a new mobile phone mast in a location she considers is not suitable. She wants the Council to move the mast.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse effect on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start an investigation if the tests set out in our Assessment Code are not met. (*Local Government Act 1974, section 24A(6), as amended*)

## **How I considered this complaint**

3. I considered information provided by Miss X and the Ombudsman's Assessment Code.

## **My assessment**

4. We cannot question whether the Council's decision to approve the new mobile phone mast is right or wrong simply because Miss X disagrees with it. We must consider whether there was fault in the way the Council reached its decision.
5. Miss X is concerned the description of the site used in the application is inaccurate/misleading but I have seen nothing to suggest this was the case. The site description does not need to include details of everything around the site and is used simply as a way to identify the location of the proposed development. It is clear the Council and local residents were aware of the location and commented on the proposal accordingly. The planning officer's report shows comments from local residents questioning the suitability of the location but explains why, in their view, the proposal is acceptable.

- 
6. Miss X is also concerned about the safety of the equipment, given its proximity to areas lived in and used by local residents including children. But the Council has explained the mast is considered approved equipment and it cannot therefore use residents' concerns about its safety as reason to refuse the application. It also cannot take into account the possible impact on property prices or other issues which are not material planning considerations or matters which are subject to approval under the process.
  7. The planning officer's report shows the Council properly considered the relevant points in determining the application and I have seen no evidence of fault affecting its decision. While it is clear Miss X disagrees with the decision to approve the mobile phone mast we cannot question its judgement and we cannot now say it must withdraw its approval and require it to relocate the mast to another location.
  8. Miss X also complains about the Council's decision to sell or lease the land on which the mast is located. But the Council's response to Miss X's complaint suggests there has been no final decision on this issue. It has invited Miss X to make representations on the proposal before it reaches a final decision and if, once the Council has made its decision Miss X believes it has failed to properly consider her representations she may raise a new complaint.

### **Final decision**

9. We will not investigate this complaint. This is because there is no evidence of fault by the Council affecting its decision and we cannot achieve the outcome Miss X wants.

### **Investigator's decision on behalf of the Ombudsman**

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Classification	Item No. 07
Open	

<b>Meeting:</b>	Planning Control Committee
<b>Meeting date:</b>	14 December 2021
<b>Title of report:</b>	First Homes Policy Position Statement
<b>Report by:</b>	Head of Development Management
<b>Decision Type:</b>	Non-key decision
<b>Ward(s) to which report relates</b>	All

### **Executive Summary:**

The Government has introduced new planning policy requirements for First Homes – a specific kind of affordable housing for discounted market sale to first time buyers.

The policy will be a material consideration in determining planning applications.

In order to set out how the policy will apply in Bury and the local eligibility criteria to be applied, a First Homes Policy Position Statement has been prepared to provide guidance to applicants until a full review of the affordable housing policy is undertaken through the Bury Local Plan. This report summarises the proposed policy position, and recommends the adoption of the First Homes Policy Position Statement as a material planning consideration.

### **Recommendation(s)**

**That:** The First Homes Policy Position Statement be approved.

### **Reasons for the decision:**

To set out how the Council will apply the First Homes requirements so that the Council's position on the application of local eligibility criteria is clear.

## **Other options considered and rejected:**

*To apply the national requirements with no local criteria* – this option has been rejected in order to give priority to existing local residents, in line with the existing affordable housing scheme.

*To apply additional local eligibility criteria in relation to income or key worker status* – this option has been rejected as it would limit the eligible consumer base, reducing the likelihood of the property being sold during the three month window in which local criteria apply. This increases the likelihood of having to apply the national criteria only if no eligible purchaser is found within the first three months of marketing. It would also be more complex to administer and there is a lack of evidence to demonstrate an identified local need for certain professions in order to locally define key workers.

## **Background**

On 24<sup>th</sup> May 2021 a Written Ministerial Statement was published setting out details of the Government's First Homes Scheme. First Homes are a specific kind of discounted market sale housing and are considered to meet the definition of 'affordable housing' for planning purposes. The Written Ministerial Statement sets a national requirement for 25% of all new affordable homes provided through developer contributions to be delivered as First Homes.

Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent sale; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

Local authorities are able to set a deeper minimum discount at either 40% or 50% and impose lower price caps if they can demonstrate a need for this through evidence, however this is not proposed at this time as a deeper discount would result in a reduction in the number of affordable homes delivered, and a lower price cap would restrict the type of First Homes provided.

National eligibility criteria apply to the sale of First Homes as defined in the Written Ministerial Statement and summarised below:

- First Homes must be prioritised for first-time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003);
- First Homes must not be sold to any household with a combined annual income in excess of £80,000;
- All purchasers must use a mortgage or home purchase plan for at least 50% of the discounted purchase value.

Local authorities can choose to introduce their own eligibility restrictions, which are time-limited to the first three months from the start date of marketing of the property. For example, they may wish to set a lower income cap, prioritise key workers (who also meet the first time buyer definition) and / or specify a particular local connection requirement based on work or current residency. After three months, any homes which have not been sold or reserved will revert to the national standard criteria.

### **The proposal**

The Council has been successfully operating affordable housing scheme delivering discounted market sale housing through Section 106 Agreements for a number of years, and therefore has considerable experience in delivering a scheme of this nature.

For consistency with the current affordable housing scheme, it is proposed to introduce local criteria requiring eligible applicants to:

- Have been resident within the Borough (e.g. Prestwich, Whitefield, Bury, Radcliffe, Tottington or Ramsbottom) for at least the last 6 months or more prior to application. If it is a joint application, only one of the applicants has to be living within the borough.
- Have no current or former rent arrears or history of anti-social behaviour with the Council.

In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces are exempt from these local connection testing restrictions.

In light of the three month time limit for local eligibility criteria in order to maximise the opportunity for these properties to be available to local first time buyers, no additional local eligibility restrictions are proposed.

This approach is set out in the First Homes Policy Position Statement so that the Council's position is clear to applicants until such time as a full review of the Affordable Housing policy has been undertaken through the Bury Local Plan and an updated Affordable Housing Supplementary Planning Document has been prepared.

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### **Community impact/links with Community Strategy**

This proposal contributes towards the Lets Do It Strategy – in particular the local neighbourhoods principle, in enabling access to affordable housing for local first time buyers.

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## **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<p>The First Homes Interim Policy Position Statement will have a neutral impact on the Public Sector Equality Duty. It has limited scope and is restricted to setting out how the Council will apply the First Homes requirements so that the Council's position on the application of local eligibility criteria is clear.</p> <p>The requirement to provide First Homes is set by national policy which has been subject to a separate Equality Impact Assessment by the Government prior to its introduction.</p>	

*\*Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

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## **Assessment of Risk:**

The following risks apply to the proposal:

<b>Risk / opportunity</b>	<b>Mitigation</b>
There could be a small reduction in the overall delivery of affordable housing through s106 agreements as a result of applying a 30% discount to First Homes instead of the current 25% requirement applied to discounted market housing.	<p>The requirement for 25% of affordable homes to be First Homes and the minimum 30% discount is set by the Government so is therefore outside our control.</p> <p>Where developers argue that it is unviable to deliver the full affordable housing requirements, we will continue to require this to be supported by viability evidence which is subject to detailed scrutiny at the applicant's expense.</p>
Reduction in the delivery of affordable rent or social rent properties.	<p>The requirement for 25% of affordable homes to be First Homes and the minimum 30% discount is set by the Government so is therefore outside our control.</p> <p>We will continue to support the delivery of affordable rent or social rent properties where possible.</p>
Delay in the sale of First Homes due to the application of local criteria.	<p>The local criteria are only applicable to the first three months of marketing, after which the national criteria apply. Any delay is therefore time limited, and where appropriate consideration will be given to waiving local criteria if necessary, as is the case with the current affordable housing scheme.</p> <p>The local criteria are limited in scope in order to avoid an overly restrictive approach which would limit the eligible consumer base.</p>

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### **Consultation:**

Principal Strategy Officer. Their suggestions have been incorporated in the Interim Policy Position Statement.

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### **Legal Implications:**

Whilst the Council's statutory development plan policies will remain the starting point for planning decisions, the Government's policy requirement for First Homes will be a material consideration in the determination of planning applications. Publishing an

interim policy statement will ensure that there is clarity on local requirements for First Homes in Bury.

Approval of the First Homes Policy Position Statement as a material planning consideration is within the remit of the Planning Control Committee.

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### **Financial Implications:**

*There are no financial implications for the Council in adopting this position statement. However, it does meet with the Council objectives of promoting affordable homes for residents of our Borough.*

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### **Report Author and Contact Details:**

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### **Background papers:**

#### **First Homes Interim Policy Position Statement**

#### **Written Ministerial Statement: Affordable Homes Update made on 24 May 2021**

#### **National Planning Practice Guidance on First Homes**

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
Affordable Housing	Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:  <b>(a) Affordable housing for rent:</b> meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be

	<p>recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p><b>(b) Starter homes:</b> is as specified in <a href="#">sections 2 and 3 of the Housing and Planning Act 2016</a> and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p> <p><b>(c) Discounted market sales housing:</b> is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.</p> <p><b>(d) Other affordable routes to home ownership:</b> is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.</p>
First Homes	<p>First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:</p> <ul style="list-style-type: none"> <li>a) must be discounted by a minimum of 30% against the market value;</li> <li>b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);</li> <li>c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,</li> <li>d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).</li> </ul>

# First Homes Policy Position Statement

## Introduction

This position statement sets out the key information relating to First Homes and how it will relate to the implementation of UDP Policy H4/1 and [SPG5: Affordable Housing Provision in New Residential Developments](#). It sets out the Council's position until such time as a full review of the affordable housing policy is undertaken through the Bury Local Plan and an updated Affordable Housing Supplementary Planning Document is prepared.

When First Homes requirements come into force (for full or outline applications determined from 28<sup>th</sup> December 2021), these are the key aspects Bury Council will typically apply. Further guidance and information is set out in the remainder of this note.



25% of all homes on developments of 25+ dwellings and 10% of homes on developments of 10-24 dwellings should be provided as affordable housing in line with SPG5 and NPPF requirements.



25% of new affordable housing should be provided as First Homes (subject to limited exceptions and transitional arrangements).



First Homes must be sold with a minimum discount of 30% of the market value – the discount should remain in perpetuity and be secured through a suitable planning obligation.



First sale price (after discount) of First Homes to be no higher than £250,000, sold to first-time buyers with a combined household income of less than £80,000.



Bury's local eligibility criteria apply to the first 3 months of marketing, requiring applicants to have been resident within the Borough for at least 6 months and have no current or former rent arrears or history of anti-social behaviour with the Council.

## Background

On 24th May 2021, a [Written Ministerial Statement](#) was published setting out details of the Government's First Homes Scheme. First Homes are a specific kind of discounted market sale housing and are considered to meet the definition of 'affordable housing' for planning purposes. The Written Ministerial Statement sets a national requirement for 25% of all new affordable homes provided through developer contributions to be delivered as First Homes.

The Government also set out the new [National Planning Practice Guidance on First Homes](#). These changes came into effect from 28 June 2021. For further details, please refer to the Written Ministerial Statement and Planning Practice Guidance.

## What are First Homes?

Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent sale; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. S106 agreements).

First Homes should be physically indistinguishable from the equivalent market homes in terms of quality and size. As set out in the Council's Affordable Housing Provision in New Residential Development, any affordable housing provision should be fully integrated and spread throughout the site. The Council will not accept proposals whereby the affordable housing provision is separated or cornered off from the remainder of the development.

In order to ensure the discount is genuine, developers should obtain a valuation from a registered valuer acting in an independent capacity, and that valuation should be in accordance with the Royal Institution of Chartered Surveyors red-book valuation guidance for new-build homes. When the home is resold in future, the seller should secure a valuation in the same way in accordance with RICS's guidance.

## First Homes National Eligibility Criteria

First Homes must be prioritised for first-time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers) and not be sold to any household with a combined annual income in excess of £80,000.

A person who can afford to purchase a First Home without a mortgage should not be eligible to purchase a First Home. As a deterrent against the use of First

Homes for investment, all purchasers of First Homes must use a mortgage or home purchase plan (if required to comply with Islamic law) for at least 50% of the discounted purchase value.

First Homes are intended to be used as a person's sole or primary residence and should not be used for investment or commercial gain. However, there are occasions when it may be necessary for owners of First Homes to let out their property for short periods of time, especially in response to unexpected life events. Therefore, a First Homes owner can only rent out their home for a maximum period of two years, as long as the local authority is notified. Longer rental periods will be considered under the following circumstances: deployment elsewhere (for members of the Armed Forces); primary caring responsibilities for relative/friend; short job posting elsewhere; redundancy; domestic abuse; and relationship breakdown. This will not affect restrictions on letting a property prescribed by a mortgage lender and permission from them would likely also be required.

### **Local Eligibility Criteria**

Local authorities can choose to introduce their own eligibility restrictions.

In Bury, in addition to the national criteria above, and consistent with the Council's long-running affordable housing scheme, to be eligible applicants must:

- Have been resident within the Borough (e.g. Prestwich, Whitefield, Bury, Radcliffe, Tottington or Ramsbottom) for at least the last 6 months or more prior to application. If you are making a joint application, only one of the applicants has to be living within the borough.
- Have no current or former rent arrears or history of anti-social behaviour with the Council.

In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces are exempt from any local connection testing restrictions.

As required by the Written Ministerial Statement, these local eligibility restrictions are time-limited to the first three months from the start date of marketing of the property. Upon expiry of the three-month period, any homes which have not been sold or reserved will revert to the national standard criteria set out above.

### **Setting developer contributions for First Homes**

A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.

In accordance with paragraph 63 of the National Planning Policy Framework, affordable housing is expected to be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

Where cash contributions for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions should be used to secure First Homes. This could be achieved, for example, by acquiring additional First Homes from market development, paying the developer a sum to offset the discount from market price, and securing the tenure through section 106 planning obligations.

Where a mixture of cash contributions towards affordable housing and on-site units are secured, 25% of the overall value of affordable housing contributions should be applied to First Homes.

### Planning proposals

Paragraph 65 of the National Planning Policy Framework requires major development involving the provision of housing (i.e. schemes of 10 or more residential units), 10% of all homes on site should be affordable home ownership products, subject to limited exceptions.

Bury's planning policies require 25% of homes on sites on 25 or more dwellings to be provided as affordable housing.

Once a minimum of 25% of the affordable units as First Homes has been accounted for, the Written Ministerial Statement states that social rent should be delivered in the same percentage as set out in the local plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the development plan.

In Bury, the affordable housing policies do not set specific requirements for proportions of different tenures, therefore the tenure of the remaining 75% of affordable units is open for negotiation. We have been delivering a similar discounted sale product for a number of years, the main difference being that the properties are discounted by 25% and are not restricted to first time buyers. It is anticipated that First Homes will replace a proportion of these properties.

The affordable housing requirements in Bury are therefore:

<b>Development size</b>	<b>Total % affordable requirement</b>	<b>Tenure split of affordable units</b>	<b>Worked example</b>
10-24 units	10%	25% First Homes 75% affordable home ownership	24 unit scheme requires 2 affordable homes. 25% of 2 = 0.5, which is rounded up to 1 First Home. 1 can be any form of affordable home ownership.
25+ units	25%	25% First Homes 15% affordable home ownership 60% any tenure	100 unit scheme, 25 affordable homes required. Requirement for 6 First Homes, 4 can be any form of affordable home ownership, 15 can be any tenure of affordable housing.

Once 25% of the affordable properties are accounted for as First Homes it is open to applicants to set out the tenure mix for the remaining affordable properties, ensuring that at least 10% of the total properties are affordable home ownership (including First Homes, discounted market housing and shared ownership) as required by NPPF.

## Exemptions from requirements to deliver affordable home ownership products

Paragraph 65 of the National Planning Policy Framework sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless the site or proposed development:

- Provides solely for Build to Rent homes;
- Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- Is proposed to be developed by people who wish to build or commission their own homes; or
- Is exclusively for affordable housing, an entry-level exception site or a rural exception site.

First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 65 of the Framework, they shall also be exempt from the requirement to deliver First Homes.

## Is there a transition period for decision making?

The new First Homes policy requirement does not apply for the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021
- applications for full or outline planning permission where there has been significant preapplication engagement which are determined before 28 March 2022; and

Applicants should be mindful of the requirement for a Section 106 agreement to be in place at the point of determination (i.e. a decision being issued), and this will be taken into consideration in determining the affordable housing mix. Where there is a resolution to grant permission but there has been insufficient progress in the agreement of a planning obligation by the deadlines set out above, the Council may need to consider reviewing the affordable housing tenure mix prior to issuing a decision.

For the purposes of the First Homes policy, significant pre-application engagement means any substantive discussions between the Council and the applicant relating to the proposed quantity or tenure mix of the affordable housing contribution associated with that application.

Where an application has been submitted and is likely to be granted before the dates above, the applicant can opt to amend the proposals to include First Homes, either at 25% of the affordable units or a lower proportion.

The First Homes policy does not apply to applications made under section 73 of the Town and Country Planning Act 1990, to amend or vary an existing planning permission, unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for that development.

## First Homes Exception Sites

In order to maximise the number of First Homes made available the Government is also seeking to deliver First Homes via exception sites. Exception sites are small sites brought forward outside of development plans in order to deliver affordable housing.

First Homes exception sites should be on land which is not already allocated for housing and should:

- a) Comprise First Homes;
- b) Be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the NPPF<sup>1</sup> and comply with any local design policies and standards.

A small proportion of market homes may be allowed on the site at the local authority's discretion, for example where essential to enable the delivery of First Homes without grant funding. The Council expect this to be justified by a detailed viability assessment to justify the level of market housing proposed. Also, a small proportion of other affordable homes may be allowed on the sites where there is significant identified local need.

## Further Sources of Information

- [Written Ministerial Statement – 24th May 2021](#)
- [Planning Practice Guidance – First Homes](#)
- For further information regarding affordable housing provision please see [SPG5: Affordable Housing Provision in New Residential Development](#).
- For details of the Council's pre-application advice service please see [Pre-application advice - Bury Council](#)
- Contact [planning.policy@bury.gov.uk](mailto:planning.policy@bury.gov.uk) should you require any further information.

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<sup>1</sup>i.e. the areas referred to in footnote 6 of the National Planning Policy Framework. First Homes exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty, land designated as Green Belt, or areas designated as rural under s. 157 of the Housing Act 1985.

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