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AGENDA FOR PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

Councillors : S Thorpe (Chair), C Boles, D Duncalfe,
U Farooq, J Harris, M Hayes, B Ibrahim, D Quinn,
G Staples-Jones, D Vernon and M Walsh

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 26 September 2023
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	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.
Notes:	https://councilstream.com/burycouncil/3204

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 29TH AUGUST 2023 *(Pages 3 - 6)*

Minutes of the meeting held on Tuesday the 29th August 2023 are attached.

4 PLANNING APPLICATIONS *(Pages 7 - 38)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 39 - 50)*

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 51 - 78)*

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 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: 29 August 2023

Present: Councillor S Thorpe (in the Chair)
Councillors C Boles, D Duncalfe, J Harris, M Hayes, B Ibrahim,
D Vernon, M Walsh, D Green and L Ryder

Also in attendance: Councillors N Bayley, R Brown, L Dean, C Morris, E O'Brien,
L Smith, Councillor T Tariq and Councillor M Whitby

Public Attendance: 83 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors U Farooq, G Staples-Jones and D Quinn.

Councillors D Green and L Ryder acted as substitute representatives for Councillors G Staples-Jones and D Quinn.

PCC.2 DECLARATIONS OF INTEREST

Councillor D Vernon declared an interest in planning application 68055, Land at Springside Road, Bury. He had personal friends that lived in the same area. He had not commented on the application and would remain in the meeting during deliberation of this application.

Councillor C Boles declared an interest in planning application 68055, Land at Springside Road, Bury. He had family friends that lived in the same area. He had not commented on the application and would remain in the meeting during deliberation of this application.

PCC.3 MINUTES OF THE MEETING HELD ON THE 25TH JULY 2023

Delegated decision:

That the Minutes of the meeting held on the 25th July 2023 be approved as a correct record and signed by the Chair.

PCC.4 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 69735 and 69580.

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

Delegated decisions:

1. That the Committee be **Minded to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and conditions included, subject to the signing and completion of a Section 106 agreement for off-site biodiversity mitigation, thereto in accordance with Section 15 of the National Planning Policy Framework. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application:-

Land at Billberry Close & Albert Road, Whitefield, M45 8BL

Erection of 7 no. bungalows with associated works

2. That the Committee be **Minded to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and conditions included, subject to the signing and completion of a Section 106 agreement for recreation provision, affordable housing and off-site highway design works and biodiversity mitigation, thereto in accordance with policies H2/1, HT6/1, RT2/2 of the adopted Unitary Development Plan, SPD1 and SPD5 and Section 15 of the National Planning Policy Framework. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application:-

Land at Springside Road, Bury

Residential development comprising of 41 no. dwellings with associated access, landscaping and ancillary works

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 subject to the conditions included:-

Rostrevor Hotel, 146-148 Manchester Road, Bury, BL9 0TL

Change of use from hotel (C1) to 2 no. 9 bedroom (single occupancy) HMOs (Sui Generis)

4. That the Committee be **Minded to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and conditions included, subject to the signing and completion of a Section 106 agreement for recreation provision, affordable housing and off-site biodiversity mitigation, thereto in accordance with policies H2/1, RT2/2 of the adopted Unitary Development Plan, SPD1 and SPD5 and Section 15 of the National Planning Policy Framework. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application:-

Site of the former Riverside High School, School Street, Radcliffe, M26 3BW
Residential development to erect 90 dwellings with associated parking and landscaping

5. 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:-

Land & buildings at Murray Road/2-10 Princess Parade/47-51 Market Street & Bury Market, Bury, BL9 0BJ

- (1). Demolition of buildings and erection of flexible events hall with associated servicing, parking and landscaping;
(2). New canopy structure to cover existing outdoor market;
(3). Temporary permission sought for area of Bury Market car park to be utilised for site cabins for the duration of the build

At this stage of the evening, the meeting was approaching the maximum of three hours. At the expiry of the three hours, the Chair and Members present agreed that the meeting continue beyond the three hours duration.

PCC.5 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.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 CONFIRMATION OF TREE PRESERVATION ORDER (361)

A report from the Head of Development Management was submitted to set out the issues relating upon the current temporary tree preservation order (No.361) at land adjacent to 78 Countess Lane, Radcliffe, M26 3NH.

Delegated decision:

That the report and appendices be noted and that the current temporary preservation order issued on the trees within the curtilage of the site as identified in appendix 1 & 2

of the report **be confirmed** by the Committee in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted subject to the conditions included:-

PCC.8 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR S THORPE
Chair

(Note: The meeting started at 7.10pm and ended at 10.10pm)

Title	Planning Applications
To:	Planning Control Committee
On:	26 September 2023
By:	Development Manager
Status:	For Publication

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 Township Forum - Ward: Bury East - Redvales

App No. 68709

Location: Land adjacent to 23 Meadway, Bury, BL9 9TY

Proposal: Erection of 2 no. detached dwellings.

Recommendation: Approve with Conditions

Site Visit: N

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Ward: Bury East - Redvales

Item 01

Applicant: SAC Property Developments Ltd

Location: Land adjacent to 23 Meadway, Bury, BL9 9TY

Proposal: Erection of 2 no. detached dwellings.

Application Ref: 68709/Full

Target Date: 29/06/2023

Recommendation: Approve with Conditions

Description

The application site relates to an open piece of grassed land which is situated within a cul de sac of a residential development comprising 5 detached properties. A strip of land running along the eastern part of the site is identified as being located in the River Valley (UDP Policy OL5/2), Wildlife Corridor (UDP Policy EN6/4) and Protected Recreation under UDP Policy RT1/1.

Beyond the eastern boundary of the site is the Roch Valley Greenway and the River Roch which is also designated as OL5/2, EN6/4 and RT1/1 land. To the south and west the site is partly bounded by trees and hedging. To the north is a detached garage and the driveway to No 23 Meadway, with the other houses on the cul de sac located to the west of the application site in a horseshoe formation. The cul de sac comprises large detached properties with open frontages and gardens and is accessed via an unadopted single lane which leads off the main part of Meadway.

There is a public sewer which runs through the site from north to south.

Outline planning consent (ref 61369) was granted in 2017 for a residential development for 2 no. detached dwellings and included the means of access to the site.

A subsequent reserved matters application (ref 65469) was granted for the details comprising layout, scale, appearance and landscaping in 2020.

This application seeks a full planning consent for a residential development for 2 no.x 5 bed residential dwellings.

The proposed dwellings would be set back from the cul de sac and located towards the rear of the plot of land. There would be driveway parking for 3 cars and gardens to the front of each dwelling. A 1.1m high fence and hedge planting would be located at the side of each dwelling behind which would be the amenity space to the side and rear of the properties.

The proposed dwellings would be 2 storey in height, with accommodation comprising living areas at the ground floor, 3 bedrooms at first floor and a further 2 bedrooms in the roof space.

The dwellings would be constructed of red brick with red roof tiles and the elevations and fenestration patterns would be relatively modest with symmetrically aligned windows and front piked detailing.

It is proposed to provide a passing place for 2 cars within the southern boundary of the site behind which 3 new native trees would be planted.

For the purposes of referencing in the report, the dwelling set to the north of the site will be referred to as plot 1 with plot 2 proposed in the southern area of the site.

Relevant Planning History

01872/E - Pre-application enquiry for proposed no. 2 detached houses & no.2 detached double garages - Enquiry completed 18/08/2016

61369 - Outline application for 2 no. detached dwellings with detached double garages with details of access. - Approve with Conditions 24/05/2017

65469 - Reserved matters for layout, scale, appearance and landscaping approval following grant of Outline approval ref. 61369 for 2 no. detached dwellings - Approve with Conditions 29/07/2020

Publicity

Letters sent to 18 properties on 9/5/23.

8 objections received with the following issues raised:

Land ownership -

- The applicant does not own all the land within the site area and the site plan includes the private road and parts of the cul de sac which are in the ownership of the existing residents and therefore should be amended

Scale and appearance

- The properties proposed to be built appear to be significantly higher (3 storeys) than the neighbouring properties and have rooms in the roof space.
- Concerned about the impact that the proposed buildings will have on density and visual appearance of the cul de sac as a whole. The size of the proposed properties will in our opinion significantly impact and diminish the appearance of the surrounding area.
- Given the proposed scale and position of the properties they will also have a detrimental effect on the outlook from the neighbouring properties.
- Impact on privacy and overlooking to neighbours
- The proposed finishing materials and the fabric of the properties is not in keeping with the neighbouring properties
- The existing properties were built and positioned staggered in a way as to not overlook one another.
- There has been overwhelming support not to build on the land over the years.

Highway issues

- The proposed positioning of the driveway for one of the properties (the most southerly of the two properties) will reduce the visibility for the vehicles driving along the access way to the neighbouring properties. Restrictive Covenants in the deeds states that the road has to be free for right of way at all times and no vehicles to be parked on the road. Emergency vehicles need to be able to access each property
- There is further concern regarding the increased traffic that will arise. which we calculate will be at least 40% and potentially greater.
- There are clear Health & Safety and environmental implications from the significantly increased traffic.
- The existing properties were built with driveways to accommodate parking for up to 5 vehicles, so the adopted road is kept clear for access to neighbouring driveways.
- Vehicles entering these proposed driveways will have to encroach onto the drive of No 21 Meadway in order to access their drives.
- Building vans and materials which would be going up and down Meadway are dangerous, especially when there is a footpath and walking area to cross just before the proposed building site where young children cross and walk to the playground at Goshen and come to see the wildlife at the lake on Meadway
- There are already many cars that come down the narrow slope in front of our houses (usually at speed). View is restricted by the trees/hedging leading up to those houses which is a hazard. We have congestion on Meadway with the number of vehicles parked on the road.
- There is no pavement. Needs of children should be taken into account with safe pedestrian access.
- There is no room for manoeuvring, turning or passing. This will cause so much

congestion.

- Access issues for emergency vehicles and length of the cul de sac;
- Originally only 5 houses were permitted. What has changed?

Landscaping

- The proposed development application has made no reference to the existing trees and lamp posts. On previous applications it was suggested that any trees removed had to be replaced to protect the wildlife.
- Removing these trees and hedges are going against section 174 of the NPPF 2021 as these are used by the wildlife for nesting and contribute and enhance the natural and local environment. Removing these will downgrade the look of the development.
- There is Himalayan balsam present on land immediately adjacent to the site. Eradication, control and an ongoing management plan should be implemented to stop the spread of these invasive species.

Other matters

- Covenant - There are restrictive covenants. All neighbouring properties must be kept with a full open plan to the front of the properties. As per the title deeds all neighbouring properties must be kept with a full open plan to the front of the properties. No fences, hedges, railings gates or walls to be erected in front of the front face brick to the road. any hedges and fences should be removed from the application. On the submitted plans there is a hedge and fence separating the 2 properties. Therefore, we request this to be removed.
- Flooding - The proposed development sits on part of a flood plain of the River Roch. Part of the National Planning Policy Framework stated that authorities should seek to adopt proactive strategies to mitigate and adapt to climate change, taking into account flood risks
- Proximity to sewer pipe - The neighbouring properties all required piling to a depth up to 8 metres given they are built on a flood plain. Given the scale of the properties there may need to be an increased number of piles or to a greater depth. Given the proposed proximity to the existing sewer we believe that there is an increased risk of damage (via vibration) to the existing utilities. The sewer operated by United Utilities is constructed of brick and there would be a need of a minimum of 5 m either side from the centre of the sewer to be kept free from heavy machinery and any outside building.
- Coal - The findings from the coal authority has been identified from SACS own coal mining risk assessment, which could propose a health risk according to the coal authority response
- Planning was granted for the 5 dwellings so long as the development was drained on a separate system due to drainage system. A planning application for 6 bungalows was refused in 1982. Nothing underground has changed in the last 31 years and therefore further houses should not be allowed to be built on the proposed location due to the underground sewage system.
- Construction - Object to the use of the pavement and road in front of No 9 Meadway for parking/storage in relation to the CTMP.
- We don't want more houses up there.
- Why was outline planning earlier granted with so many reserved matters and constraints attached to it

Since the application was submitted, the application has been revised to include changes to the height, design and appearance of the dwellings, site layout (including provision of passing place, parking arrangements and landscaping) and the construction traffic management plan.

Objectors and those residing on the cul de sac were re-notified of the changes by letter on 18/8/23.

Further objections received as follows:

Scale and appearance

- Contravenes policy H2/1 - The existing houses have large front and rear gardens and are well spaced and staggered to ensure privacy. The proposed buildings are at odds with the scale and visual appearance of the cul-de-sac as a whole, having little or no rear gardens, garden areas at the side and relatively small driveways (insufficient garden or amenity land.)
- As per the title deeds of the current properties, there are restrictive covenants. All neighbouring properties must be kept with full open plan to the front of properties which means no fences, hedges, walls etc to be built beyond the front face bricks to the road. There are hedges and fences which do not adhere to these covenants in the planning application.
- The proposed buildings are 3 storey, a previous application (65469) to include a 3rd storey was rejected, setting a precedence for the cul-de sac. The height of the buildings further impinge on the loss of view experienced by all 5 houses and have significant impact for the privacy of residents of number 21, as the proposed properties are directly facing their property.
- Despite the changes in building materials in the revised plans, the overall appearance of the houses do not reflect the appearance of the existing 5 properties. While all 5 have been further developed since the original build, they still share significant characteristics, none of which are reflected in the proposed buildings. The secluded nature of the cul-de-sac means any development which does not reflect the appearance of the original development is in conflict with the surrounding area.

Highways/Access

- The entrance to the cul-de-sac is significantly narrower than the recommended 5.5m. This, along with a slope and bend, creates a 'blind spot' meaning vehicles have to reverse back up or down onto Meadway where Roch Valley cycle path joins the road. PPG13 Transport Objectives 5 & 7 and Unitary Development Plan HT6/2 relate to cyclists and pedestrian safety, additional housing and associated increase in vehicles accessing the development opposes these objectives as uses of the cycle path and visitors are at increased risk.
- The inclusion of a 'passing place' does not address the above concerns as it is situated beyond the 'blind spot' therefore being ineffective in ensuring the objectives are met.
- There are already too many cars that fly out of the narrow access road and use it as a launch pad to come out onto Meadway proper. There have been a number of near misses already. There are at least 2/3 cars for the existing 5 properties and the traffic is up and down all day. To add at least another 4 cars will make it worse. Noise, environmental, emissions - all these factors will affect us nearest to this end of Meadway
- There are no footpaths on the cul-di-sac or space for 'off road' parking which means vehicles have to be parked on driveways. The plans indicate parking spaces for 3 vehicles for each house, however, they are directly facing the driveway of number 21. The proposed plans are drawn incorrectly, they show the road to be wider than it actually is, there is not an indent between the garden and driveway, the drive goes straight across (as shown in the photograph.) The narrow width of the road (approximately 3m) and the proximity of the driveways from the proposed houses and the driveways of 21 and 23 Meadway would make manoeuvrability of vehicles extremely impractical and potentially dangerous, exacerbated by the hedges between both properties too.

Capacity of Physical Infrastructure and Potential Environmental Risks

- The main sewer which runs through the centre of the proposed development is constructed of brick and requires at least a 5m easement (confirmed by United Utilities and the builder of the original development). The site is a floodplain requiring foundations to have 8m pilling raising potential concerns for maintaining the integrity of the sewer. The houses on the plans do not have a 5m easement from the centre of the sewer line.
- There are also concerns about the potential for increasing a flood risk by overdeveloping a floodplain.
- We note the recommendation from the EH with regards to potential land contamination.

Construction Traffic Management Plan

- The revised plan is not accurate, it has outdated site plans. There are concerns around the feasibility of elements of the plan, particularly the movement of vehicles on the site. An example would be using 'Gate A' as a point for excavating materials from the site and the delivery and storage of materials for the build. Due to the narrow road and the fact that the point directly faces a line of mature trees, it would be virtually impossible for a small car to negotiate this manoeuvre, let alone large vehicles, lorries, diggers etc. This point is also at the 'blind spot' referred to previously.

Other

- We also have bats that come into our garden every evening from that direction. Has a bat survey been done to establish where they are roosting. Also has an assessment of great crested newts been carried out given the environment of pond/water in the immediate vicinity.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Borough Engineer - Drainage Section - No response received.

Environmental Health Contaminated Land - No objection subject to conditions.

Waste Management - No response received.

Environment Agency - Direct the LPA to the EA's standing advice.

United Utilities (Water and Waste) - No objection subject to a condition for implementation of the submitted drainage strategy.

The Coal Authority - No objection subject to conditions.

Greater Manchester Ecology Unit - No objection subject to conditions and informatives.

Public Rights of Way Officer - No issues

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN5/1	New Development and Flood Risk
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT1/1	Protection of Recreation Provision in the Urban Area
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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.

Housing Policy Principle - The National Planning Policy Framework (NPPF) 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. The Framework maintains the emphasis on identifying 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 of 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.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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.

The site is within an urban location and is adequately served by existing infrastructure. It would be located within an established residential development and would not conflict with the local environment in terms of the character and surrounding land uses. As such, the principle is in general accordance with national planning policy and would help to contribute to meeting local housing targets and would be in compliance with the NPPF and UDP Policy H1/2.

The principle of a residential development for 2 no dwellings has also been previously established with the grant of permissions in 2017 (outline) and 2020 (reserved matters).

Environment Policy Principle - The proposal is partly within the River Valley (UDP Policy OL5/2) and Wildlife Corridor (UDP Policy EN6/4) and Protected Recreation under Policy RT1/1.

River Valley - A small part of the application site is designated as River Valley under Policy

OL5/2.

UDP Policy OL5/2 sets out the approach towards development proposals within areas designated as River Valley. Policy OL5/2 restricts new buildings or the change of use of land in River Valleys except where the development would not lead to the division of open parts of the valleys into sections. The site is not in the Green Belt and, as such, Policy OL5/2 requires the development to satisfy at least one of the circumstances listed. These relate to the development representing limited infilling, an extension or renewal of existing industry, an outdoor recreational or appropriate tourist facility use, limited development essential to the maintenance and improvement of public services and utilities and development appropriate in a Green Belt.

The proposal would not lead to the division of open parts of the valley into sections as it is disconnected from the wider valley. As such it would not obstruct access through the valley and it is considered to represent limited infilling within an established settlement. Therefore, the proposal is in conformity with UDP Policy OL5/2.

Wildlife Links and Corridors - A small part of the application site is within a Wildlife Corridor as designated under UDP Policy EN6/4. Policy EN6/4 states that new development within or adjacent to wildlife links and corridors should contribute to their effectiveness through design, landscaping and siting of development and mitigation works.

The proposed development would be within a small area of the Wildlife Corridor and a landscaping scheme has been submitted which GMEU have advised is appropriate mitigation.

It is considered that the proposal would be in conformity with UDP Policy EN6/4 and a condition would ensure that appropriate mitigation measures are provided.

Recreation - A small part of the application site forms part of a wider RT1/1 designation which covers Goshen playing fields. However, it is considered that the site is detached from these playing fields due to lack of direct access and the line of trees and vegetation and therefore cannot be considered to contribute to the recreation space provided at Goshen. The remaining part of the site outside of the RT1/1 designation does not fulfil a recreation function and did not feature in the 2012 Greenspace Strategy and Recreation audit. As such, the proposed development would not conflict with Policy RT1/1.

It is therefore considered the proposed development would be consistent with planning policies OL5/2, EN6/4 and RT1/1.

Places for Everyone (PfE)

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified) and reference to policies and proposals are outlined below where these are considered relevant.

Policy JP-G3: River Valleys and Waterways

Policy JP-G3 seeks to protect and improve river valleys and waterways as central components of our Green Infrastructure network. It requires new development to seek to retain the open character of the river valleys, avoiding their fragmentation and prominent development on valley edges. The policy also requires development to relate positively to nearby rivers.

As noted above, only a small part of the application site is designated as River Valley in the UDP and the proposal would not lead to the division of open parts of the valley. Furthermore, whilst close, the application site is not adjacent, accessible or visible to the River Roch. As such, the proposed development would not conflict with Policy JP-G3.

Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-G9 requires development to follow the mitigation hierarchy of:

- Avoiding significant harm to biodiversity, particularly where it is irreplaceable, and including through consideration of alternative sites with less harmful impacts where appropriate,
- Adequately mitigating (within the local area) any harm to biodiversity, then
- Adequately compensating (within the local area) for any remaining harm to biodiversity.

As noted above, only a small part of the site is located within a Wildlife Corridor. A landscaping scheme including boundary treatment has been submitted and GMEU have advised this is appropriate mitigation for the small loss of biodiversity.

As such, it is considered that the proposal would be in conformity with JP-G9 and a condition would ensure that appropriate boundary treatment and mitigation measures are provided.

Layout and siting - The existing dwellings are arranged in a horseshoe form around the cul de sac within relatively spacious plots. The density of the existing built development to available land is low.

The proposed dwellings would have a similar, if not slightly smaller footprint than the existing dwellings and would similarly be set within generous plots sizes. The dwellings would be positioned towards the rear of the plot and largely retain open and generous grassed front gardens with double driveways which would reflect the character of the existing cul de sac.

It is proposed to separate the driveways by a hedge which would run the length of the drives to the front of the site. It is also proposed to erect a 1.1m high fence with hedge planting at the side of the houses to create acceptable levels of private amenity space at the side and rear of the properties, but this would not affect the frontages which would largely remain open.

It is considered this layout would therefore reflect the character, arrangement and layout of the existing dwellings on the cul de sac.

Representations made to the application have stated that there is a covenant on the existing dwellings which restricts the erection of any boundary fencing, hedging and walls forward of the front elevations of these houses.

The applicant has confirmed that there is no restrictive covenant with reference to the erection of fences, walls, hedging etc on the application site. That aside, covenants on land are private matters and not material planning considerations. In other words, planning permissions can be granted on land which is subject to a covenant, but the covenant could

possibly restrict the development, or parts thereof from being built out.

From a planning perspective and for the reasons above, the proposed development is considered to be acceptable in terms of character and layout of development within this setting.

A sewer pipe runs across the site in a north/south direction. The applicant is aware of this pipe and it is plotted on the proposed site plans and labelled as 'approx line of drain'. The proposed dwellings would be sited east of this line by 4.9m.

United Utilities have been consulted and in principle have raised no objections to the proposed development and have no objections to the drainage strategy which has been submitted, subject to implementation. The acceptability of the proposal from UU's perspective is dependant on the applicant knowing the exact location (line and depth) of the pipe which would need to be confirmed through site specific investigations which is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

This would be a private matter for the applicant to address and would not prevent a permission to be granted on the site as UU's agreement would be required.

It is therefore considered that the proposed development would reflect the layout and character of the existing cul de sac, by setting back the properties within the plot and largely retaining an open aspect and frontage. The proposed development is therefore considered to be acceptable and would comply with H2/1 and H2/2.

Permitted development rights would be removed to ensure that any future development could be controlled to limit/minimise impacts of any future development on either the character of the cul de sac or the residential amenity of the existing occupiers.

Scale, design and appearance - The existing dwellings on the cul de sac are detached properties. They are 2 storey in height comprising red brick elevations and pitched roof detailing to the front elevations and grey framed windows and doors.

The proposed dwellings would also be detached and have a similar, if not slightly smaller footprint to the existing properties. The dwellings would be 2 storey in height and whilst there would be accommodation at a 2nd floor level, this would be entirely contained within the roofspace and as such the dwellings would appear as 2 storey types which would be in keeping with the scale and massing of the adjacent properties.

Design elements such as the pitched roof front projections and symmetrically aligned and proportioned window openings would be incorporated to reflect the design of the existing dwellings and materials would comprise red brick elevations, dark red roof tiles and grey windows which would also be in keeping with the surrounding houses.

It is therefore considered that the design and scale of the proposed dwellings would take reference from the existing properties and reflect the design and scale of the dwellings which characterise the cul de sac and urban grain and as such would comply with policies EN1/2, H2/1 and H2/2.

Impact on residential development - Supplementary Planning Document 6 is used as a guide to assess relationships and aspect standards between properties and new built development to ensure that suitable separation distances are maintained and that a new development would not cause undue harm to adjacent neighbours. Advice is to maintain a distance of 13m between principal windows and blank gable walls.

From the front elevations of both proposed dwellings, there would be a distance of more than 21m to all the properties on the cul de sac and more than 35m to some of the houses.

The existing conifers which are located at the front of the site are proposed to be retained

and as such would provide some screening of the site. Notwithstanding this, aspect standards would be satisfied for the proposed development and the set back of the houses within the site area would also maintain a sense of openness and space between the new development and existing properties.

As such, the proposed development would comply with H2/2, H2/6 and SPD6.

Access and parking - The cul de sac and access to it is a private and unadopted but well maintained and tarmaced lane. The access is a single width and short stretch of road with a sharp bend into the cul de sac from the main part of Meadway.

In terms of access to the site which has been included in the red edge location plan, the applicant has served the requisite notices on the owners of the road and as such satisfies the requirements of the certification of the application.

It is proposed to provide a passing place for 2 cars located within part of the southern parcel of land near to where the lane bends and this would improve visibility into and out of the cul de sac and reduce conflict between vehicle users and pedestrians emerging onto Meadway at this point. It would bring a benefit to both the future occupiers of the dwellings and the existing residents.

As an additional consideration, the access lane does not lend itself to be driven at fast or even moderate speed and any user of the lane would automatically slow down and take care along the route.

For two additional dwellings it is considered that the scale of development would not significantly add to the volume of traffic to the extent to cause highway safety concerns and the works to include a passing place would improve the existing access arrangements. Occupiers of both the existing and proposed dwellings would also not be leaving or arriving at the same time and therefore additional traffic generation to and from the site would be relatively insignificant.

In terms of parking, the development proposes driveways to each dwelling and the proposed plans show 3 cars could comfortably be provided per property. SPD11 advises 3 parking spaces for be provided and as such the proposed development would comply with this policy guidance.

There would be adequate space within the cul de sac to facilitate vehicles reversing out of the plots without encroaching onto neighbouring driveways.

The Highway Authority have raised no objection to the proposed development subject to conditions.

It is therefore considered the proposed development would provide acceptable access and parking arrangements and would comply with H2/2, H2/6 and SPD11.

Public Right of Way - There is a public footpath next to the access to the site which follows the River Roch. The proposed development would not encroach onto the footpath. Should the Right of Way be affected, an appropriate closure or diversion order would be required. An informative would be included to this affect.

Air quality - Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. Due to this requirement and in line with the principles of Good Practice set out in the EPUK Guidance, a condition is recommended for the provision of an electric vehicle (EV) charging points for each residential unit.

Trees - The proposed development will not impede or impact on any of the existing trees beyond the eastern boundary of the site. A condition for tree protection measures would be included to ensure there would be no harm caused to the trees on the Roch Valley Way.

Ecology

Summary

Ecological issues remain effectively unchanged from the previous application

Protected Species

No evidence of any protected species was identified, though it was noted that species such as bat, badger, reptiles and otter may utilise the site on occasion. GMEU are satisfied that the risk of an offence is very low and that only an informative with regards otter is required which has now been recorded on the River Roch.

Nesting Birds

The development will result in the loss of trees and shrubs, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict the timing of tree/shrub removal unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Other Mammals and Amphibians

The scrub woodland provides potential habitat for species such as hedgehog and common toad, both UK Biodiversity Priority Species and therefore material considerations. GMEU recommend that measures are taken to ensure such species are humanely moved/displaced from the site. The details can be conditioned to provide a reasonable avoidance measures method statement for mammals and amphibians.

Invasive Species

The proposed invasive species management plan demonstrates a commitment to preventing the spread of Japanese knotweed and Himalayan balsam. GMEU are satisfied that a condition can be applied that prior to any earthworks or vegetation clearance an updated invasive species survey and management plan will be submitted for approval.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Mitigation should be provided for loss of trees and shrubs as well as associated bird nesting habitat. Enhancement measures for bats are also recommended.

The development proposes to provide native hedging and 3 medium standard native trees road verge in front of the houses with 3 native landscape trees to mitigate for the net loss of biodiversity on site and include bat and bird boxes in both of the dwellings. GMEU are satisfied with the proposals and recommend the details are secured by condition.

The proposed development would therefore comply with UDP Policy EN6/3 and the principles of the NPPF.

United Utilities

In terms of drainage of the site, following review of the submitted Drainage Strategy, United Utilities have confirmed the proposals would be acceptable in principle subject to a condition for the implementation of the submitted strategy.

A public pipe crosses the site in a north/south direction. The footprint of the proposed dwellings are shown to be located 4.9m to the east of this pipe.

Following review of the proposed site layout, UU have stated that it would appear that the required access to the combined sewer would be provided. However, the acceptability of the proposed development would be dependant on the applicant knowing the exact line location and depth of the asset, which should be confirmed through the applicant's site specific investigations.

It is the applicants responsibility to ensure that United Utilities required access is provided

within any proposed layout and that their infrastructure is appropriately protected. The developer/applicant would be liable for the cost of any damage to United Utilities assets resulting from their activity.

For planning purposes, the location of the public pipe would be a private matter for the applicant to address directly with UU. The relevant consents and permits from UU would need to be applied for to secure build over agreements or connections to public sewers.

As such, it is considered that the proposed development, with the condition for the implementation of the submitted a drainage scheme would be acceptable and comply with chapter 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF and UDP Policy EN5/1 - New Development and Flood Risk.

Flood Risk - Part of the site falls within Flood Zone 2.

The Environment Agency (EA) have been consulted on the application. The EA have produced a series of standard comments for local planning authorities (LPA's) to refer to on 'lower risk' development proposals where flood risk as an issue. These standard comments, known as Flood Risk Standing Advice, replace the requirement for direct case by case consultation with the EA by Local Planning Authorities. This planning application sits within this category.

A Flood Risk Assessment (FRA) has been submitted with the application and has been prepared in consideration of the requirements of local and national planning policy. The FRA recommends that the finished floor levels are raised to 69.48AOD and advises that appropriate flood resilience and resistance measures are included at the ground floor in both dwellings.

The proposed plans show that the proposed dwellings would be set at this recommended floor level and this would be secured by condition.

The location of the proposed dwellings has been shown to lie outside the modelled fluvial and pluvial extent and as such should not increase flood risk elsewhere through the displacement of water.

An advisory note to the applicant to include flood resilience and resistance measures at the ground floor and sign up to the Met office Severe Weather Warning Service would be included.

The FRA has been compiled in line with the EA's Standing Advice, and subject to conditions and advisory notes to the applicant, the proposed development is considered acceptable and would comply with chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

Coal Authority - The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment report (11 October 2022, prepared by Geoinvestigate Ltd).

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment, and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including the buildings and external areas such as driveways and parking areas. Such works/measures may include grouting stabilisation

works and foundation solutions.

The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

The Coal Authority has no objection subject to the imposition of conditions.

Response to objectors

- The applicant has since signed Certificate B and served notice on the 5 other properties on the cul de sac, (Nos 15, 17, 19, 21 & 23 Meadway) who have shared/joint access rights/ownership of the access lane into the cul de sac. The applicant has also certified that the development site itself is in their ownership.
- The applicant has stated that there is no restrictive covenant on the site with reference to the erection of fences, walls, hedges etc to the frontage. This would be a private matter in any event. Planning permission could be granted, but a covenant could restrict implementation.
- Aspect standards would be acceptable and comply with Policy Document SPD6.
- It is considered the scale of development for an additional 2 dwellings would not significantly affect access to the site for emergency services, either to the existing properties or the proposed dwellings.
- There should not be an assumption that future occupiers would be reckless or careless drivers or cause highway safety issues within a cul de sac setting or its access to it. Access to the site has been assessed and considered acceptable for the scale of development proposed.
- The development would provide 3 parking spaces which would comply with the standards in SPD11. The driveway parking would provide similar provision comparative to other properties on this cul de sac.
- A condition would require the submission of a Construction Traffic Management Plan for approval.
- A topographical plan has been submitted to include the location of existing trees/lampposts.
- GMEU are satisfied with the proposals for ecological mitigation and a condition has been included to require an updated invasive species report.
- No evidence of any protected species was identified, and GMEU are satisfied any risk would be low. An informative to the applicant has been included.
- A reasonable avoidance measures method statement for mammals and amphibians will be required by condition.
- The density of development, scale, appearance and material of the proposed dwellings have been covered in the above report.
- Traffic generation and access have been covered in the above report.
- Flood risk, drainage and location of the United Utility pipe have been covered 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. 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 - Site - location and block plan 001 rev 6; Existing site 501 rev 4; Proposed site plan 502 rev 4; Site topo existing 503; Site - topo- proposed 504 rev 1; Proposed plans 002 rev 3; Proposed plans and elevations 003 rev 4; Foul & Surface Water Drainage Design Drawing FRA 22 1125, Rev 2- Dated 01/2023 prepared by LK Group 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. Prior to occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) for each dwelling.
*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.
6. The dwellings hereby approved shall be raised above the 0.1%AEP flood level to a floor level 69.48m AOD as detailed on the approved plan Site - Topo- Proposed 504 rev 1.
Reason. To secure the safe and satisfactory development of the site pursuant to the principles of chapter 14 of the NPPF.
7. The drainage for the development hereby approved, shall be carried out in

accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing FRA 22 1125, Rev 2- Dated 01/2023 which was prepared by LK Group. For the avoidance of doubt surface water must drain at the restricted rate of 5l/s.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding 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. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
10. 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 and written confirmation provided that no active bird nests are present which has 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.
11. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals and amphibians shall be provided to and

approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in accordance with the method statement and for the duration of the works.

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. Prior to any earthworks or vegetation clearance an updated invasive species survey and management plan will be supplied 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 invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

13. The development hereby approved shall be carried out in accordance with the proposed landscaping to provide 3 native medium standard trees and native hedging as detailed on the proposed site plan dwg 502 rev 4 and shall also provide for bird and bat boxes as shown on approved plan 003 rev 4. The approved schemes 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. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

15. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

16. Notwithstanding the submitted 'Construction Traffic Management Plan' (CTMP), no development shall commence unless and until a CTMP has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic 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 and as a result of statutory undertakers connections to the site;
- Access route for all construction vehicles to the site from the Key Route Network;
- Access point/arrangements for construction traffic from the shared private access/Meadway and all temporary works required to facilitate access for construction vehicles;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, delivery and construction vehicle sizes that can be accommodated on the shared private access that serves the site and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

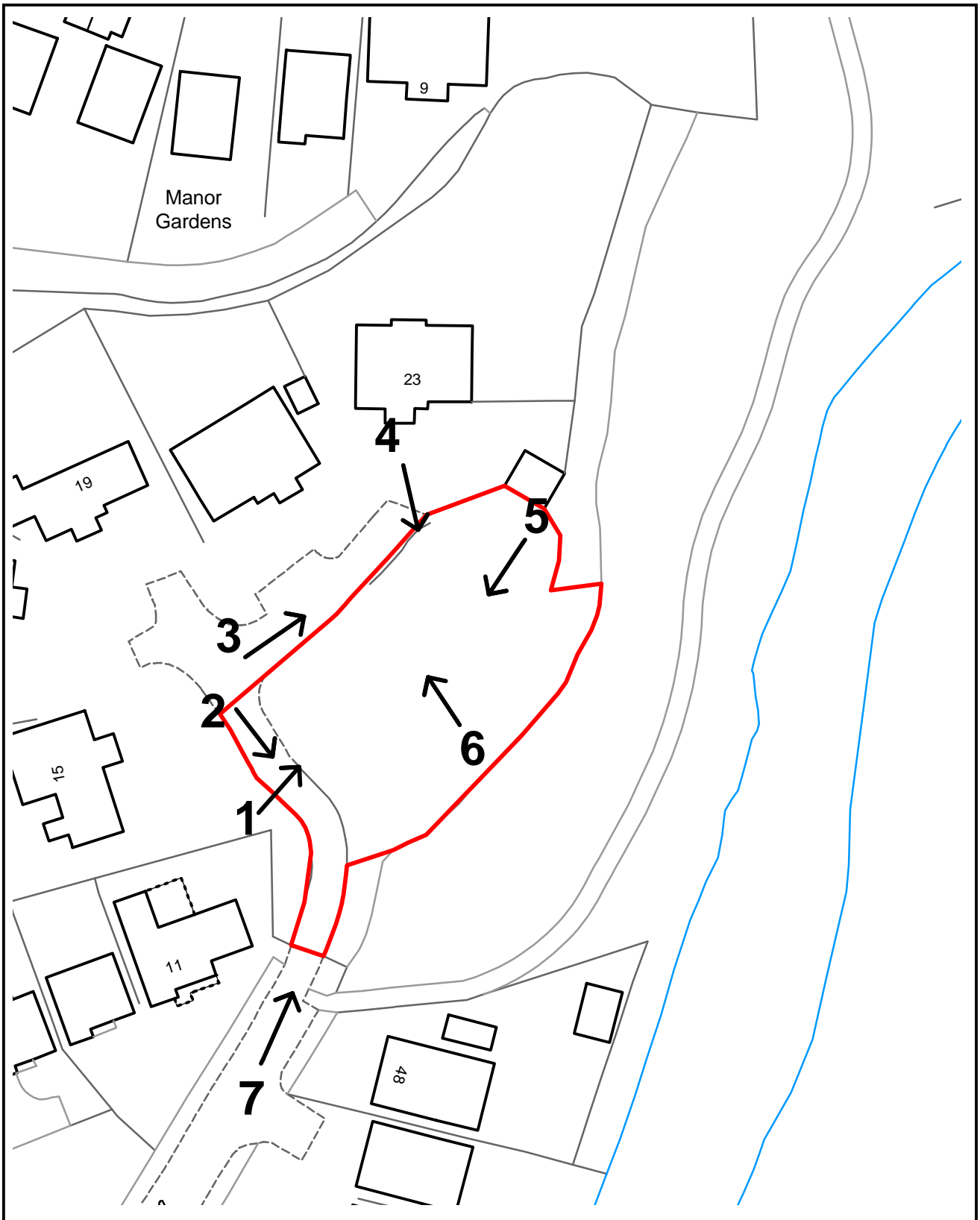
Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction 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.

17. The proposed passing place, driveway positions, parking and bin storage arrangements indicated on approved plan reference GSS22015.3 502 Revision 4 shall be implemented to the satisfaction of the Local Planning Authority prior to the dwellings hereby approved being first occupied and thereafter maintained, with the passing place retained for this use and not for use as a parking facility for occupants of/visitors to the proposed or existing dwellings served by the private shared access.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Item 1 - Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68709

ADDRESS: Land adjacent to 23 Meadway, Bury,
BL9 9TY

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

Item 1

Photo 1



Photo 2



Item 1

Photo 3



Photo 4



Item 1

Photo 5



Photo 6



Item 1

Photo 7



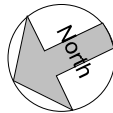
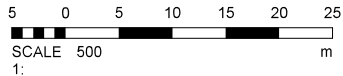


Page 33

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Site - Block Plan

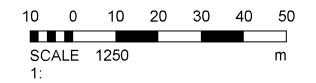
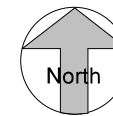
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Site - Location Plan

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Site Boundary determined using OS DATA

Legend - Boundaries

Site Boundary ———

Site Ownership ———

PROJECT	Meadway, Bury		PROJECT NUMBER	GSS22015.3		DRAWING NUMBER	001		REV	6	
TITLE	Site - Location and Block Plan		DRAWN BY	SG	CHECKED BY	SG	DATE	12/07/2022	SCALE (@ A1)	As indicated	
CLIENT	SAC Property Developments Ltd		STATUS		PLANNING		6 Site Boundary 04/05/2023 5 Shared Road 24/03/2023 4 Revised Design 14/02/2023 3 Site Boundary 13/01/2023 No. Description Date		© COPYRIGHT - ALL RIGHTS RESERVED. THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. DRAWINGS TO BE USED FOR THE STATUS INDICATED ONLY. ALL DIMENSIONS AND SETTING OUT SHALL BE CHECKED AND CONFIRMED ON SITE. ANY DISCREPANCIES TO BE REPORTED TO THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL WORK AND MATERIALS TO BE IN ACCORDANCE WITH CURRENT STATUTORY LEGISLATION, RELEVANT CODES OF PRACTICE AND BRITISH STANDARDS. ALL DIMENSIONS ARE IN MILLIMETRES (UNLESS OTHERWISE STATED).		

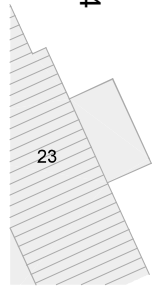
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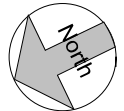
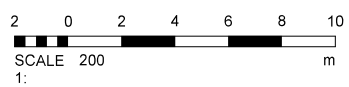
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Page 34



1 Site - Proposed
1 : 200



Ensure entire building is min 3m away from Drain
Contractor to confirm this before building works commence

PROJECT	Meadway, Bury	PROJECT NUMBER	GSS22015.3	DRAWING NUMBER	502	REV	4
TITLE	Proposed Site	DRAWN BY	SG	CHECKED BY	SG	DATE	12/07/2022
CLIENT	SAC Property Developments Ltd	SCALE (@ A1)	As indicated				

No.	4	Revised Site	29/08/2023
	3	Topo overlay	16/05/2023
	2	Revised Design	14/02/2023
	1	Notes Added	01/09/2022
		Description	Date
STATUS	PLANNING		

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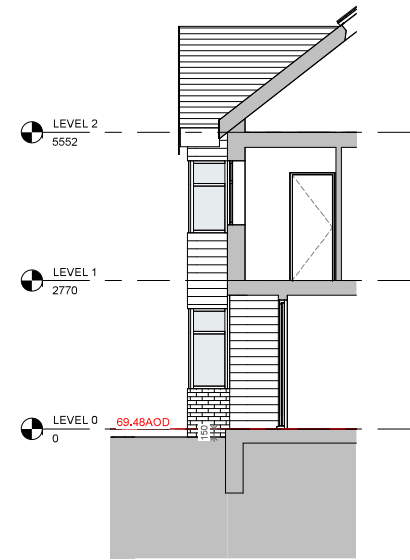
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Page 35

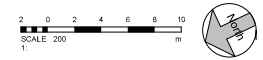
2 Site - Topo - Proposed
1 : 200

Ensure entire building is min 3m away from Drain
Contractor to confirm this before building works commence



1 Section 15
1 : 50

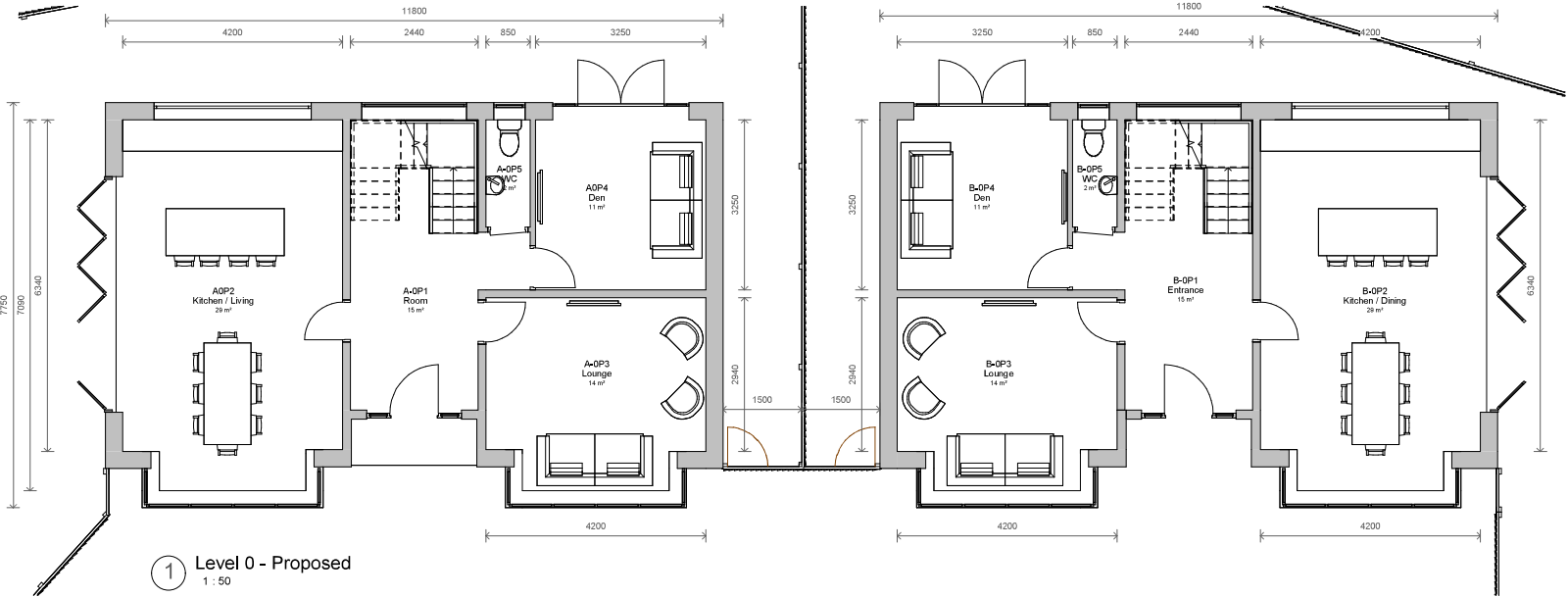
3 New native medium sized landscape trees (at least 30cm in diameter)



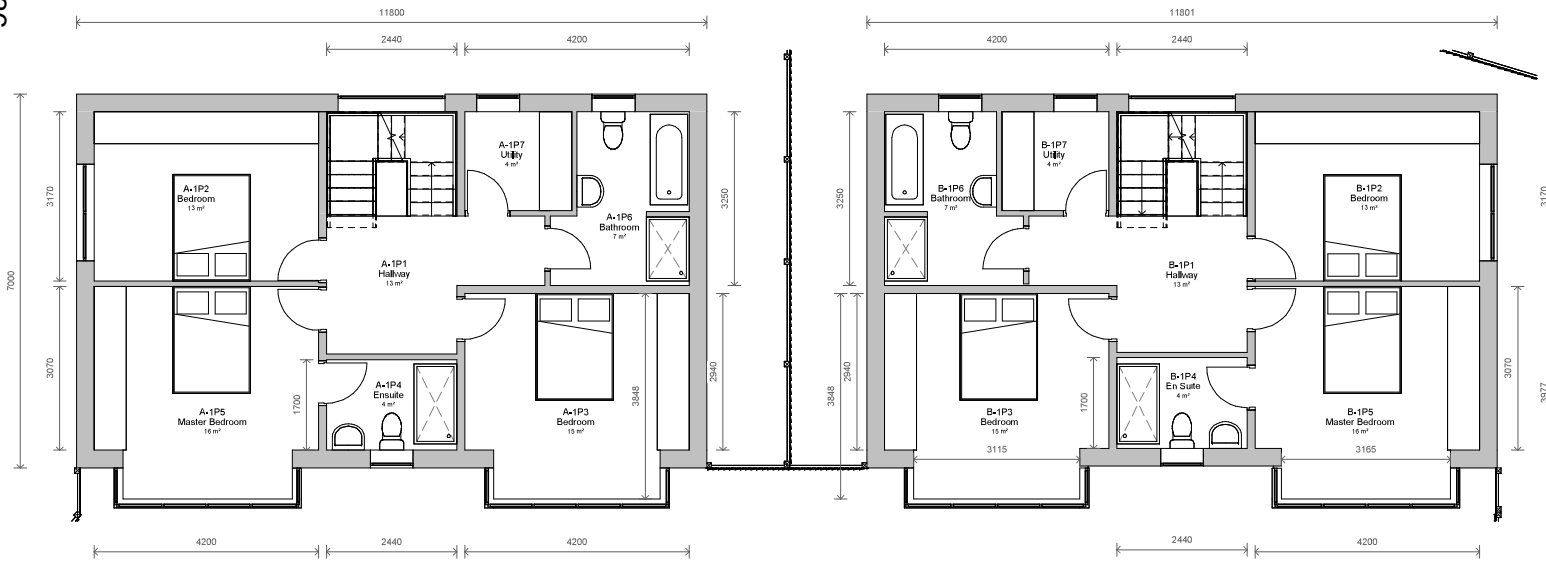
- Site Key
- Vegetation
 - Grass
 - Medium sized Tree
 - Larger sized Tree
 - Sandstone flags
 - Road
 - Asphalt semi-permeable driveway with brick boarder
 - Parking
 - Proposed Building
 - Passing Place
 - Site Boundary
 - 1.8m felled Fence
 - 1.1m felled Fence
 - 1.5m Native Hedgerow
 - Re-located Lamppost
 - Original location of lamppost

No.	Description	Date
1	Revised Site	29/08/2023

PROJECT			Meadway, Bury
TITLE			Site - Topo - Proposed
CLIENT			SAC Property Developments Ltd
STATUS			PLANNING
DRAWN BY	DATE	SCALE (@ A1)	
TP	02/17/23	As indicated	
PROJECT NUMBER	DRAWING NUMBER	REV	
GSS22015.3	504	1	
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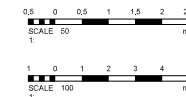
① Level 0 - Proposed
1 : 50



② Level 1 - Proposed
1 : 50

3	PLANNING	14/08/2023
2	Revised Plans	25/07/2023
1	Revised Design	14/02/2023
No.	Description	Date

PROJECT Meadway, Bury		
TITLE Proposed Plans		
CLIENT SAC Property Developments Ltd		
STATUS DESIGN		
DRAWN BY SG	DATE 12/07/2022	SCALE (@ A1) 1 : 50
PROJECT NUMBER GSS22015.3	DRAWING NUMBER 002	REV 3
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① Front - Proposed
1 : 100

② Left Side - Proposed
1 : 100



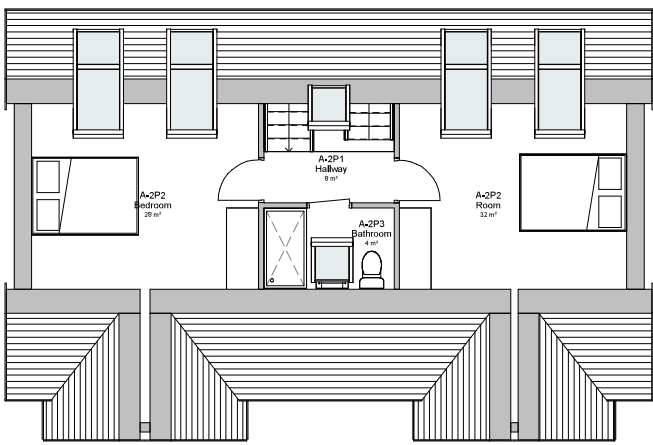
⑥ 3D View 2



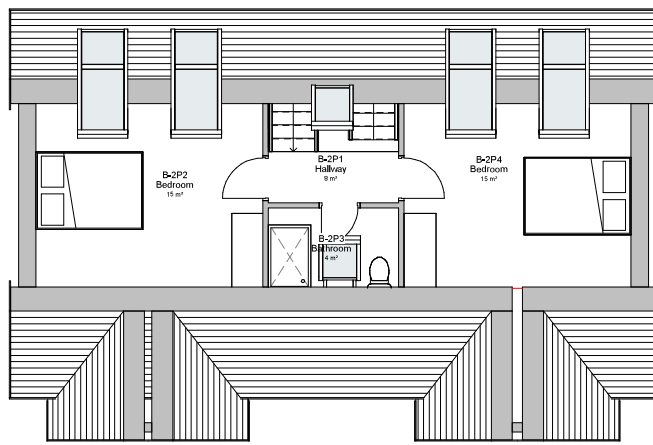
③ Rear - Proposed
1 : 100

④ Right Side - Proposed
1 : 100

Page 37

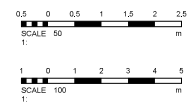


⑤ Level 2 - Proposed
1 : 50



4	PLANNING	14/08/2023
3	Revised Plans	25/07/2023
2	Bird/bat boxes	25/05/2023
1	Revised Design	14/02/2023
No.	Description	Date

PROJECT Meadway, Bury		
TITLE Proposed Plans and Elevations		
CLIENT SAC Property Developments Ltd		
STATUS DESIGN		
DRAWN BY SG	DATE 12/07/2022	SCALE (@ A1) As indicated
PROJECT NUMBER GSS22015.3	DRAWING NUMBER 003	REV 4
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<h1>REPORT FOR NOTING</h1>

Agenda Item	5
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	26 September 2023
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	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@bury.gov.uk

Planning applications decided using Delegated Powers

Between 21/08/2023 and 14/09/2023



Ward: **Bury East**

Application No.: 69542 **App. Type:** LDCP 25/08/2023 Refused

Location: 24 Silver Street, Bury, BL9 0DH

Proposal: Lawful development certificate for proposed change of use of upper floors from office space (Class E) to former use as Hotel suites (Class C1). These floors converted to office space in 2015.

Application No.: 69572 **App. Type:** FUL 07/09/2023 Approve with Conditions

Location: 137 The Rock, Bury, BL9 0ND

Proposal: Part demolition, conversion and extension of existing building to provide 10 no. supported living units; Construction of detached building to rear containing a further 3 no. supported living units

Application No.: 69633 **App. Type:** FUL 25/08/2023 Refused

Location: The Coach House, School Street, Pimhole, Bury, BL9 7EX

Proposal: Two storey front extension; 2 no. front dormers with Juliette balconies; Two storey rear extension; Raised decking at rear with balustrade balcony; Alterations to existing windows and doors; Render to elevations

Application No.: 69687 **App. Type:** FUL 24/08/2023 Refused

Location: 5 Crompton Street, Bury, BL9 0AD

Proposal: First floor rear extension to form 1 no. lower first floor flat and loft conversion/roof alterations with dormers to form 2 no. second floor flats with external alterations and associated works

Application No.: 69829 **App. Type:** ADV 23/08/2023 Approve with Conditions

Location: Unit B18, St Johns Gardens, The Rock, Bury

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

Application No.: 69843 **App. Type:** FUL 23/08/2023 Approve with Conditions

Location: Unit B18, St Johns Gardens, The Rock, Bury

Proposal: New shop front

Application No.: 69897 **App. Type:** ADV 25/08/2023 Approve with Conditions

Location: 25 Central Street, Bury, BL9 0JN

Proposal: Internally illuminated fascia signage including logo sign and brand lettering; Existing projecting sign retained with new internally illuminated double sided brand logo

Application No.: 69903 **App. Type:** GPDE 24/08/2023 Prior Approval Not Required - Extension

Location: 11 Lower Bank Street, Bury, BL9 0HD

Proposal: Prior approval for proposed single storey rear extension

Application No.: 69914 **App. Type:** FUL 08/09/2023 Refused
Location: 10 Union Street and 40 The Rock, Bury, BL9 0NY
Proposal: Modifications to existing window openings

Ward: **Bury East - Moorside**

Application No.: 69850 **App. Type:** FUL 04/09/2023 Approve with Conditions
Location: 6 Plumpton Drive, Bury, BL9 5HH
Proposal: Erection of front porch

Application No.: 69949 **App. Type:** LDCP 01/09/2023 Lawful Development
Location: 33 Spinney Drive, Bury, BL9 5HF
Proposal: Lawful development certificate for proposed single storey side extension

Ward: **Bury East - Redvales**

Application No.: 69826 **App. Type:** FUL 23/08/2023 Approve with Conditions
Location: 45 Knowsley Street, Bury, BL9 0ST
Proposal: Change of use from offices (Use Class E) to 8 no. bedroom 8 person HMO (Sui Generis) with 2 no. front velux rooflights, and 2 no. rear velux rooflights to be installed; Erection of 1.8m high boundary fence and gated access to rear.

Application No.: 69887 **App. Type:** FUL 13/09/2023 Approve with Conditions
Location: 94 Alfred Street, Bury, BL9 9ED
Proposal: Installation of step lift at front with associated works

Application No.: 69921 **App. Type:** FUL 07/09/2023 Refused
Location: 5 Grundy Lane, Bury, BL9 9BZ
Proposal: Two/single storey rear extension; Front porch

Application No.: 69935 **App. Type:** GPDE 25/08/2023 Prior Approval Not Required - Extension
Location: 3 Windermere Drive, Bury, BL9 9QQ
Proposal: Prior approval for proposed single storey rear extension

Ward: **Bury West - Elton**

Application No.: 69768 **App. Type:** FUL 04/09/2023 Approve with Conditions
Location: 6 Cleadon Drive South, Bury, BL8 1EJ
Proposal: Single storey rear extension with flat roof; Removal of existing pitched roof over porch and garage at front together with alterations to form new front entrance

Application No.: 69771 **App. Type:** FUL 04/09/2023 Approve with Conditions
Location: Burrs Country Park, Woodhill Road, Burrs, Bury

Proposal: Variation of condition application of planning permission 67535 (For works to formalise the existing overspill car park and improve pedestrian access along Woodhill Road), to vary condition 2 (approved plans) and condition 6 (surfacing and parking details).

Application No.: 69811 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 358 Brandlesholme Road, Bury, BL8 1HJ

Proposal: Erection of detached single storey outbuilding in rear garden to form gym and storage room

Application No.: 69813 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 358 Brandlesholme Road, Bury, BL8 1HJ

Proposal: Two/single storey extensions at side/rear; Two storey extension at front; Juliette balcony at rear; 2 No. loft windows to front and 2 no. dormers to rear and extension to roof to form loft conversion; Rebuild existing garage to create additional living space; External alterations

Application No.: 69891 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 18 Whitburn Drive, Bury, BL8 1EH

Proposal: Dormers at front

Ward: **Bury West - West**

Application No.: 69517 **App. Type:** LDCE 01/09/2023 Lawful Development
Location: 2 Gisburn Drive, Bury, BL8 3DH

Proposal: Lawful development certificate for existing raised decked area at side

Application No.: 69842 **App. Type:** FUL 13/09/2023 Approve with Conditions
Location: 17 Blackrod Drive, Bury, BL8 2TQ

Proposal: Two/single storey rear extension; Addition of 2 no. windows to side elevation

Application No.: 69851 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 47 Watling Street, Bury, BL8 2JD

Proposal: Single storey front extension and new porch

Application No.: 69861 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 5 Ramsey Grove, Bury, BL8 2RE

Proposal: Dormer at rear; Conversion of existing garage to habitable room; Alterations to fenestration including addition of first floor window to side elevation

Application No.: 69868 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 24 Wadebridge Drive, Bury, BL8 2NN

Proposal: Single storey rear extension and loft conversion with rear dormer.

Application No.: 69896 **App. Type:** LDCE 01/09/2023 Lawful Development
Location: 464 Bolton Road, Bury, BL8 2DA

Proposal: Lawful development certificate for proposed single storey rear extension

Ward: **North Manor**

Application No.: 69711 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 49 Wood Road Lane, Summerseat, Bury, BL9 5QA
Proposal: Single storey outbuilding in rear garden

Application No.: 69827 **App. Type:** FUL 22/08/2023 Approve with Conditions
Location: 6 Vernon Road, Tottington, Bury, BL8 4DD
Proposal: Installation of a prescription collection automated dispenser

Application No.: 69841 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 33 Newton Drive, Tottington, Bury, BL8 4DH
Proposal: Replace existing conservatory with single storey rear extension; Conversion of existing garage into living accommodation and alterations to window openings

Ward: **Prestwich - Holyrood**

Application No.: 69651 **App. Type:** FUL 23/08/2023 Approve with Conditions
Location: 153 Heywood Road, Prestwich, Manchester, M25 1LF
Proposal: First floor rear extension with balcony and single storey side extension, vehicular access alterations.

Application No.: 69731 **App. Type:** TEL 01/09/2023 Prior Approval Required and Granted
Location: Junction of Cuckoo Lane & Bury Old Road, Prestwich, Manchester
Proposal: Prior approval for proposed installation of telecommunications equipment comprising of a 20 m high monopole supporting 6 no. antennas, 2 no. transmission dishes 2 no. equipment cabinets and ancillary development thereto, including 3 no. Remote Radio Units (RRU's).

Application No.: 69744 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 108 Heywood Road, Prestwich, Manchester, M25 1LE
Proposal: Front porch, part single storey / two storey side and rear extensions; flat roof dormer extension at rear; and the installation of 3 no. roof lights at front

Application No.: 69867 **App. Type:** LDGP 31/08/2023 Lawful Development
Location: 8 Sunningdale Drive, Prestwich, Manchester, M25 1JX
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 69869 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: 24 Tamworth Avenue, Whitefield, Manchester, M45 6UH
Proposal: Single storey rear extension

Ward: **Prestwich - Sedgley**

Application No.: 68975 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 2 Overbrook Drive, Prestwich, Manchester, M25 0AB
Proposal: Single storey rear extension

Application No.: 69441 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 31 Bury Old Road, Prestwich, Manchester, M25 0EY
Proposal: Single storey outbuilding at rear and construction of a boundary wall with metal grills and gates

Application No.: 69655 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 19 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Loft conversion with dormers at front and rear

Application No.: 69659 **App. Type:** FUL 07/09/2023 Approve with Conditions
Location: 103 Kings Road, Prestwich, Manchester, M25 0JS
Proposal: Two storey side extension and first floor/two storey rear extension

Application No.: 69697 **App. Type:** FUL 22/08/2023 Refused
Location: 54 Albert Avenue, Prestwich, Manchester, M25 0LX
Proposal: Conversion of dwelling into 2 no. flats, Front Porch; Dormer extension; Single/two storey rear extension with juliet balcony and New basement

Application No.: 69782 **App. Type:** LDCP 01/09/2023 Lawful Development
Location: 8 Sandringham Grange, Prestwich, Manchester, M25 0BY
Proposal: Lawful development certificate for proposed creation of single storey rear and side extension under permitted development. Enlargement of entrance porch (<3m²).

Application No.: 69951 **App. Type:** LDCP 01/09/2023 Lawful Development
Location: 72 Meade Hill Road, Prestwich, Manchester, M8 4LP
Proposal: Lawful development certificate for proposed hip to gable extension with flat roof dormer

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

Application No.: 69818 **App. Type:** FUL 22/08/2023 Approve with Conditions
Location: 81 Heywood Road, Prestwich, Manchester, M25 1FN
Proposal: Single storey side and rear extension with raised decking at rear

Application No.: 69856 **App. Type:** FUL 13/09/2023 Approve with Conditions
Location: 12 Butt Hill Road, Prestwich, Manchester, M25 9NJ
Proposal: Single storey garage extension at front

Ward: **Radcliffe - East**

Application No.: 69787 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: Jungle Mayhem, Eton Hill Road, Radcliffe, Manchester, M26 2ZT
Proposal: Change of use of part of ground floor of children's play centre (Use Class D2) to a managers flat (associated with Jungle Mayhem)

Application No.: 69802 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: Hardy's Gate Bridge, Dumers Lane, Radcliffe, M26 2QJ
Proposal: Installation of flood gates

Application No.: 69881 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 106A Ainsworth Road, Radcliffe, Manchester, M26 4ED
Proposal: Erection of replacement detached garage at rear

Ward: **Radcliffe - North and Ainsworth**

Application No.: 69616 **App. Type:** FUL 24/08/2023 Refused
Location: The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT
Proposal: Demolition of existing building to be replaced with 2 no. dwellings

Application No.: 69737 **App. Type:** FUL 24/08/2023 Approve with Conditions
Location: Arthur Lane Nurseries, Arthur Lane, Radcliffe, Bolton, BL2 5PW
Proposal: Extension of existing car park for 11 additional spaces for customers.

Application No.: 69791 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: Ainsworth Hall Farm, Ainsworth Hall Road, Ainsworth, Bolton, BL2 5QT
Proposal: Erection of domestic outbuilding with associated works

Application No.: 69835 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: Davenport Farm, Arthur Lane, Ainsworth, Bolton, BL2 5PW
Proposal: Demolition of existing residential annex and replacement with new residential annex building ancillary to the existing dwelling

Ward: **Radcliffe - West**

Application No.: 69440 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 27 Ringley Road West, Radcliffe, Manchester, M26 1DL
Proposal: Demolition of rear extension and erection of single storey extension at rear

Application No.: 69561 **App. Type:** FUL 22/08/2023 Approve with Conditions
Location: 21 Ainsworth Road / 2 Water Lane Street, Radcliffe, Manchester, M26 4DJ
Proposal: Retention of existing ground floor flat and alterations to existing ground and first floor flat to create 2 additional flats (4 in total); new first floor window to side elevation and retrospective permission to retain patio doors on the rear elevation

Application No.: 69859 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 4 St Aidens Close, Radcliffe, Manchester, M26 1YJ
Proposal: Raised decking at rear

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 69724 **App. Type:** FUL 24/08/2023 Approve with Conditions
Location: Congregational Church, Harwood Road, Bury, BL8 3PN
Proposal: Installation of mast pole and antenna to provide signal for the DAB transmission for Bolton Bury DAB radio broadcast

Application No.: 69846 **App. Type:** LDCP 25/08/2023 Lawful Development
Location: 32 Moreton Drive, Bury, BL8 1QT
Proposal: Lawful development certificate for proposed construction of single storey extension to rear of existing dwelling

Application No.: 69872 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 309 Walshaw Road, Bury, BL8 1PX
Proposal: Extension at side and loft conversion with rear dormer and rooflights at front; Formation of new entrance with steps to front elevation

Application No.: 69890 **App. Type:** FUL 06/09/2023 Refused
Location: 59A Church Street, Tottington, Bury, BL8 3BN
Proposal: Change of use from beauty salon to cafe/wine bar (Class E/Sui Generis)

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 69733 **App. Type:** FUL 13/09/2023 Approve with Conditions
Location: Bast House Farm, Manchester Road, Ramsbottom, Bury, BL9 5LZ
Proposal: Variation of condition 2 (approved plans) of planning permission 68876 - Amend roof design above garage, amendment to windows and replacement brickwork.

Application No.: 69742 **App. Type:** LDCP 23/08/2023 Lawful Development
Location: 23 Heapworth Avenue, Ramsbottom, Bury, BL0 9EH
Proposal: Lawful development certificate for proposed single storey rear extension and porch to front elevation

Application No.: 69778 **App. Type:** FUL 24/08/2023 Refused
Location: Land opposite 6 Eccles Street, Ramsbottom, BL0 9HQ
Proposal: Erection of 1 no. dwelling with access, driveway, parking and landscaping

Application No.: 69814 **App. Type:** AG 22/08/2023 Prior Approval Required and Granted
Location: Sheep Hey Farm, Whalley Road, Shuttleworth, Bury, BL0 0EG
Proposal: Prior approval for proposed agricultural building

Application No.: 69831 **App. Type:** FUL 31/08/2023 Approve with Conditions
Location: Tower View, 329 Manchester Road, Ramsbottom, Bury, BL9 5NA
Proposal: Single storey extension at front; Single storey extension at rear; Hip to gable roof extensions with 2 front dormers and dormer extension at rear with juliet balcony; Render to new and existing walls

Application No.: 69845 **App. Type:** FUL 06/09/2023 Approve with Conditions
Location: 6 Nuttall Close, Ramsbottom, Bury, BL0 9LQ
Proposal: Two storey front extension; Single storey side/rear extension

Application No.: 69888 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 99 Bury New Road, Ramsbottom, Bury, BL0 0BZ
Proposal: Single storey rear extension; Alterations to vehicular access, front garden and driveway to provide on site vehicle turning

Application No.: 69902 **App. Type:** FUL 04/09/2023 Approve with Conditions
Location: 50 Woodhey Road, Ramsbottom, Bury, BL0 9RB
Proposal: Two/single storey rear extension

Ward: **Whitefield + Unsworth - Pilkington Park**

Application No.: 69369 **App. Type:** FUL 31/08/2023 Refused
Location: Land adjacent to 11 Dovehouse Close, Whitefield, Manchester, M45 7PE
Proposal: Erection of 1 no. detached dwelling

Application No.: 69544 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: Whitefield Golf Club, Higher Lane, Whitefield, Manchester, M45 7EZ
Proposal: Erection of single storey storage building

Application No.: 69772 **App. Type:** FUL 06/09/2023 Prior Approval Required Refused - Ext
Location: 21 Philips Drive, Whitefield, Manchester, M45 7PY
Proposal: Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a three storey house (maximum height 9.11 metres)

Application No.: 69809 **App. Type:** LDCP 23/08/2023 Lawful Development
Location: 9 Maple Avenue, Whitefield, Manchester, M45 7EP
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 69854 **App. Type:** FUL 25/08/2023 Approve with Conditions
Location: 21 Hey Croft, Whitefield, Manchester, M45 7HX
Proposal: Flood barrier and soil retention wall.

Application No.: 69892 **App. Type:** FUL 13/09/2023 Approve with Conditions
Location: 918 Manchester Road, Bury, BL9 8DW
Proposal: Single storey rear extension

Application No.: 69904 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: 5 South Close, Bury, BL9 8EL
Proposal: Two/single storey rear extension

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 69661 **App. Type:** TEL 24/08/2023 Prior Approval Required and Granted
Location: Pavement opposite 500 Manchester Road, Bury, BL9 9NY
Proposal: Prior approval for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets

Application No.: 69692 **App. Type:** FUL 01/09/2023 Approve with Conditions
Location: Unit 5, Derby Works, Manchester Road, Bury, BL9 9NY
Proposal: Change of use from storage and distribution (Use Class B8) to Canine hydrotherapy centre (Sui Generis) with associated parking.

Application No.: 69862 **App. Type:** FUL 25/08/2023 Refused
Location: 118 Sunny Bank Road, Bury, BL9 8LJ
Proposal: Two storey front extension; Single storey front extension; 2 no. balconies at front, Single storey rear extension and 2 no. window dormers to the front roof

Application No.: 69909 **App. Type:** FUL 04/09/2023 Approve with Conditions
Location: Bury Waste Water Treatment Works, Crossfield Street, Bury, BL9 9TF
Proposal: Installation of 1 no. electrical control building in association with wider permitted development works

Total Number of Applications Decided: 76

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REPORT FOR NOTING

Agenda Item	6
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	26 September 2023
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Page 51	

Wards Affected:	All listed
Scrutiny Interest:	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

**Planning Appeals Lodged
between 21/08/2023 and 14/09/2023**



Application No.: 69252/FUL

Appeal lodged: 24/08/2023

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Lucia Cronin

Location 120 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QD

Proposal Build up walls of existing single storey rear extension with replacement flat roof with glass lantern; Alterations to windows/doors and new window opening to side elevation and Dormer and new rooflight at rear

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 21/08/2023 and 14/09/2023**



Application No.: 68439/FUL **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement at Princess Parade, near Bury Interchange Stand E, Bury, BL9 0QL
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68440/ADV **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement at Princess Parade, near Bury Interchange Stand E, Bury, BL9 0QL
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68443/FUL **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement outside 25 The Rock, Bury, BL9 0JP
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68444/ADV **Appeal Decision:** Allowed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement outside 25 The Rock, Bury, BL9 0JP
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68445/FUL **Appeal Decision:** Dismissed
Decision level: DEL **Date:** 31/08/2023
Recommended Decision: Refuse **Appeal type:** Written Representations
Applicant: BT Telecommunications Plc
Location: Pavement between Racconto Lounge and Fone Tech, The Rock, Bury, BL9 0PJ
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Application No.: 68446/ADV	Appeal Decision: Dismissed
Decision level: DEL	Date: 31/08/2023
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: BT Telecommunications Plc	
Location: Pavement between Racconto Lounge and Fone Tech, The Rock, Bury, BL9 0PJ	
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks	
Application No.: 68449/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 31/08/2023
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: BT Telecommunications Plc	
Location: Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury, BL9 0JY	
Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.	
Application No.: 68450/ADV	Appeal Decision: Dismissed
Decision level: DEL	Date: 31/08/2023
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: BT Telecommunications Plc	
Location: Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury, BL9 0JY	
Proposal: Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks	
Application No.: 69055/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 08/09/2023
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Jess Blakesley	
Location: 509 Bury Old Road, Prestwich, Manchester, M25 3DE	
Proposal: Two storey front extension; Single storey side extension	



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307211

Pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68439, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Appeal B Ref: APP/T4210/W/22/3307212

Pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68440, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks at the pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL in accordance with the terms of the application, Ref 68439, dated 26 April 2022, subject to the conditions set out in the Schedule to this Decision.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens at the pavement at Princess Parade, near Bury Interchange Stand E, Bury BL9 0QL in accordance with the terms of the application, Ref 68440, dated 26 April 2022. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the additional condition set out in the Schedule to this Decision.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The description of development given in the formal decisions above omits some of the text from the description provided on the planning application form. The omitted text, 'proposed', does not describe acts of development or the advertisement proposals. In addition, advertisement consent is not required, and cannot be granted, for the removal telephone booths. As such, reference to the 'removal of associated BT Kiosks' has been omitted from the decision for Appeal B.
5. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, the Regulations stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.
6. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
7. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
8. The Appellant has referred to the proposal being located close to a Locally Listed Station Building. The Council has, however, confirmed that the adjacent bus interchange and metro link station (the Interchange) are not locally listed. Based on the information before me the appeal proposal would not affect any heritage assets, whether designated or non-designated. In addition, the Appellant has clarified that the proposal involves the removal of two kiosks, as shown on the revised Proposed Site Plan Drawing no. 002 Rev A dated 13.09.2022. I have determined the appeals on this basis, namely that the proposals do not affect a heritage asset and involve the removal of two kiosks.

Main Issues

9. The main issues in both appeals are as follows:
 - The effect of the proposals on the character, appearance, and visual amenity of the area; and
 - The effect of the proposal on public safety, with particular regard to the pedestrian environment.

Reasons

Character, appearance and visual amenity

10. The appeal site is located within the town centre and forms part of paved area on Princess Parade, close to Stand E of the Interchange. Princess Parade is characterised by the retail and commercial uses that are located along each side. The pavement is particularly wide at this point and contains trees and street furniture including a lamp post, bin, ramp handrail, and an existing digital advertisement board. In addition, close to Stand E there are currently two telephone kiosks which would be removed as part of the proposal.
11. The Street Hub would be taller than the telephone kiosks it would replace and in a marginally more prominent position, closer to the existing advertisement board. Nonetheless, its slender profile and more muted colour scheme would result in it being a less conspicuous structure within the street scene than the existing telephone kiosks. It would not materially diminish the visual qualities of this part of the town centre for shoppers or other visitors. Furthermore, given that the Street Hub would replace two telephone kiosks, the amount of street furniture would be reduced. Overall, the character and appearance of this part of the town centre would be improved notwithstanding the proximity of the proposals to the existing digital advertisement board.
12. Advertisement displays by their very nature are meant to be noticeable and draw the eye and are a common feature in urban locations. On a busy commercial thoroughfare within sight of an existing digital advertisement, as proposed, the proposed advertisements would not appear as an incongruous feature that unacceptably affects the visual amenity of the area.
13. Having regard to the above, I find that the proposed Street Hub would not result in an excess and over-proliferation of street furniture or advertisements when considered individually or cumulatively, including when taking the existing digital advertisement board into consideration.
14. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would accord with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape and encourage the provision of suitably located and well-designed street furniture. In addition, in respect of Appeal A, the proposals accord with UDP Policy EN1/10 which requires proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.
15. Policies HT5/1 and HT6/1 have been referenced in the first reason for refusal, however, these policies relate to matters of access which are not relevant to this main issue.
16. With regards to Appeal B, the proposals would have an acceptable effect on the amenity of the area and would accord with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

17. Whilst the proposed Street Hub would be sited close to trees and existing street furniture, adequate space would be retained around it to avoid the risk of obstruction to the movement of, or create a risk of conflict between, pedestrians. Given its limited scale and footprint, it would make little difference to the useable pedestrian area.
18. The siting of the proposed Street Hub would not be in the position of any of the telephone kiosks that are to be removed. Nonetheless, it would be no closer to the shops than the existing telephone kiosks or the handrail to be retained adjoining the ramp up to the Interchange. Consequently, existing desire lines would be maintained and pedestrians, including those that are mobility impaired and those with special needs, would continue to be able to pass around it to access the interchange without undue hindrance. Furthermore, the pavement would continue to be wide enough to accommodate a high volume of pedestrian traffic including times when the flow to and from the interchange is at its greatest, even if a group were to use the Street Hub. In addition, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations or adversely affect the Bury Market Flexihall proposals.
19. The proposed Street Hub would be seen within the context of the surrounding retail and commercial properties that display advertisements and line the route between the shopping centre and the interchange. In such an environment, the level of distraction would not materially increase if the proposed advertisements were introduced. In the absence of any substantive evidence to the contrary, the proposal would not confuse or create a distraction that would constitute a risk to public safety. Furthermore, noting the provisions of the BT Street Hub Anti-Social Behaviour Management Plan, the risk that the proposals will attract or increase incidents of anti-social behaviour and loitering in this high footfall area would be low.
20. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
21. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
22. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
23. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to this matter.

Conditions

24. The Council has suggested matters that should be addressed within conditions. The Appellant has had the opportunity to comment upon the suggested conditions and I have considered them against the advice in the National Planning Policy Framework and Planning Practice Guidance.

Appeal A

25. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans. A condition requiring compliance with the submitted details is also necessary to ensure that the appearance of the proposals would be satisfactory. In addition, a condition has been imposed for the removal of the existing telephone kiosks to improve the appearance of the area and reduce street clutter.

26. If the Street Hub ceases to be used for telecommunication purposes the Council proposes that it should be removed. However, the Street Hub also contains LCD advert screens. In the absence of any compelling evidence that demonstrates that the Street Hub should only be retained when also utilised for telecommunication purposes, this requirement is not reasonable or necessary. Such a condition has not, therefore, been imposed as it does not meet the policy tests.

Appeal B

27. The five standard conditions imposed by the Regulations are necessary, but do not need to be repeated in this decision. The Regulations also specify that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting the consent or where no period is specified, a period of 5 years. The Council has suggested a period of 5 years to which the Appellant has not objected, notwithstanding that consent is sought for a 10-year period. The consent will therefore be subject to a condition that specifies that the consent expires at the end of 5 years.

28. A condition restricting the brightness of the advertisements and to require the screen to automatically switch off in the event of breakdown or malfunction is necessary in the interests of the visual amenity of the area.

29. I have not imposed conditions specifying that no advertisement shall be displayed that resemble road signs, include visual effects or specify the minimum display time or the interval between each piece of content. Such conditions are not reasonable or necessary in the interests of public safety or amenity given the location of the appeal site.

Conclusion

30. For the reasons given above I conclude that the Appeals A and B should be allowed.

Elaine Moulton

INSPECTOR

Schedules of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps 001 Revision A; Proposed Site Plan 002 Revision A; and Existing and Proposed Elevations 003 Revision A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposals Renders 2021.
- 4) Before the development hereby approved is brought into use, the existing telephone kiosks indicated for removal on Proposed Site Plan drawing no 002 Rev A dated 13.09.2022, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal B

- 1) The luminance levels of the free-standing sign hereby approved shall not exceed 2500 cd/m² during daylight hours or 600 cd/m² at any other time to accord with the recommendations of the Institute of Lighting Professionals Guide 05 (PLG05) Brightness of Illuminated Advertisements. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. In the event of breakdown or malfunction the screen shall automatically switch off.

End of Schedules



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307213

Pavement o/s 25 The Rock, Bury BL9 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68443, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Appeal B Ref: APP/T4210/W/22/3307214

Pavement o/s 25 The Rock, Bury BL9 0JP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68444, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks at the pavement o/s 25 The Rock, Bury BL9 0JP in accordance with the terms of the application, Ref 68443, dated 26 April 2022, subject to the conditions set out in the Schedule to this Decision.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens at the pavement o/s 25 The Rock, Bury BL9 0JP, in accordance with the terms of the application, Ref 68444, dated 26 April 2022. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the additional condition set out in the Schedule to this Decision

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The description of development given in the formal decisions above omits some of the text from the description provided on the planning application form. The omitted text, 'proposed', does not describe acts of development or the advertisement proposals. In addition, advertisement consent is not required, and cannot be granted, for the removal telephone booths. As such, reference to the 'removal of associated BT Kiosks' has been omitted from the decision for Appeal B.
5. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, the Regulations stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
7. The Appellant has referred to the proposal being located close to a Locally Listed Station Building. The Council has, however, confirmed that there are no locally listed buildings close to the appeal site.

Main Issues

8. The main issues in both appeals are as follows:
 - The effect of the proposals on the character, appearance, and visual amenity of the area; and
 - The effect of the proposal on public safety, with particular regard to the pedestrian environment and emergency access.

Reasons

Character, appearance and visual amenity

9. The appeal site is located within the town centre close to the Bury Conservation Area boundary. This part of The Rock is characterised by the retail and commercial uses that line it. The appeal site forms part of a wide paved area at the junction of The Rock and Union Street which provides pedestrian access into the Mill Gate Shopping Centre. The area immediately surrounding the appeal site currently contains trees and street furniture including two telephone kiosks, bollards, bike stands, and a bin. In the wider street scene there are a series of digital advertisement boards and benches located along one side of a narrower section of The Rock.

10. The existing telephone kiosks to be removed are sited between two raised brick planters containing trees. The Street Hub would be sited in a more prominent position and would be taller than the telephone kiosks it would replace. It would not be on the same side of The Rock as the existing digital advertisement boards. Nonetheless, its slender profile and muted colour scheme combined with its siting close to the bike stands, tree planters and bin would ensure that it would not appear as an isolated or conspicuous structure within the street scene. It would not materially diminish the visual qualities of this part of the town centre for shoppers or other visitors. Furthermore, notwithstanding the distance that the Street Hub would be away from the existing kiosks, the kiosks would be removed and, as such, the amount of street furniture within this general area would be reduced. Overall, the appearance of this part of the town centre would be improved and thereby the character and appearance of the nearby Bury Conservation Area would be preserved.
11. Advertisement displays by their very nature are meant to be noticeable and draw the eye and are a common feature in urban locations. On a busy commercial thoroughfare within sight of existing digital advertisements, as proposed, the proposed advertisements would not appear as an incongruous feature that unacceptably affects the visual amenity of the area.
12. Having regard to the above, I find that the proposed Street Hub would not result in an excess and over-proliferation of street furniture or advertisements when considered individually or cumulatively, including when taking the line of existing digital advertisement boards into consideration.
13. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would accord with Policies EN1/1, EN1/2, and EN1/4 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape especially areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, in respect of Appeal A, the proposals accord with UDP Policy EN1/10 which require that proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.
14. Policies HT5/1 and HT6/1 have been referenced in the first reason for refusal, however, these policies relate to matters of access which are not relevant to this main issue.
15. In respect of Appeal B, the proposals would accord with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

16. Whilst the proposed Street Hub would be sited in a position outside of the existing delineation of street furniture, it would make little difference to the useable pedestrian area on The Rock, given its limited scale and footprint. The space around the proposed Street Hub would be greater than is currently available at the narrowest point of The Rock. Ample space would be retained to enable pedestrians to pass around it without significantly deviating from their route, thereby maintaining existing desire lines. The pavement would

therefore continue to be wide enough to accommodate a high volume of pedestrian traffic without undue hindrance even to those that are mobility impaired or with special needs.

17. Consequently, the proposal would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians even if a group were to use the Street Hub. In the absence of any evidence to the contrary, the proposal would also not result in any highway danger by virtue of an obstruction to existing emergency access routes. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
18. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
19. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment and emergency access. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, and HT6/1. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
20. Policies EN1/10 have been referenced in the second reason. However, since it does not refer to public safety, it is not relevant to my consideration of this issue.
21. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

22. I have had regard to the response on behalf of the Greater Manchester Police. I note, however, that the Council have not raised concerns about the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering. In addition, the Council has not suggested the imposition of a condition to reduce any such risk. Based on the information before me, I have no reason to disagree with the Council.

Conditions

23. The Council has suggested matters that should be addressed within conditions. The Appellant has had the opportunity to comment upon the suggested conditions and I have considered them against the advice in the National Planning Policy Framework and Planning Practice Guidance.

Appeal A

24. In addition to the standard time limit condition limiting the lifespan of the planning permission I have, in the interests of certainty, attached conditions specifying the approved plans. A condition requiring compliance with the submitted details is also necessary to ensure that the appearance of the proposals would be satisfactory. In addition, a condition has been imposed for

the removal of the existing telephone kiosks to improve the appearance of the area and reduce street clutter.

25. If the Street Hub ceases to be used for telecommunication purposes the Council proposes that it should be removed. However, the Street Hub also contains LCD advert screens. In the absence of any compelling evidence that demonstrates that the Street Hub should only be retained when also utilised for telecommunication purposes, this requirement is not reasonable or necessary. Such a condition has not, therefore, been imposed as it does not meet the policy tests.

Appeal B

26. The five standard conditions imposed by the Regulations are necessary, but do not need to be repeated in this decision. The Regulations also specify that an express consent shall be subject to the condition that it expires at the end of such a period that the local planning authority may specify in granting the consent or where no period is specified, a period of 5 years. The Council has suggested a period of 5 years to which the Appellant has not objected, notwithstanding that consent is sought for a 10-year period. The consent will therefore be subject to a condition that specifies that the consent expires at the end of 5 years.
27. A condition restricting the brightness of the advertisements and to require the screen to automatically switch off in the event of breakdown or malfunction is necessary in the interests of the visual amenity of the area.
28. I have not imposed conditions specifying that no advertisement shall be displayed that resemble road signs, include visual effects or specify the minimum display time or the interval between each piece of content. Such conditions are not reasonable or necessary in the interests of public safety or amenity given the location of the appeal site.

Elaine Moulton

INSPECTOR

Schedules of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps 001 Revision A; Proposed Site Plan 002 Revision A; and Existing and Proposed Elevations 003 Revision A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposals Renders 2021.
- 4) Before the development hereby approved is brought into use, the existing telephone kiosks indicated for removal, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal B

- 1) The luminance levels of the free-standing sign hereby approved shall not exceed 2500 cd/m² during daylight hours or 600 cd/m² at any other time to accord with the recommendations of the Institute of Lighting Professionals Guide 05 (PLG05) Brightness of Illuminated Advertisements. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. In the event of breakdown or malfunction the screen shall automatically switch off.

End of Schedules



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307215

Pavement between Racconto Lounge and Fone Tech, The Rock, Bury BL9 0PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68445, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Appeal B Ref: APP/T4210/W/22/3307216

Pavement between Racconto Lounge and Fone Tech, The Rock, Bury BL9 0PJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68446, dated 26 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the

Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.

5. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.
7. Notwithstanding the description of development in the heading above, which has been taken from the application form, the appellant has confirmed that existing kiosks are not being removed as part of the proposal. I have determined the appeal on that basis.

Main Issue

8. The main issues in both appeals are as follows:
 - the effect of the proposals on the character, appearance, and visual amenity of the area; and
 - the effect of the proposal on public safety, with particular regard to emergency access and the pedestrian environment.

Reasons

Character, appearance and visual amenity

9. The appeal site is a wide paved area on The Rock between the largely blank brick wall of a restaurant and a row of retail and commercial units. The proposed Street Hub would be in a broadly central position within the space that contains a very limited amount of street furniture. Positioned at the end of a narrower, lively section of The Rock containing significantly more street furniture including a line of digital advertisement boards, the appeal site and surroundings provide a welcome, open, and uncluttered area. In the context of the appeal site surroundings the proposed Street Hub, due to its scale, height and positioning, would be an isolated and visually dominant feature in the space. The presence of the information unit at the pinnacle of the junction of The Rock and Central Street, which is in a slightly less prominent position and does not incorporate digital advertising material, does not provide a justification for the siting of the proposed Street Hub.
10. Accordingly, in relation to Appeal A, the proposed Street Hub would be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would conflict with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape including areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, the proposals would not accord with UDP Policy EN1/10 which requires

proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.

11. The Council has also referred to Policies HT5/1 and HT6/1 in the second reason for refusal, however, such policies relate to matters of access which are not relevant to this main issue.
12. With regard to Appeal B, the proposals would have an unacceptable effect on the amenity of the area and would be conflict with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

13. The proposed Street Hub would, due to its limited scale and its siting in a broadly central position on a wide area, maintain an emergency access route. In addition, it would make little difference to the space available for manoeuvring of emergency vehicles, including times when several such vehicles access the area from different directions. Furthermore, given its limited scale, footprint and siting, there would continue to be an ample and useable pedestrian area on The Rock wide enough to accommodate a high volume of pedestrian traffic without undue hindrance. Pedestrians would be able to pass around the Street Hub without significantly deviating from their route, thereby maintaining existing desire lines.
14. Consequently, the proposal would not result in any highway danger by virtue of an obstruction to emergency access routes and would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians to the detriment of their safety. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
15. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
16. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to emergency access and the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, EN1/5, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, ensure satisfactory access for those with special needs and discourage crime.
17. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
18. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

19. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an

emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or viable alternative sites, including those in less prominent positions, that could provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.

20. As identified above, the proposals would be harmful to the character, appearance and visual amenity of the area to which I ascribe substantial weight. Considering this, in relation to Appeal A, I find that the matters advance in support of the proposal do not, either individually or collectively, outweigh the harm or conflict with the development plan identified.
21. In respect of Appeal B, a similar range of benefits would arise. However, the Regulations make it clear, as set out above, that advertisements should be controlled only in the interests of amenity and public safety. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

22. Whilst I have found that the proposals would not be harmful to public safety, this does not outweigh the harm to the character, appearance, and visual amenity of the area that I have identified. The proposals conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
23. I conclude that the Appeals A and B should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decisions

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal A Ref: APP/T4210/H/22/3307217

Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury BL9 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68449, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
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Appeal B Ref: APP/T4210/W/22/3307218

Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury BL9 0JY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of Bury Metropolitan Borough Council.
 - The application Ref 68450, dated 26 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.'
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a BT Street Hub. Appeal B concerns the refusal of express consent to display advertisements on the Street Hub. I have considered each appeal proposal on its merits, however, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The Council has drawn my attention to Policy EN1/9 of the Bury Unitary Development Plan (UDP) in the decision that is the subject of Appeal B, and I have taken it into account as a material consideration. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of

amenity and public safety. UDP Policy EN1/9 has not, therefore, by itself been decisive in my determination of Appeal B.

5. The Council has confirmed that reference to UDP Policy EN5/1 in the decision notice was in error and that the correct policy is UDP Policy HT5/1. The Appellant has had the opportunity to take this into consideration. Although the Appellant has chosen not to provide comments I have, nonetheless, taken UDP Policy HT5/1 into consideration in the determination of Appeal A.
6. The Appellant has referred to the emerging Bury Local Plan. However, the evidence indicates that this is at an early stage and therefore the policies within it, as material planning considerations, cannot be afforded full weight in the determination of these appeals.

Main Issue

7. The main issues in both appeals are as follows:
 - the effect of the proposals on the character, appearance, and visual amenity of the area; and
 - the effect of the proposal on public safety, with particular regard to emergency access and the pedestrian environment.

Reasons

Character, appearance and visual amenity

8. The appeal site is a wide paved area between two restaurants containing lamp posts and a bin close to the proposed siting, and a static information board, bollards, and bike racks closer to Rochdale Road. In such a relatively uncluttered context, the proposed Street Hub would be an isolated and visually dominant feature in the space due to its scale, height and positioning. The two large LCD screens contained in the proposed Street Hub, in a location where digital advertisements are not currently present, would exacerbate the harmful effects that the proposal would cause to the character, appearance and amenity of the area.
9. I note that the proposals would replace 2 existing telephone kiosks. However, those kiosks are set apart from the site outside of the town centre. As such their removal would not alter the unacceptable effects that the proposal would cause to the character, appearance and visual amenity of the area I have identified.
10. Accordingly, in relation to Appeal A, the proposed Street Hub would be harmful to the character and appearance of the area. As such, in respect of Appeal A, the proposals would conflict with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan (UDP). Such policies seek, amongst other things, to ensure proposals do not have an unacceptable adverse effect on character and townscape including areas of architectural or historic interest and encourage the provision of suitably located and well-designed street furniture. In addition, the proposals would not accord with UDP Policy EN1/10 which requires proposals for new telecommunications developments have regard to, amongst other things, visual and physical impact.

11. With regard to Appeal B, the proposals would have an unacceptable effect on the amenity of the area and would be conflict with UDP Policy EN1/9 insofar as it is relevant to amenity.

Public safety

12. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or viable alternative sites, including those in less prominent positions, that could provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.
13. Consequently, it would not result in an undue obstruction to the movement of, or create a risk of conflict between, pedestrians to the detriment of their safety. Furthermore, there is little before me to demonstrate that the proposal would be contrary to the Council's active travel aspirations.
14. Reference is made in the decision to the absence of agreement with the Highway Authority for the placement of the proposed Street Hub on the adopted highway. However, this is not a matter that weighs against the proposals.
15. Accordingly, in relation to Appeal A, the proposed Street Hub would not be harmful to public safety, with particular regard to the pedestrian environment. In respect of Appeal A, the proposals would therefore accord with UDP Policies EN1/4, HT5/1, HT6/1, and EN1/9. Such policies seek, amongst other things, to ensure proposals do not interrupt main pedestrian flows, do not adversely affect the safety of pedestrians and cyclists, and ensure satisfactory access for those with special needs.
16. Policies EN1/2 and EN1/10 have been referenced in the second reason for refusal, however, these policies do not address public safety and, as such, they are not relevant to this main issue.
17. With regard to Appeal B, the proposals would not be harmful to public safety and would therefore accord with UDP Policy EN1/9 insofar as it is relevant to such a consideration.

Other Matters

18. The proposals provide a number of benefits to the local community which include free ultrafast Wi-Fi, free phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. Whilst I recognise that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, there is little before me to suggest that there are no alternative solutions or realistic alternative sites, including those in less prominent positions, that would not provide a realistic alternative. Consequently, the benefits identified only weigh moderately in favour of the proposals.

19. As identified above, the proposals would be harmful to the character, appearance and visual amenity of the area to which I ascribe substantial weight. Considering this, in relation to Appeal A, I find that the matters advance in support of the proposal do not, either individually or collectively, outweigh the harm or conflict with the development plan identified.
20. In respect of Appeal B, a similar range of benefits would arise. However, the Regulations make it clear, as set out above, that advertisements should be controlled only in the interests of amenity and public safety. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

21. Whilst I have found that the proposals would not be harmful to public safety, this does not outweigh the harm to the character, appearance, and visual amenity of the area that I have identified. The proposals conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. I conclude that the Appeals A and B should be dismissed.

Elaine Moulton

INSPECTOR



Appeal Decision

Site visit made on 15 August 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/T4210/D/23/3319989

509 Bury Old Road, Prestwich, Bury M25 3DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jess Blakesley against the decision of Bury Metropolitan Borough Council.
 - The application Ref 69055, dated 7 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is a single storey side extension and two storey front extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey semi-detached dwelling situated on an elevated plot in a predominantly residential area. It is proposed to erect a two-storey front extension that projects approximately 3m to the front of the host dwelling, and a single storey extension that projects approximately 2.5m to the side.
4. Whilst Bury Old Road is a long road comprised of varying types and styles of buildings and dwellings, the appeal property is located at the end of a distinct small crescent of semi-detached dwellings, set back from the road and elevated from the highway. The dwellings have not remained uniform in design, with changes to fenestration and doors and in some cases the addition of porches. However, when viewed from the street, the dwellings are similar in size and style and give a pleasing harmonious impression of cohesiveness and symmetry. No other properties in the crescent have a similar front extension to that which is being proposed. Despite the proposed extension being designed to match the host dwelling in terms of design and materials, due to its size and projection, the proposed front extension would look unbalanced and would be an incongruous addition to the street scene. This would have a negative effect on the character and appearance of the area.
5. The Council's Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties 2020 (SPD) states that in order to protect the character of the street scene, in general there will be a presumption against large extensions at the front of properties, and that extensions will not be

permitted if they project excessively from the original front wall. Whilst recognising that the SPD is guidance, and also the appellant's point that there is no definition as to what 'project excessively' means, I consider that the scale and massing of the 3m front extension would be disproportionate, over dominant and out of character when compared to the host dwelling and neighbouring properties.

6. When visiting the site and surrounding area I noticed other extensions to the front of dwellings. However, these extensions were of a smaller scale than that proposed and had limited impact on the character and appearance of the area. Additionally, the appellant has drawn my attention to properties in the surrounding streets that have had front extensions. However, I am not aware of the exact circumstances or the policy backgrounds that led to these extensions being built. I can also not be certain of their precise size and scale in relation to their host property, and their relationship to other properties in the street scene. I have determined this appeal on its individual planning merits and under the current policy context, and the examples of other extensions in the locality do not lead me to find that the proposal would be acceptable.
7. I noted from my site visit that the site is well screened by trees, which would minimise the impact of the proposed development. However, the trees have no statutory protection, and as such there is no certainty that they will be retained. As such, the current screening is not a determining factor when considering the permanent impact that the proposal would have on the character and appearance of the area.
8. I therefore conclude that the proposal would cause harm to the character and appearance of the area. It would be contrary to saved policy H2/3 of the Bury Unitary Development Plan (1997) and guidance in the SPD, which seek to ensure that extensions are of a high standard, not visually intrusive, and that they protect the character of the area.

Other Matters

9. I agree with the Council that the proposed side extension is acceptable in terms of its location and projection, as well as its design and scale. However, this is not severable from the proposed front extension and so I have considered the proposal as a whole and determined the appeal on this basis.
10. I note that the appellant has stressed a willingness to amend the proposal. However, it is not the role of the appeal process to suggest or consider amendments and I have determined the appeal on the proposal that was submitted.
11. The National Planning Policy Framework sets out a presumption in favour of sustainable development. This concept has three dimensions which are mutually dependant – economic, social and environmental. I agree with the appellant that the proposed extension would bring small social and economic benefits. However, good design is an important aspect of sustainable development. Considering the three dimensions of sustainable development together the economic and social benefits would not outweigh the environmental harm. Therefore, the proposal would not represent sustainable development.

12. I have had regard to the desire of the appellant to stay in the area, and to extend the property in order to start a family. However, I am minded that the harm identified would be permanent, and it is not outweighed by the appellants' personal circumstances.

Conclusion

13. I find that the proposal would conflict with the development plan taken as a whole and there are no reasons to indicate a decision other than in accordance with the development plan.

14. For the reasons given above I conclude that the appeal should be dismissed.

L Hughes BA (Hons) MTP MRTPI

INSPECTOR