

Public Document Pack

AGENDA FOR PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

Councillors : G McGill (Chair), S Arif, C Boles, D Duncalfe,
U Farooq, J Harris, M Hayes, B Ibrahim, D Quinn,
G Staples-Jones 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, 27 August 2024
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.

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 23RD JULY 2024 (Pages 3 - 4)

The Minutes of the meeting held on Tuesday the 23rd July 2024 are attached.

4 PLANNING APPLICATIONS (Pages 5 - 78)

Reports attached.

5 DELEGATED DECISIONS (Pages 79 - 90)

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 91 - 142)

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 VALIDATION CHECKLISTS (Pages 143 - 150)

A report from the Head of Development Management is attached detailing the Council is required to maintain a planning application validation checklist. There is a need to update Bury's further following the adoption of the Places for Everyone Joint Development Plan (PFE).

8 URGENT BUSINESS

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

Minutes of: **PLANNING CONTROL COMMITTEE**

Date of Meeting: 23 July 2024

Present: Councillor G McGill (in the Chair)
Councillors S Arif, C Boles, D Duncalfe, U Farooq, J Harris, M Hayes,
B Ibrahim, D Quinn and G Staples-Jones

Also in attendance: Councillors R Gold, D Green, E O'Brien, A Quinn and S Thorpe

Public Attendance: 35 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor M Walsh.
There was no substitute representative for Councillor Walsh.

PCC.2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.3 MINUTES OF THE MEETING HELD ON THE 9TH JULY 2024

Delegated decision:

That the Minutes of the meeting held on the 9th July 2024 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 number 70449 and 70484.

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 any supplementary information submitted and subject to all other conditions included: -

Longfield Shopping Centre/Car Park, Fairfax Road Car Park and adjoining land at Bury New Road, Rectory Lane and Fairfax Road, Prestwich

Hybrid Planning Application constituting EIA Development comprising:

Full application for demolition of existing buildings/structures and erection of phased mixed use development including Community Hub with flexible uses of library, offices, medical/health services (Classes F1 (a-f), F2(b), E(c), E(e), E(g)) & retail uses (Classes E(a), E(b) F2(a)) & Sui Generis (hot food takeaway & bar), new Market Hall (Classes E(a), E(b) & Sui Generis (hot food takeaway and bar)), Commercial Building with flexible uses including retail, offices, gymnasium (Classes E(a), E(b), E(c), E(d), E(g), F2(a), Travel Hub with car parking & cycle

parking (Sui Generis), public square & realm, associated landscaping, car parking provision, cycle storage & associated works; and,

Part Outline application (all matters reserved) - mixed use development of residential (Class C3), flexible commercial, business, service, local community & learning uses (Classes E, F) & Sui Generis (hot food takeaway & bar), engineering works to Rectory Lane, new public realm, associated landscaping, car parking provision, cycle storage & 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 any supplementary information submitted and subject to all other conditions included: -

Fairways Lodge Hotel, George Street, Prestwich, Manchester, M25 9WS

Demolition of existing hotel building and erection of a block of 52 no. retirement living apartments including communal facilities, landscaping and car parking provision

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 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.20pm and ended at 8.40pm)

Title	Planning Applications
To:	Planning Control Committee
On:	27 August 2024
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.

- 1 **Township Forum - Ward:** North Manor **App No.** 70932
- Location:** 5 Sandringham Drive, Tottington, Bury, BL8 4DJ
Proposal: Front porch and single storey rear extension
Recommendation: Approve with Conditions **Site Visit:** N
-
- 2 **Township Forum - Ward:** Whitefield + Unsworth - Pilkington Park **App No.** 70583
- Location:** Sedgley Park Rugby Union Football Club, Philips Park Road West, Whitefield, Manchester, M45 7DZ
Proposal: Temporary installation of five cabins to create 3 no. classrooms, W/C and kitchen facilities for The College of Rugby
Recommendation: Approve with Conditions **Site Visit:** N
-
- 3 **Township Forum - Ward:** Prestwich - Sedgley **App No.** 70755
- Location:** Land between 13 & 14 Scholes Walk, Prestwich, Manchester, M25 0AZ
Proposal: Erection of 1 no. bungalow
Recommendation: Approve with Conditions **Site Visit:** N
-
- 4 **Township Forum - Ward:** Prestwich - Holyrood **App No.** 70763
- Location:** Land at rear of 7-11 Carisbrook Avenue, Whitefield, Manchester, M45 6UP
Proposal: Erection of 1 no. bungalow
Recommendation: Approve with Conditions **Site Visit:** N
-

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Ward: North Manor

Item 1

Applicant: Mr David Marno

Location: 5 Sandringham Drive, Tottington, Bury, BL8 4DJ

Proposal: Front porch and single storey rear extension

Application Ref: 70932/Full

Target Date: 03/09/2024

Recommendation: Approve with Conditions

This application is a householder development and would normally be dealt with under delegated powers. It is presented to the committee as the applicant is a member of staff.

Description

The application relates to a semi-detached bungalow, which is located on Sandringham Drive. The bungalow is constructed from red brick with a tile roof and has been extended previously with a conservatory located adjacent to the attached neighbour on the rear elevation. There are rooms in the roofspace, which are served by a rooflight and a window on the gable elevation. There is a large rear garden, which is predominantly hardstanding and a path at the side of the property. There is a garage immediately adjacent to the attached neighbour with a driveway in front for 1 vehicle.

There are residential properties to the north, south and west of the site. There are dwellings, a substation and a rear yard in connection with a row of shops to the east of the site.

The proposed development involves the demolition of the existing conservatory and the erection of a single storey rear extension and a front porch.

The proposed single storey rear extension would be project 3.5 metres from the original rear elevation and would extend across the full width of the rear elevation. The proposed extension would measure 2.5 metres to the eaves and 4.4 metres at its highest point.

The proposed porch would be located on the front elevation and would measure 2.75 metres by 1 metre and would be 3.5 metres in height at its highest point.

The proposed rear extension would be constructed from render with a tile roof and the proposed porch would be constructed from brick with a tile roof.

Relevant Planning History

None relevant

Adjacent site

34603 - Conversion of flat roofs to pitched roofs at 4 Balmoral Close, Tottington. Approved with conditions - 5 October 1998.

Publicity

The neighbouring properties were notified by means of a letter on 16 July 2024.

There has been no response.

Statutory/Non-Statutory Consultations

None required.

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

Development Plan and Policies

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Visual amenity - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension is located entirely to the rear of the premises, the boundary of which is bounded by residential gardens. As such, the proposal would not be visible from Sandringham Drive. The proposed extension would be of simple and unobtrusive design that would not overwhelm the dwelling or result in over development of the associated residential amenity space. The proposed extension has a pitched roof replicating the shape and style of the existing dwelling. The use of render at the rear would differentiate the proposed extension from the original dwelling and as it is located at the rear, would not be a prominent feature in the streetscene.

The proposed porch would not project excessively from the front of the main dwelling and is of a typical domestic appearance for a porch. A number of properties have porches on the wider estate and as such, the proposed development would not be out of character for the area. The proposed porch would be constructed from brick with a tile roof, which would match the main dwelling.

Therefore, the proposed development would not have a detrimental impact on the character of the property, neighbouring dwellings or street scene and the proposal would be in accordance with Policies H2/3 and EN1/2 of the Bury Unitary Development Plan and SPD6.

Residential amenity - SPD6 and Policy H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The existing conservatory on the rear elevation is located adjacent to the boundary with No. 3 Sandringham Drive and would project 2.7 metres. The proposed extension would project 3.5 metres (a further 0.8 metre) and would measure 2.5 metres to the eaves. As such, the proposed extension would fail the 45 degree rule.

SPD6 states that single storey extensions in excess of 3 metres should be assessed against the 45/25 degree line from the neighbouring habitable room window and where the extension will lie in relation to the sun. Extensions in excess of 3 metres will not normally be permitted unless it can be demonstrated that the amenity of the neighbour will not be seriously and detrimentally affected.

The proximity of the window to No.3 is such that the proposal would encroach the 45 degree line at a point less than 3 metres. This neighbouring property is located to the south of the proposed extension and as such, it would only have a limited impact upon the amenity of the adjacent neighbour (No. 3). A further material consideration is the 'larger homes scheme' which allows semi detached properties to extend up to 6 metres from the original rear wall where there are no objections from neighbours. No representations have been received on this application. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the occupiers of No. 3 Sandringham Drive.

The proposed development would comply with the 45 degree line when drawn from the habitable room window to No. 7 Sandringham Drive and as such, would not have a significant adverse impact upon their amenity.

There would be 13 metres from the rear elevation of the proposed extension to the boundary, which would be in excess of the 7 metre aspect standard.

The proposed addition of rooflights would be permitted development and due to their location, would not have an adverse impact upon the amenity of the neighbouring properties.

The proposed front porch would not class as a habitable room and there would be over 24 metres between the proposed porch and No. 2 Sandringham Drive. As such, there would be no adverse impact.

An adequate level of private amenity space would be retained at the front and rear

Adequate level of private amenity space retained at front and rear.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 and EN1/2 of the Bury Unitary Development Plan and SPD 6.

Highways issues - The proposed development would reduce the number of bedrooms at the property from 4 to 2 and the existing driveway would be retained. As such, there would be adequate parking facilities available and the proposed development would comply with Policies H2/3 and EN1/2 of the Bury Unitary Development Plan and SPD6.

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

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

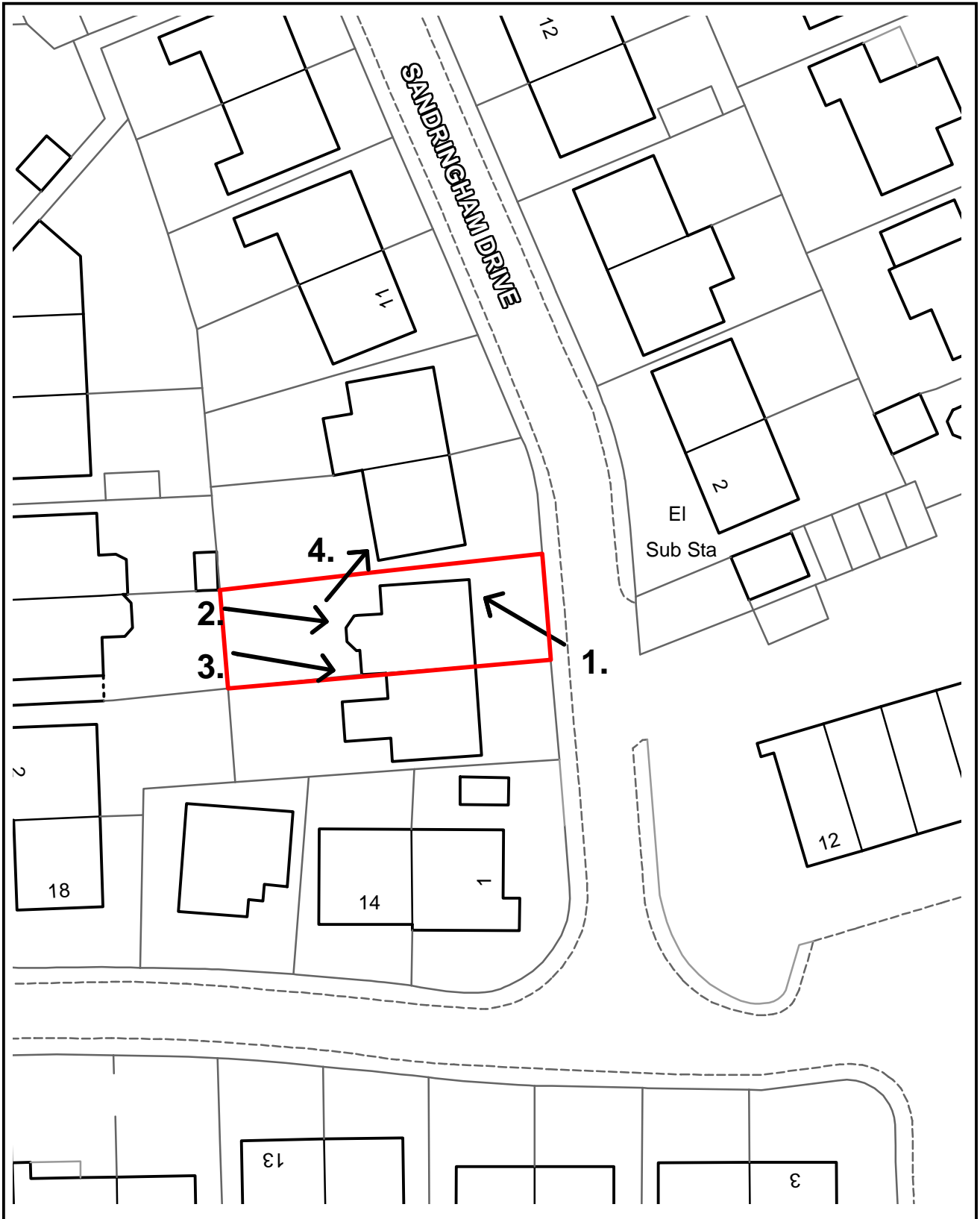
Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Location plan, 1/17/2024, 2/17/2024 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.

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

70932 - Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70932

ADDRESS: 5 Sandringham Drive,
Tottington, Bury, BL8 4DJ

Planning, Environmental and Regulatory Services

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Bury
Council

70932

Photo 1



Photo 2



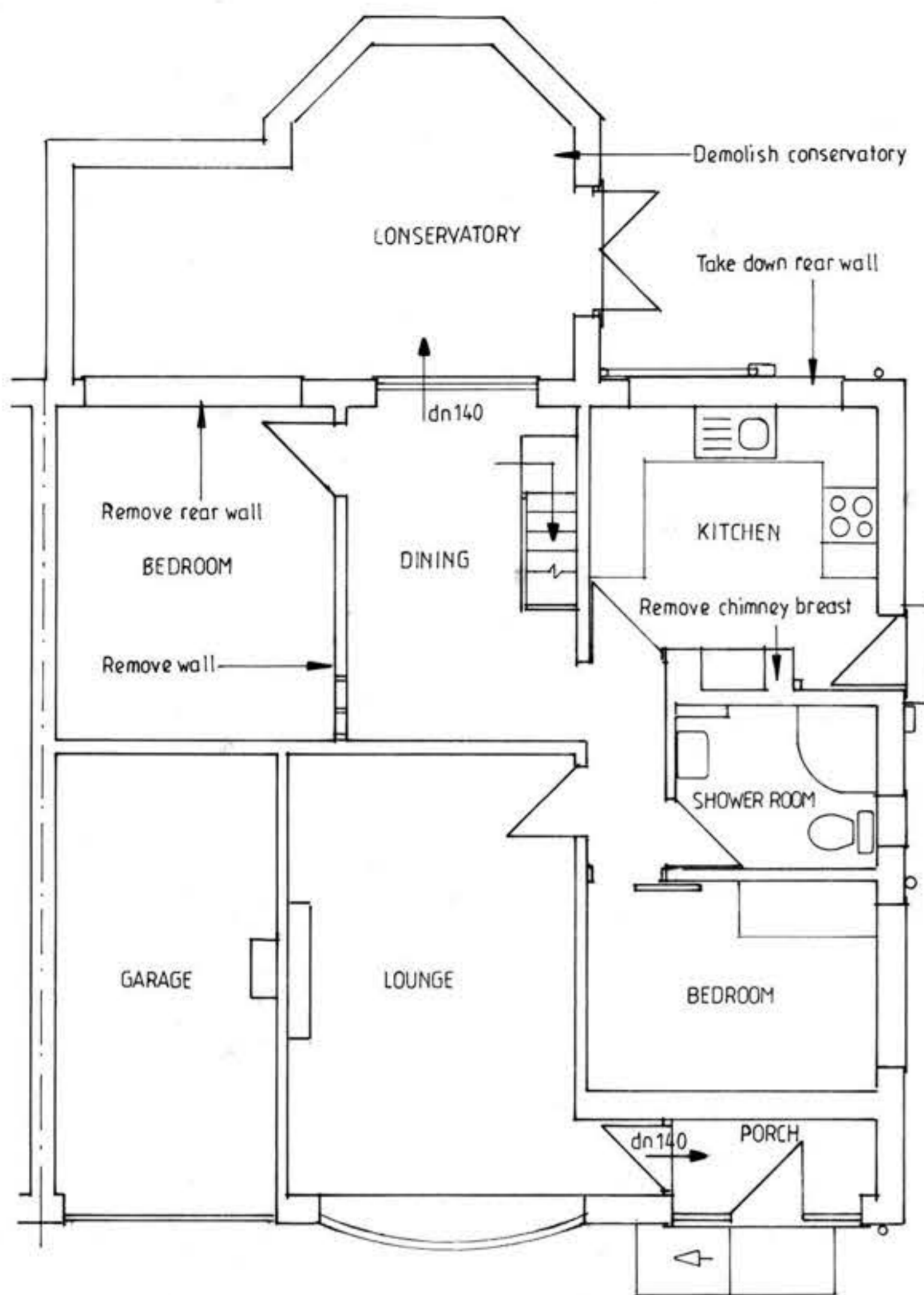
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Photo 3

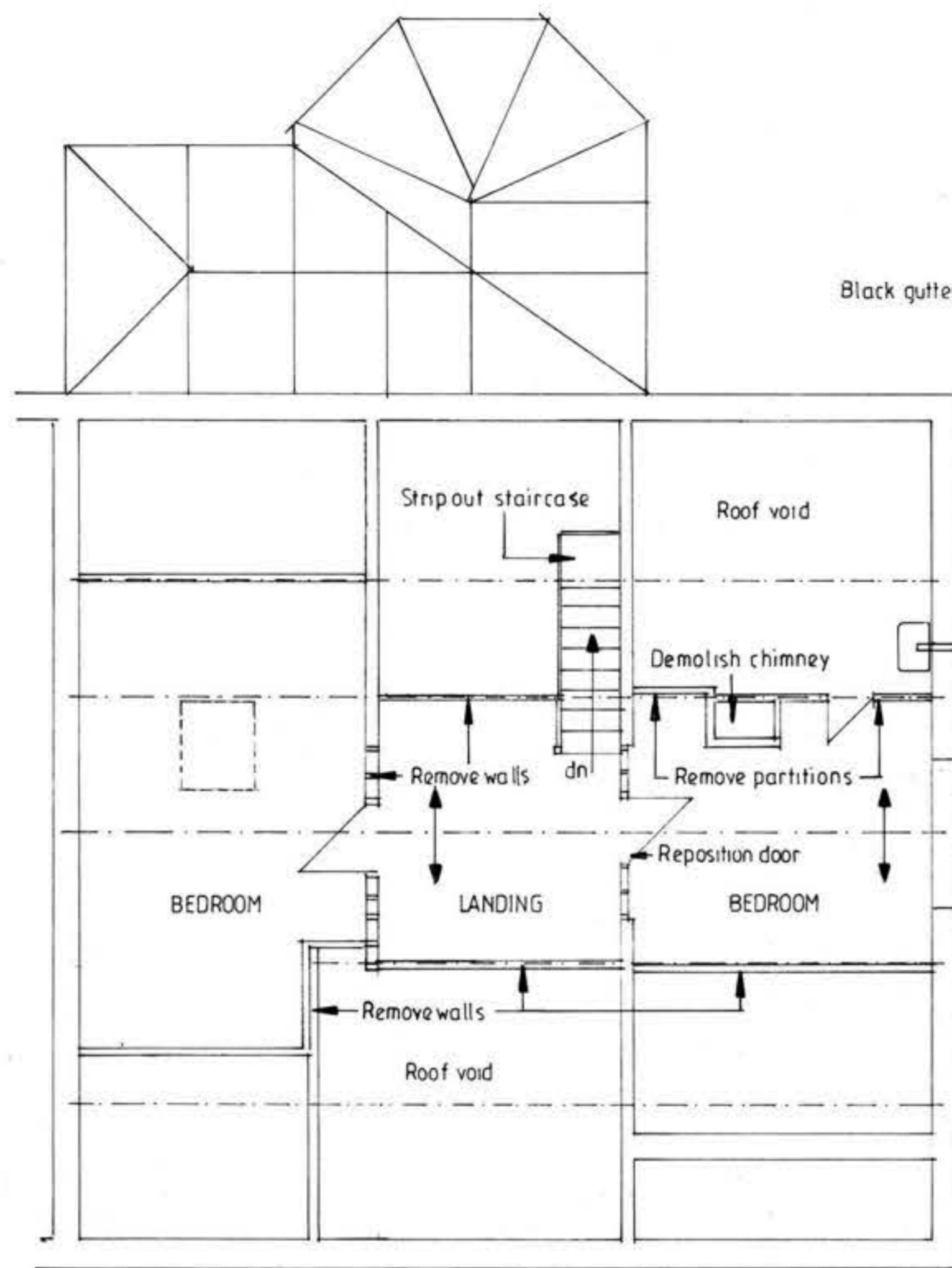


Photo 4

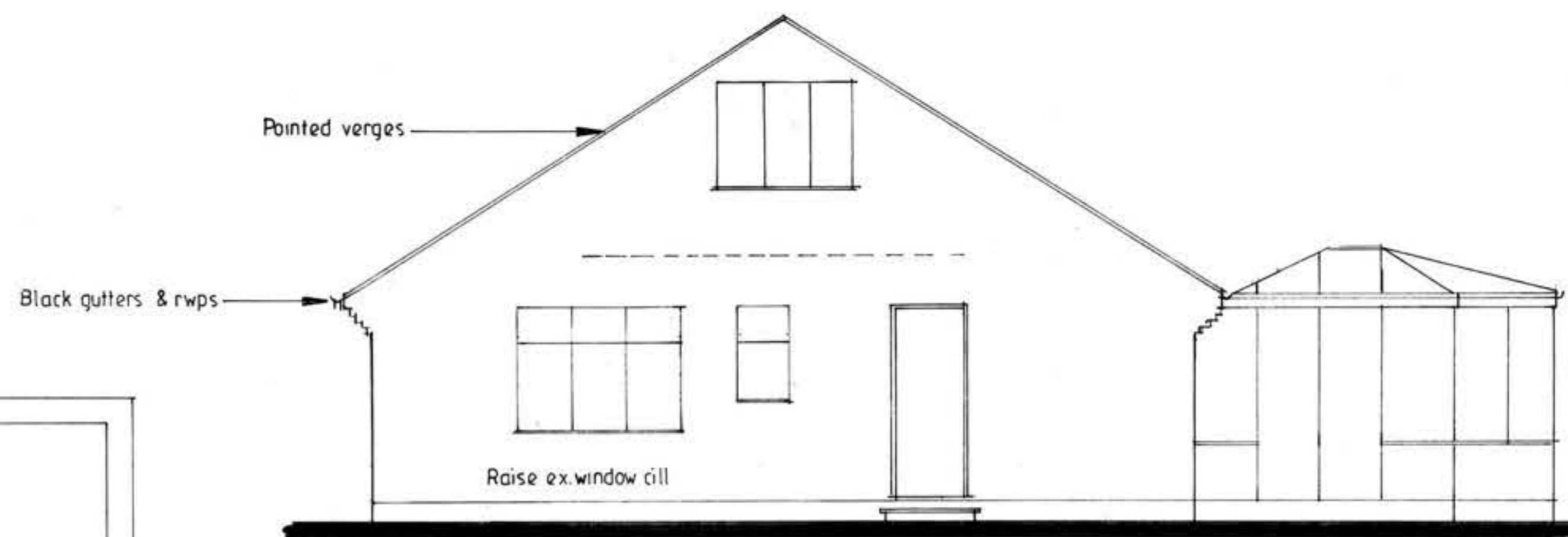




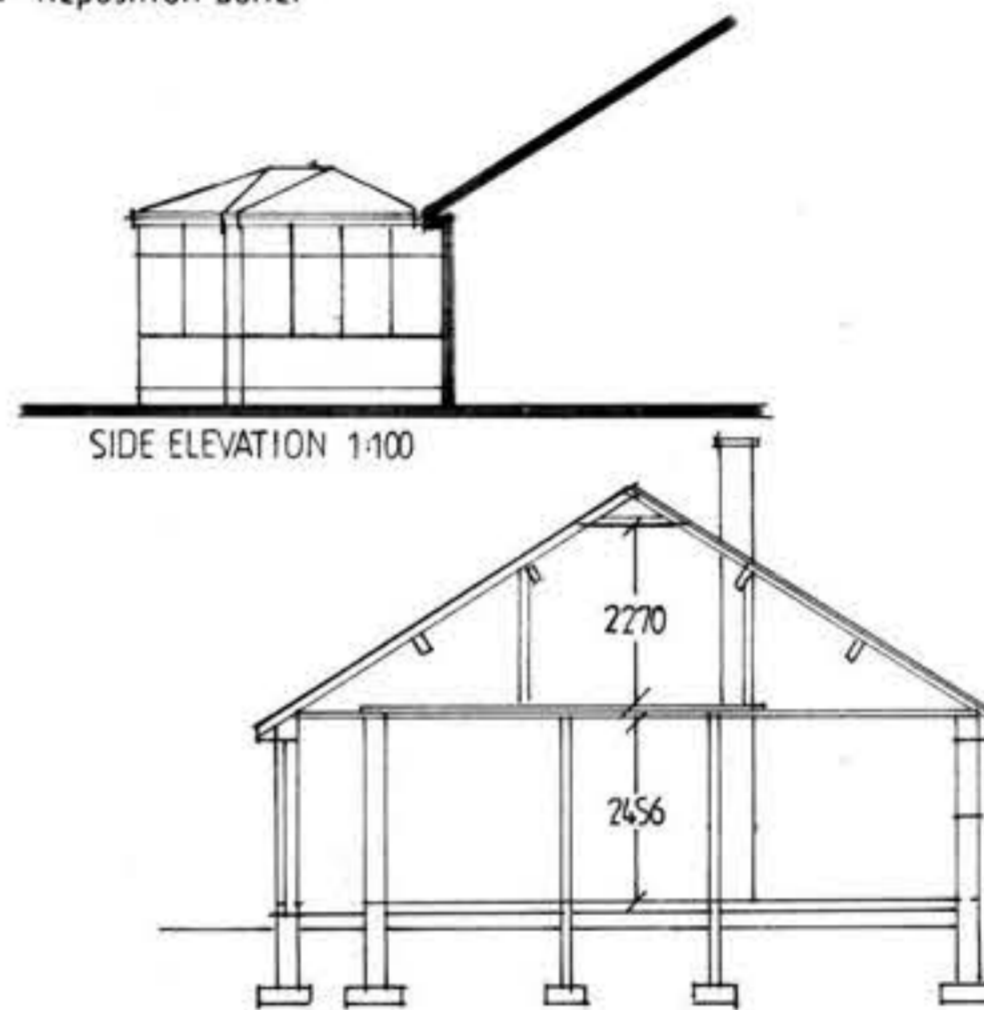
GROUND FLOOR PLAN



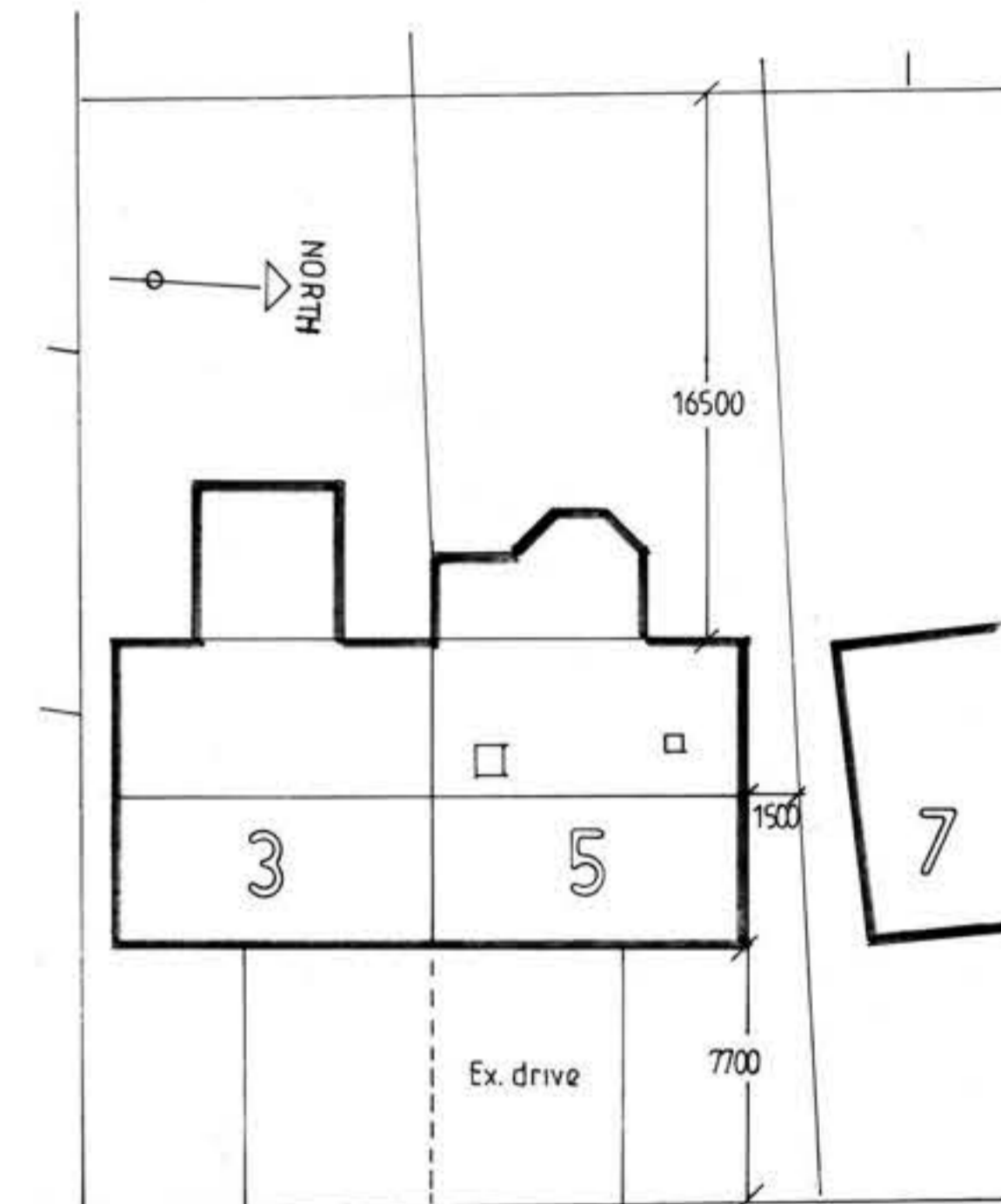
FIRST FLOOR PLAN



SIDE ELEVATION



SECTION A-A 1:100

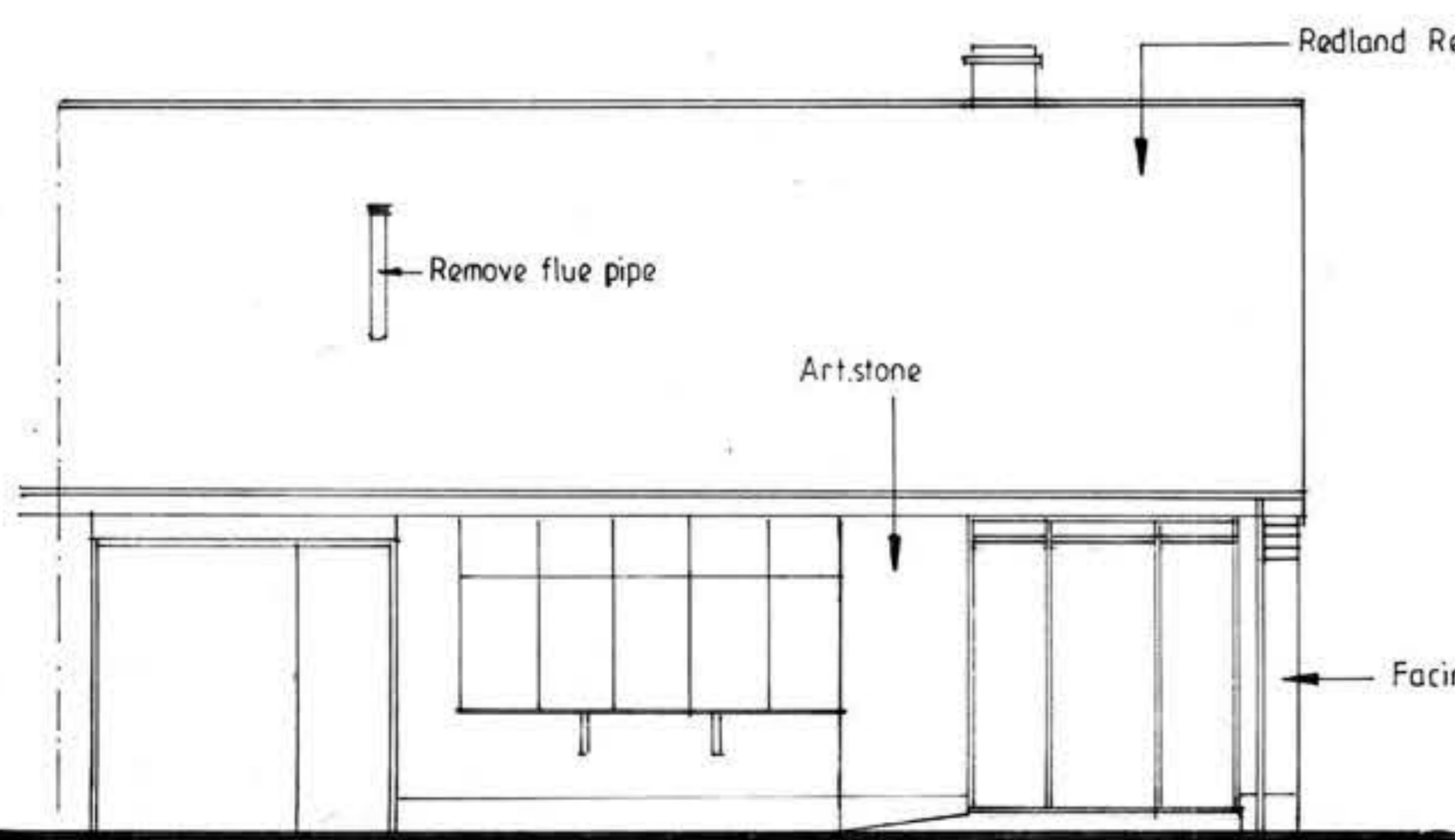


Sandringham Drive

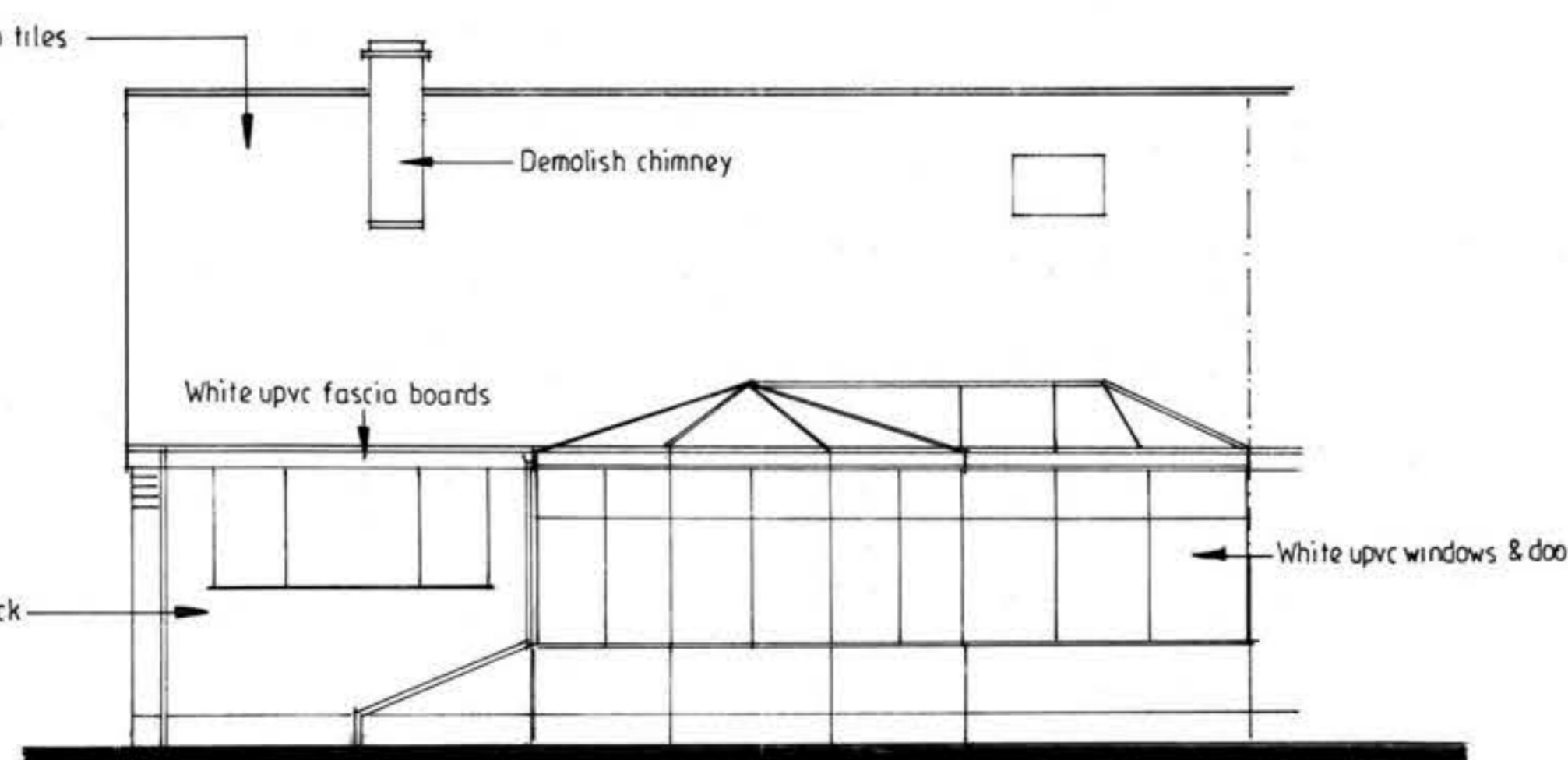
SITE PLAN 1:200



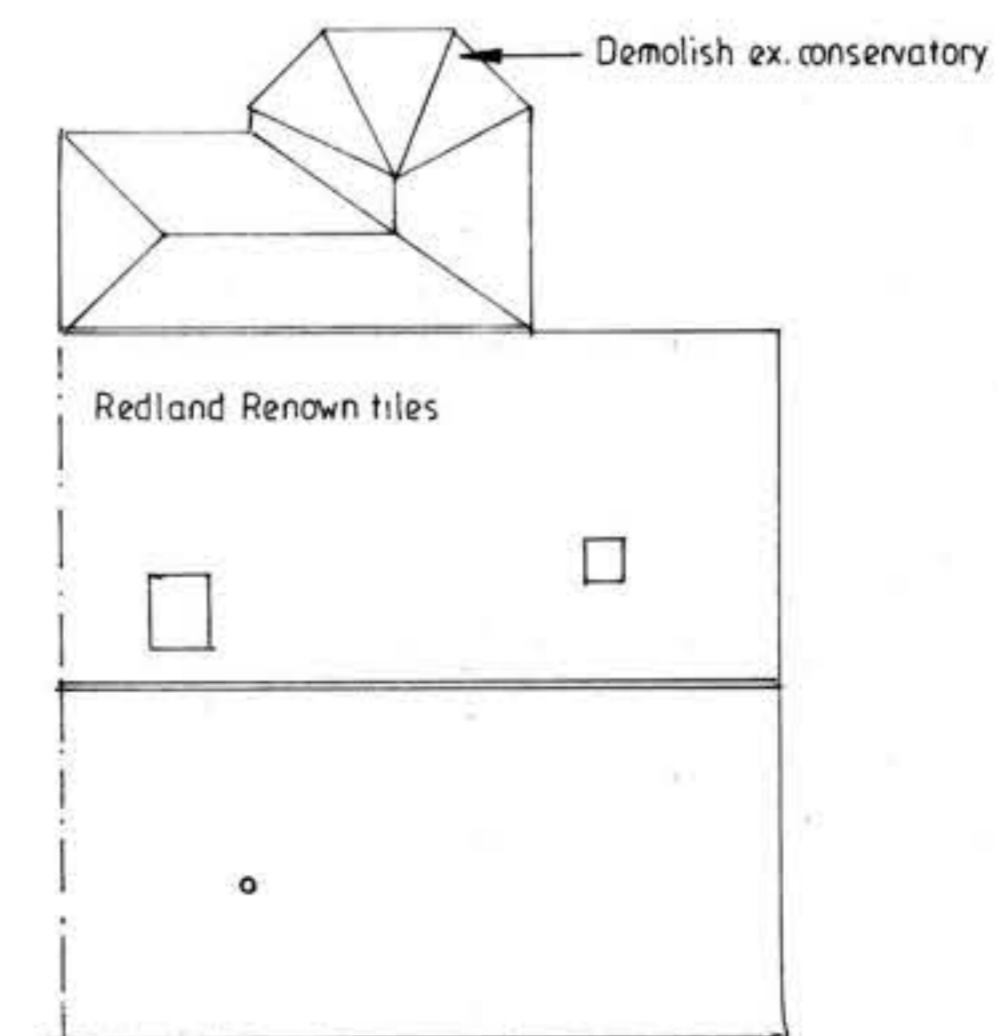
EXISTING FLOOR PLANS, ELEVATIONS, SECTION & ROOF PLAN



FRONT ELEVATION



REAR ELEVATION



ROOF PLAN 1:100

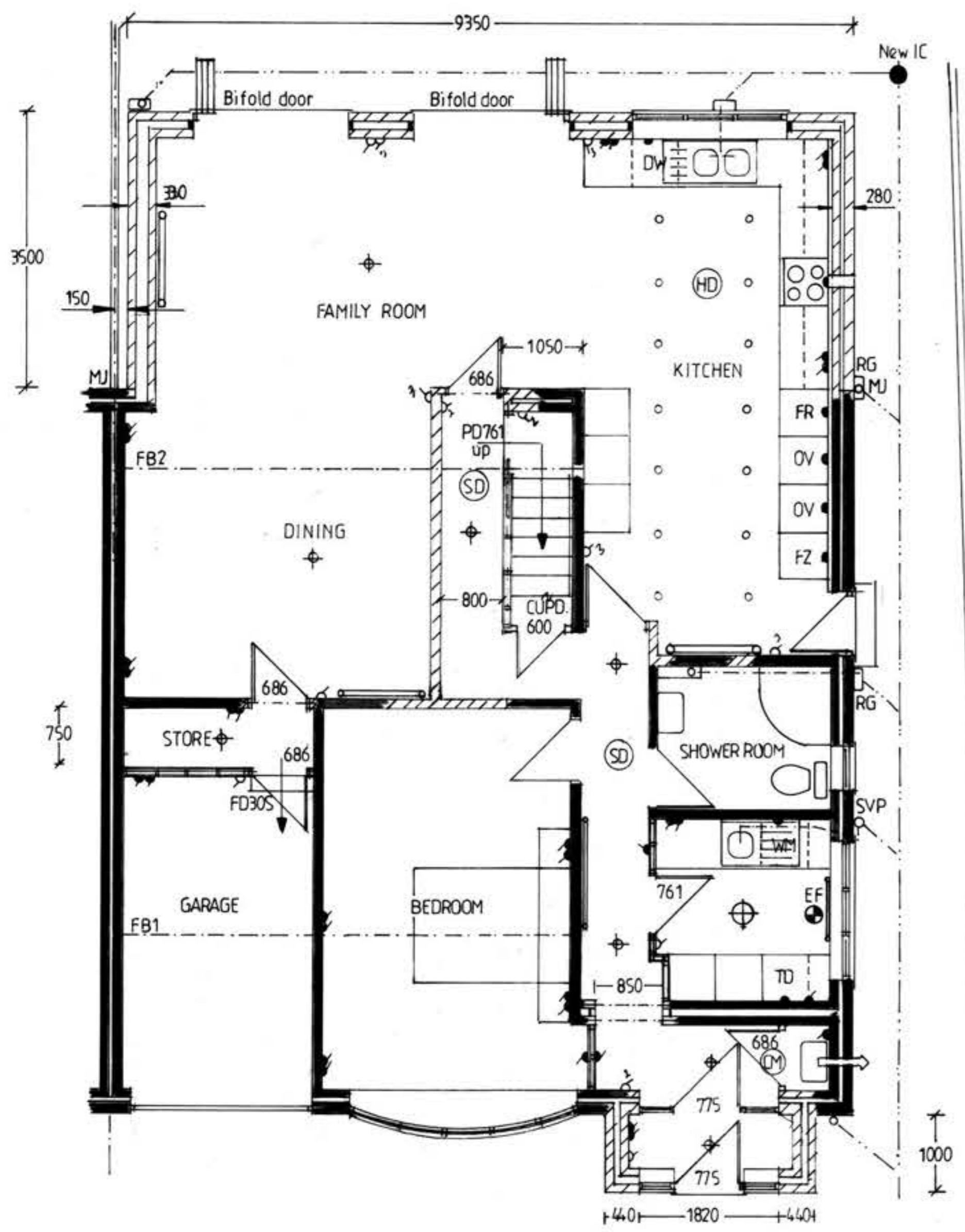
PROPOSED SINGLE STOREY EXTENSIONS & INTERNAL ALTS.

FOR MR D.MARNO
AT 5 SANDRINGHAM DRIVE
GREENMOUNT BURY
BL8 4DJ

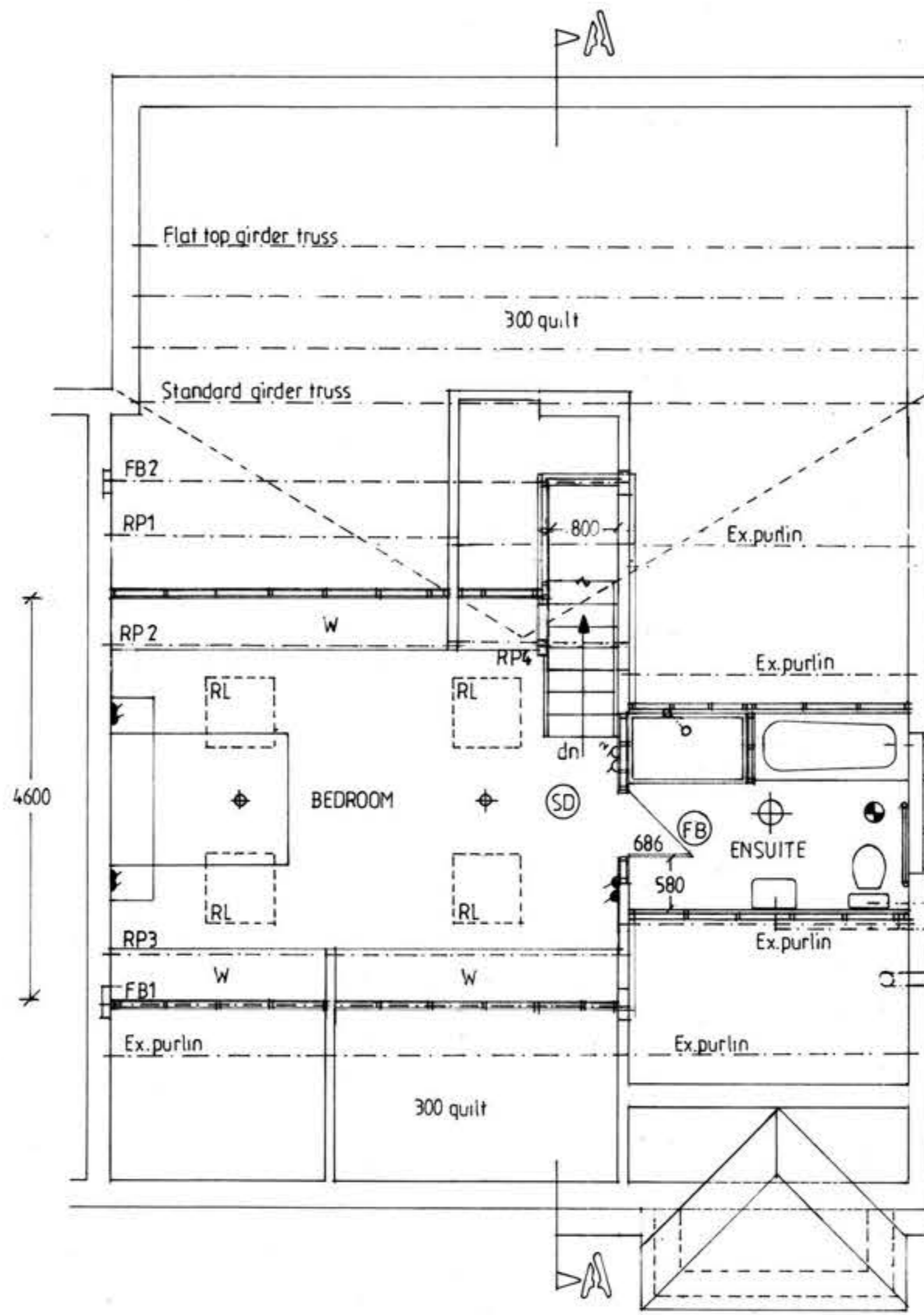
ADRIAN HUGHES
ARCHITECTURAL SERVICES

SCALE 1:50 1:100
DATE JUNE 2024

DRAWING NO.
1/17/2024



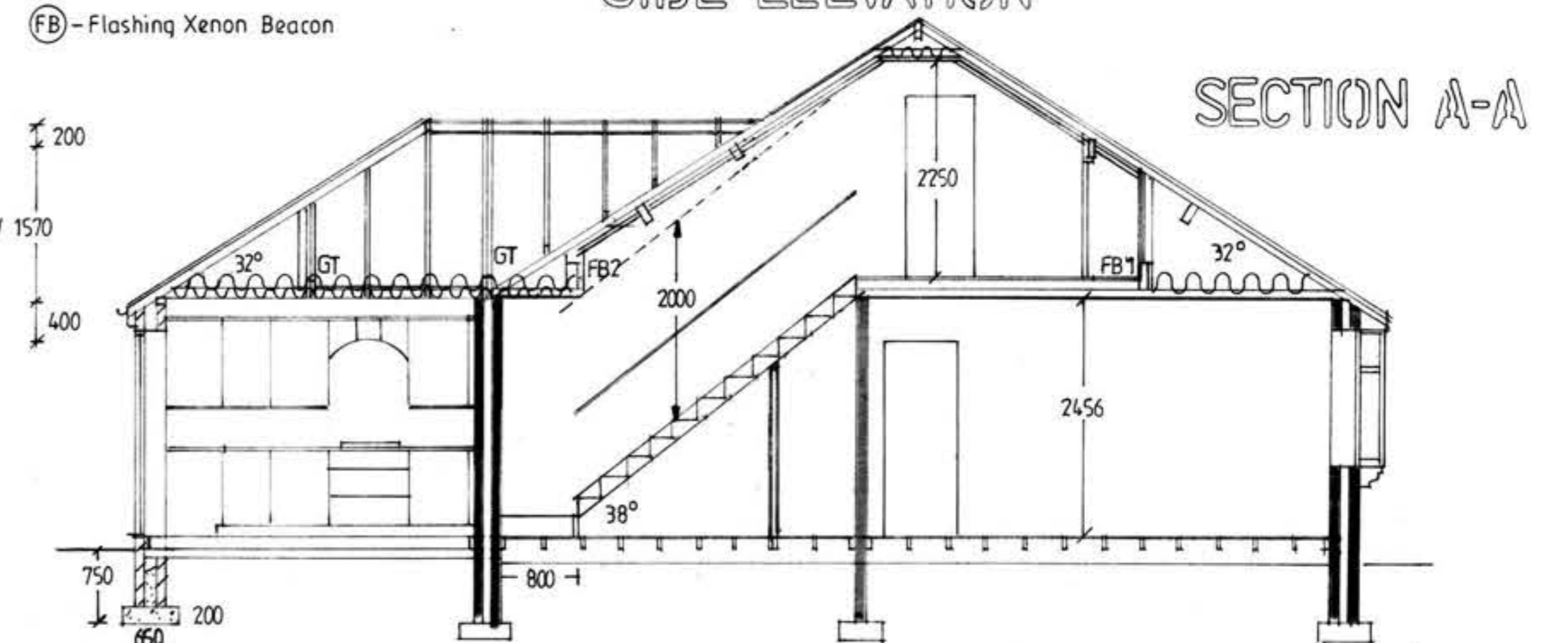
PROPOSED GROUND FLOOR PLAN



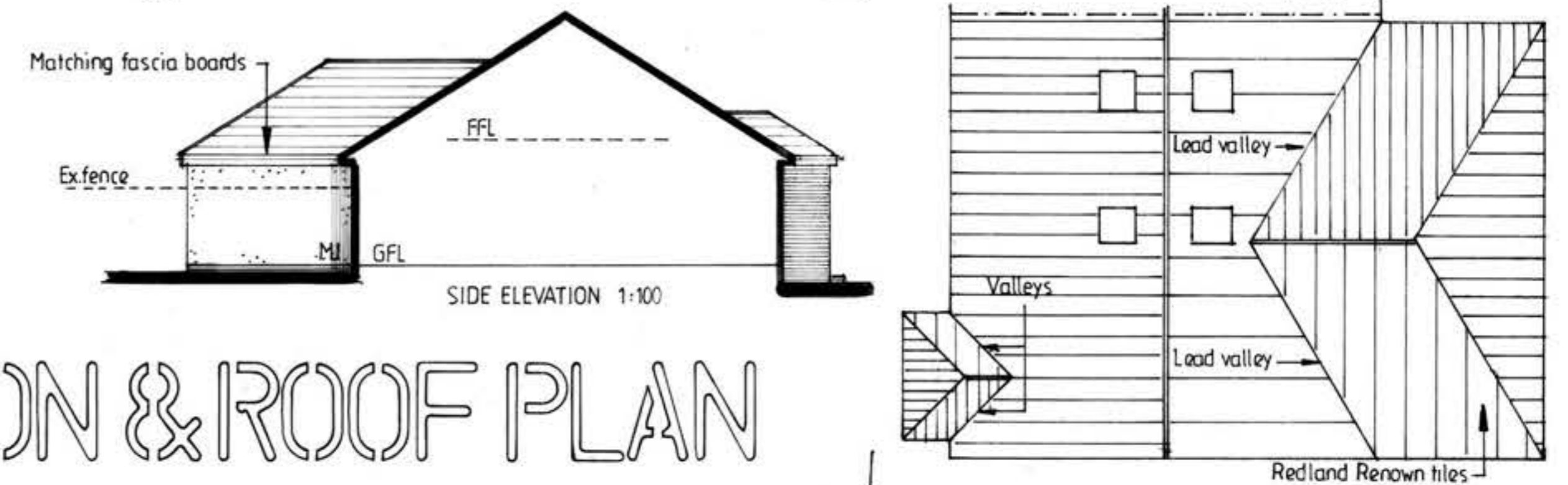
FIRST FLOOR PLAN



SIDE ELEVATION



SECTION A-A

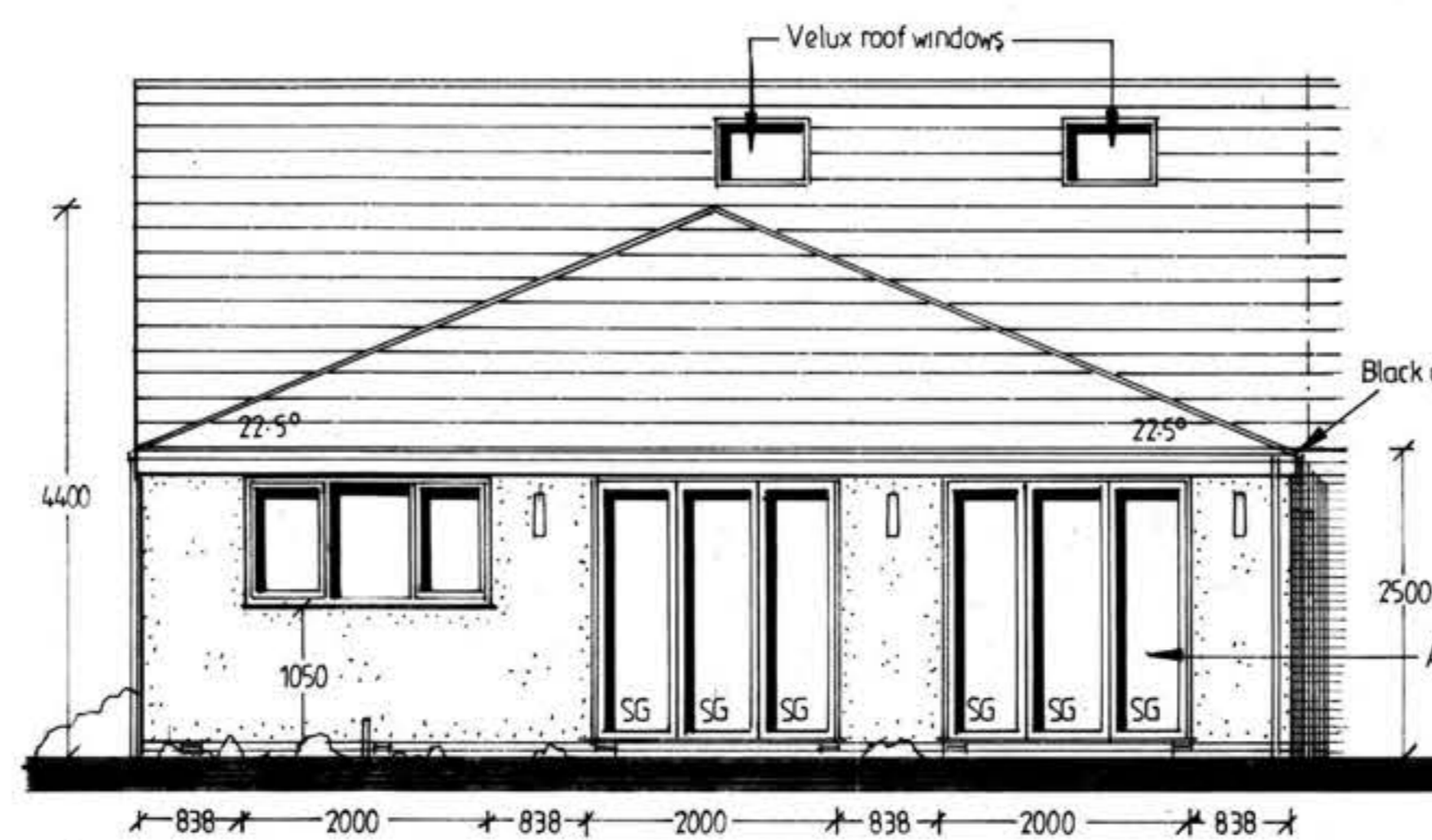


ROOF PLAN 1:100

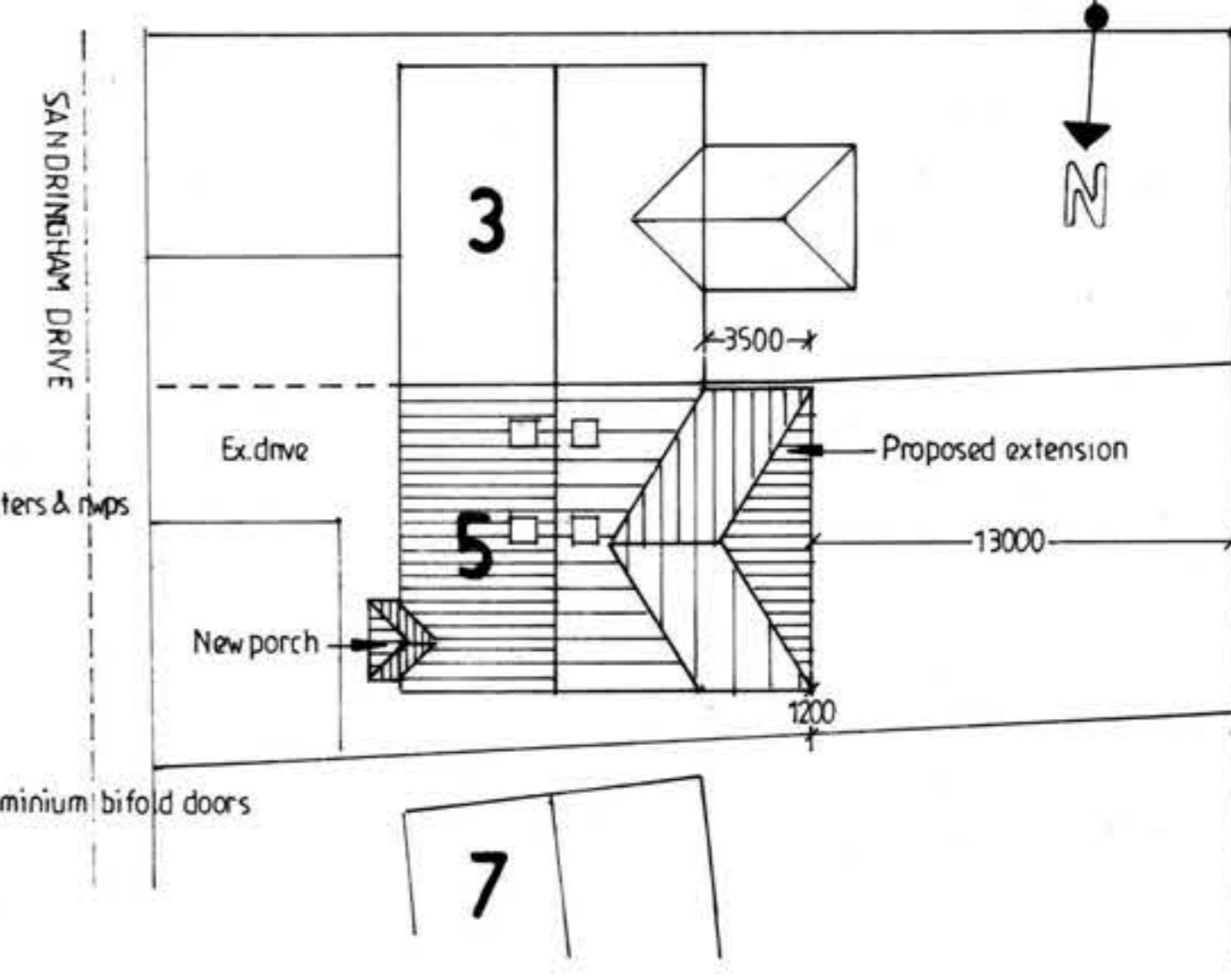
PROPOSED FLOOR PLANS, ELEVATIONS, SECTION & ROOF PLAN



FRONT ELEVATION



REAR ELEVATION



SITE PLAN 1:200

PROPOSED SINGLE STOREY EXTENSIONS & INTERNAL ALTS.

FOR MR. D. MARNO
AT 5 SANDRINGHAM DRIVE
GREENMOUNT BURY
BLB 40J

ADRIAN HUGHES
ARCHITECTURAL SERVICES

SCALE 1:50 1:100
DATE JUNE 2024
DRAWING NO. 2/17/2024

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Ward: Whitefield + Unsworth - Pilkington Park

Item 2

Applicant: The College of Rugby

Location: Sedgley Park Rugby Union Football Club, Philips Park Road West, Whitefield, Manchester, M45 7DZ

Proposal: Temporary installation of five cabins to create 3 no. classrooms, W/C and kitchen facilities for The College of Rugby

Application Ref: 70583/Full

Target Date: 19/06/2024

Recommendation: Approve with Conditions

Description

The site is an established sporting facility as a rugby club that is spread over two sites, with the main clubhouse and two main pitches being located on Park Road and 4 playing pitches being located on land on the south side of Philips Park Road West.

The application site is on the land off Philips Park Road West, opposite detached bungalows - nos. 36 - 46 Philips Park Road West (even) which borders the M60 Motorway. It is accessed from two points on either side of the Rugby Pitches on Philips Park Road West. A pedestrian access is present in the north-east corner of the application site, with a vehicular access and track is located within the north-east corner of the site. This access, track and informal parking area is used by the Rugby Club.

The applicant, the College of Rugby, is a Further Education ("FE") College based at the working Rugby Union Club. It hires space from the Rugby Club to provide their education rugby training and coaching course and due to the Rugby Club creating an income from renting the building out during the week, the College of Rugby has found itself without any internal space to carry out their teaching function.

The development proposed seeks to place 5 portacabins at the southern end of the access track/ application site to provide three classrooms, a kitchen area and a W/C for a temporary 5 year period. Each of the three classroom portacabins would measure approximately 6m x 5m and have a height of 2.8m. The kitchen and W/C cabins would measure approximately 4.2m x 1.2m x 2.8m. The cabins propose to be sat on levelling pads on the existing compacted hardcore present in the site, therefore the buildings would have no foundations.

Relevant Planning History

Application Site Fields

46164 - All weather sports pitch with associated floodlighting and amendments to track - Approved with Conditions, 28/06/2006

43931 - Construction of single lane access track - Retrospective application. Approved with Conditions, 09/03/2005

43307 - Installation of floodlight system on existing rugby pitch at Philips Park Road West - Approved with Conditions, 13/10/2004

41900 - Erection of 4 floodlights to existing rugby pitch - Refused, 02/03/2004

34553 - Infilling of land to form sports field - Approved with Conditions, 15/02/2000

Site containing Rugby Club, Park Road

30527 - Installation of Mast & associated Antennae equipment - Approved with Conditions, 19/01/1995

30927 - Installation of 24 metre high lattice tower and associated Antennae equipment - Approved with Conditions, 22/06/1995

32122 - Prior Approval Determination: Erection of 8 no. Antennas and 1 no. Equipment Cabins - Prior Approval Not Required, 05/06/1996

31992 - Levelling of land and creation of sports pitches and erection of 3.6m

41504 - Car Park - Approved with Conditions, 17/12/2003

41900 - Erection of 4 floodlights to existing Rugby pitch - Refused, 02/03/2004

43930 - Erection of single storey cabin for storage and sale of programmes - Refused, 08/03/2005

65629 - New balcony to front - Approve with Conditions 21/08/2020

59593 - Erection of a temporary stand containing 448 seats for a period from 5 February 2016 to 19 September 2016 - Withdrawn by Applicant, 04/04/2016

Publicity

Two Site Notices were initially erected on Philips Park Road, one on the access gates to the application site, and one on the pavement opposite the site on a lamppost. Representations pointed out that the initial application contained the incorrect address and therefore the address of the application was changed and thus the application was re-advertised on the 29 April 2024.

13 nearby neighbouring properties have been consulted. 7 letters of objection have been received who raise the following concerns:

- Notified Officers that the address submitted for the application site was incorrect.
- Existing inconsiderate parking on Philips Park Road West by users of the Rugby Pitches and Spectators prevents neighbours safely entering and leaving their properties in a safe manner.
- Restriction on width of road due to cars parking on Philips Park Road West.
- Request that parking provision is provided on the site.
- Suggest removing the grass verge along Philips Park Road west.
- Assert there is restrictive covenants on the land prohibiting building on it.

Christian Wakeford MP has written in confirming support for the proposal stating:

"Having visited the club and The College of Rugby to see their activities in my constituency – I know how important the service they provide is. Firstly to facilitate alternative provision in the borough of Bury but more significantly to offer a sport, an outdoor activity, an opportunity to provide life skills and even the potential of a career in Rugby to young people in our community.

I feel that the installation of the portacabins will enhance the activity already being carried

out on the fields, by creating a warm & dry provision for when the inevitable British weather strikes but by also reducing on road parking for staff & visitors."

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

Statutory/Non-Statutory Consultations

Traffic Section - Verbally raised concerns over the restricted visibility at the vehicular access of the site. Any written recommendation will thus be reported in the Supplementary Report.

Borough Engineer - Drainage Section - No comments or observations received.

United Utilities (Water and waste) - No objections.

Environmental Health - Contaminated Land - No objections.

Waste Management - No comments or observations received.

Greater Manchester Ecology Unit - No objections, subject to the planting of 4 native trees being planted on the site to secure a net gain to biodiversity.

The Coal Authority - No objections.

GMCA - Minerals and Waste - No objections due to the proposal being temporary in nature.

Sports England - No objections, subject to conditions requiring conditions to ensure the existing playing pitches are not compromised and remain in full use during construction/siting of the proposed containers, and requiring them only to be used by the College of Rugby (the applicant).

Pre-start Conditions - Applicant/Agent has not agreed with pre-start conditions

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
RT1/1	Protection of Recreation Provision in the Urban Area
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-S2	Carbon and Energy
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

The main issues for consideration in this case are:

- Whether the principle of the proposed land uses is acceptable on site
- The provision of Sports Facilities and Education facilities in this location
- The impact on the Playing Field
- The sites Location in the Green Belt and whether the proposal meets the exceptions test for development in the Green Belt
- Whether harm would be caused to the sense of openness and permanence of the Green Belt
- Whether harm would be caused to trees on site
- Whether harm would be caused to ecology and protected species on site
- Highway matters, including whether the proposed car parking provision is acceptable on highway safety grounds.
- Whether the ground on which the development would be sited would be safe

Whether the principle of the proposed land uses is acceptable on site

The provision of Sports Facilities and Education facilities in this location

The NPPF encourages promoting healthy and safe communities through the delivery of community facilities such as sports venues and other local services to enhance the sustainability of communities and residential environments.

UDP Policy RT1/1: Protection of Recreation Provision in the urban area, seeks to protect existing outdoor public or private recreation spaces, including amongst other things, playing fields. Exceptions to this, amongst other things, includes that development may be permitted where sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site. Whilst this site lies within the Green Belt, it is located adjacent to the urban area and forms part of the recreation space associated with Sedgley Park Rugby Club. The siting of the proposed classrooms and associated welfare cabins are located at the opposite end of the playing fields to the residential properties along Philips Park Road West and therefore the proposed facilities would cause no harm to the amenities of the occupants of properties bordering the playing fields/ Rugby pitches.

The Proposal and its impact on the Playing Field

The proposal affects land which is part of the home of Sedgley RUFC and is used as their training facility. The site consists of 2 adult and two junior rugby union pitches and is to the southwest of their home ground stadium across Philips Park Road. The area of affected playing field measures 3.16ha.

The proposal intends to temporarily locate 5 cabins to create 3 classroom facilities for The College of Rugby. These are shown to be located to the far southwest of the playing field land and in an area which has no pitches or supporting facilities. The site will use the existing access and have 8 car parking spaces, although the latter are shown on the existing layout – Drawing No.0079-MASTA-A-0201 Rev A. The submitted information states that their purpose is to create a space to provide development for local children through education, sports and life skills. As such Sport England consider this as an educational

facility.

The proposed development affects only land incapable of forming part of a playing pitch. In addition, the Rugby Pitches at the site are contained by a timber railing which clearly separates them from the existing access track and the area where the proposed cabins seek to be sited.

To conclude, none of the existing pitches, shown numbered 1-4 on the submitted Drawing are impacted by the proposal and thus the proposal is therefore acceptable in this regard and is in compliance with UDP Policy RT1/1.

Sport England have suggested conditions requiring no development should commence until details of a conditions requiring details of any constructors compound and its subsequent removal be submitted and approved in writing by the Local Planning Authority; securing the continuity of the existing sports use of the playing fields (rugby pitches) and ensuring the use of the cabins are only for the purposes pertaining to the operations of the College of Rugby. The recommended conditions, albeit slightly amended to make them specific to the College of Rugby/ the applicant, are thus duly recommended.

The sites Location in the Green Belt and whether the proposal meets the exceptions test for development in the Green Belt

The application site is located on land designated as Green Belt. Paragraph 154 of the Framework specifies what buildings are acceptable in the Green Belt, which includes, amongst other things, the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal seeks to provide facilities to support outdoor sport and is therefore considered to be an exception within the Green Belt.

Whether harm would be caused to the sense of openness and permanence of the Green Belt

The application site is bordered by trees to the south along its boundary with the M60 motorway and by trees and hedgerows to all other boundaries of the site. It is therefore wholly contained. Due to this, the limited height of the proposed containers, and the temporary nature of the buildings, the proposal would not cause harm to the openness and permanence of the Green Belt.

Taking account of all of the above, the principle of the proposed development is acceptable in this Green Belt location.

Whether harm would be caused to trees on site

The application site sits between extensive woodland and is bordered by trees.

The proposed containers would not be sited close to trees and therefore would cause no harm to the root protection areas of any of the trees that border the playing fields.

Whether harm would be caused to ecology and protected species on site

The application site is a green field site bordered by Woodland which lies between woodland areas. The woodland to the north of the site is ancient semi-natural woodland and is considered to be a Priority Habitat.

GMEU has reviewed the application and considered that some correction of the Biodiversity Baseline calculation was necessary to record the presence of the Priority Habitat/ ancient semi-natural woodland and to correctly specify the type of land on which the proposed

containers would be sited prior to determination of the application, in order to ensure that that the Council makes a decision on accurate information.

The development would be located on a very small area of bare ground/short ephemeral vegetation. Whilst badger and great crested newts are known to occur in the locality, given the development only covers 105 sqm Greater Manchester Ecology Unit (GMEU) consider that no further information or measures are required and the only ecological issue for this application is biodiversity net gain (BNG).

Paragraph 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment, minimising impacts on and providing net gains to biodiversity. PfE Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity seeks to provide a 10% net-gain to biodiversity which is the same as the mandatory requirement.

A biodiversity net gain (BNG) calculation therefore supports this application and the planting of 4 x native Hazel trees is proposed, as shown on Drawing No. 0079-MASTA-DR-A-0204 - Native Tree Locations which would be located between the existing access track and the trees on the western boundary of the playing fields.

At the request of Officers, the baseline and BNG calculations have been amended to ensure it/ they correctly classify the land in question and records the presence of the Priority Habitat (Ancient Semi-Natural Woodland) within 500 metres of the application site, and therefore can be relied on for the purposes of making a decision.

The correction of the biodiversity baseline calculation and the subsequent BNG re-calculation demonstrates that the planting of 4 native Hazel trees would result in an approximately 18% net gain to biodiversity. On this basis Officers are satisfied that given the scale of the development and the land available for tree planting that this is adequate to be confident that the statutory biodiversity net-gain requirement can be met/discharged and accordingly the proposal accords with the requirements of PfE Policy Jo-G8: A Net Enhancement of Biodiversity and Geodiversity.

Highway matters, including whether the proposed car parking provision is acceptable on highway safety grounds.

This proposal seeks to utilise the same vehicular access, track and informal parking area. From the representations received, the main areas of concern appear to be caused by parking taking place opposite the properties that border the application site and thus block driveways and cause a narrowing of Philips Park Road West which prevents two-way traffic along this length of Philips Park Road West.

The Highways section has raised some concern regarding the visibility from the site access which is constrained due to neighbouring tree canopies and the Rugby Club's own roadside hedge impede visibility. The applicant has confirmed that the hedge bordering Philips Park Road West would be trimmed to aid with visibility, however, due to the woodland to the west of the vehicular access not being within the ownership of the Rugby Club, legally the applicant cannot trim them.

In assessing the proposals impact on highway safety, it is important to look at what the site is already authorised for. It is clear from the Planning History section of this report, that the access track and site entrance has had the benefit of planning permission since March 2005 by virtue of planning applications 43931 and 46164 and is used for the activities run by the Rugby Club on this land, without any restrictions and can continue to be used at the times and frequencies it chooses. This is a strong fall-back position and is therefore a material planning consideration in the assessment of this proposal which carries significant weight in

a decision.

This application seeks to install 5 cabins on the land which would be in use during school time hours - 08:00 - 16:00 hours, Monday to Friday, during term times only, which is during the quietest time of the day in this location. Given the authorised use of the site and the fall back position of the site access and access track being able to be used at any time of the day by the Rugby Club users, and the College of Rugby would only occupy a small area of the site, there is no strong reason to resist this proposal. In addition, to ensure that no more than the College of Rugby staff and pupils utilise the classrooms and associated facilities, the applicant has agreed a personal condition can be imposed on any subsequent planning approval. Such a condition is therefore recommended.

Whether the ground on which the development would be sited would be safe

Part of the playing fields/ rugby pitches on the south side of Phillips Park Road West falls within the defined Development High Risk Area for Coal Mining legacies.

The Coal Authority records indicate that within that part of the application site and surrounding area there maybe coal mining features and hazards which should be considered as part of development proposals. When considering this particular proposal; on the basis that the area where the development will be falls outside the defined Development High Risk Area, the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary for this proposal and consequently do not object to this proposal.

The Council's Environment Section has reviewed the application and has no comments to make regarding contaminated land given the classroom, kitchen and W/C containers are pre-built structures that would be sited upon pads, therefore no ground beneath the containers would not be broken.

Considering the above, the ground that the development would be sited is considered to be safe and thus is acceptable for the development proposed, which seeks to install the proposed portacabins on pads, therefore above-ground level.

Carbon, Energy and Sustainability matters

Policy JP-S2: Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

These proposals seek to utilise existing and second hand steel container classrooms, kitchen and W/C containers, and therefore, the proposals would therefore have a negligible impact on carbon and energy production during any construction period and during its temporary operation stage.

Digital Connectivity

PfE Policy JP-C2: Digital Connectivity requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas. The applicant has confirmed that the development will be provided with full connections in accordance with the requirements of PfE Policy JP-C2.

Due to the site proposals being for a temporary period of five years, its rural siting, it would be unrealistic, infeasible and would render this education establishment unviable, to provide full fibre connectivity to the development proposals. However, due to the College of Rugby being an education provider, wifi connectivity will be provided and thus the proposals would accord with the principles of PfE Policy JP-C2.

Conclusion

The development has been assessed as being as being acceptable development within the Green Belt which would not cause long term harm to the openness and permanence of the Green Belt.

The proposals have not had any unacceptable impacts upon visual amenity, general amenity or highway safety and would deliver education facilities for the benefit of students of the College of Rugby.

Given the above, the proposal would be compliant with the above stated UDP and PfE policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, and it therefore recommended that the proposal merits temporary approval.

Response to representaions not addressed in the report

Restwictive covornants

Whilst restrictive covornants may exist on the land restricting any buildings, the presence of a restrictive covenant is not a consideration material to the grant of planning permission.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.

Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to the National Planning Policy Framework.

2. This decision relates to the following drawings numbers:

0079-MASTA-A-201 Rev. B: Block Plans - Existing and Proposed
0079-MASTA-DR-A-0800 Rev. B: Location Photos (including Proposed Site Plan);
0079-MASTA-DR-A-0301 Rev. A: Proposed Plans and Elevations; and,
0079-MASTA-DR-A-0204: Native Tree Planting, 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 until full details of:

(a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and

(b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before occupation of the development hereby approved.

Reason: To protect the playing field from damage, loss or availability of use and to accord with Policy RT1/1 of the Unitary Development Plan and the National Planning Policy Framework.

4. No development shall commence until a scheme to ensure either:

(a) the continuity of the existing sports use of the playing fields (rugby pitches) or

(b) the provision of replacement facilities [during construction works/other activities] has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme must set out details of the size, location, type and make-up of the facilities or replacement facilities (as appropriate) together with arrangements for access. The scheme must include a timetable for the provision of the facilities or replacement facilities (as appropriate). The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect [playing fields/sports facilities] from damage, loss or availability of use during the construction of the development and to accord with Policy RT1/1 of the Unitary Development Plan and the National Planning Policy Framework.

5. The use of the cabins shall be for purposes pertaining to the operations of The College of Rugby and for no other use.

Reason: To maintain the quality of and secure the safe use of the rugby education/sporting provision to accord with Policy RT1/1 of the Unitary Development Plan and the National Planning Policy Framework.

6. The use of the cabins hereby permitted shall not be used outside the following times: 08.00 to 16.00 on Mondays to Fridays during school terms times.

Reason. In the interests of highway safety, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

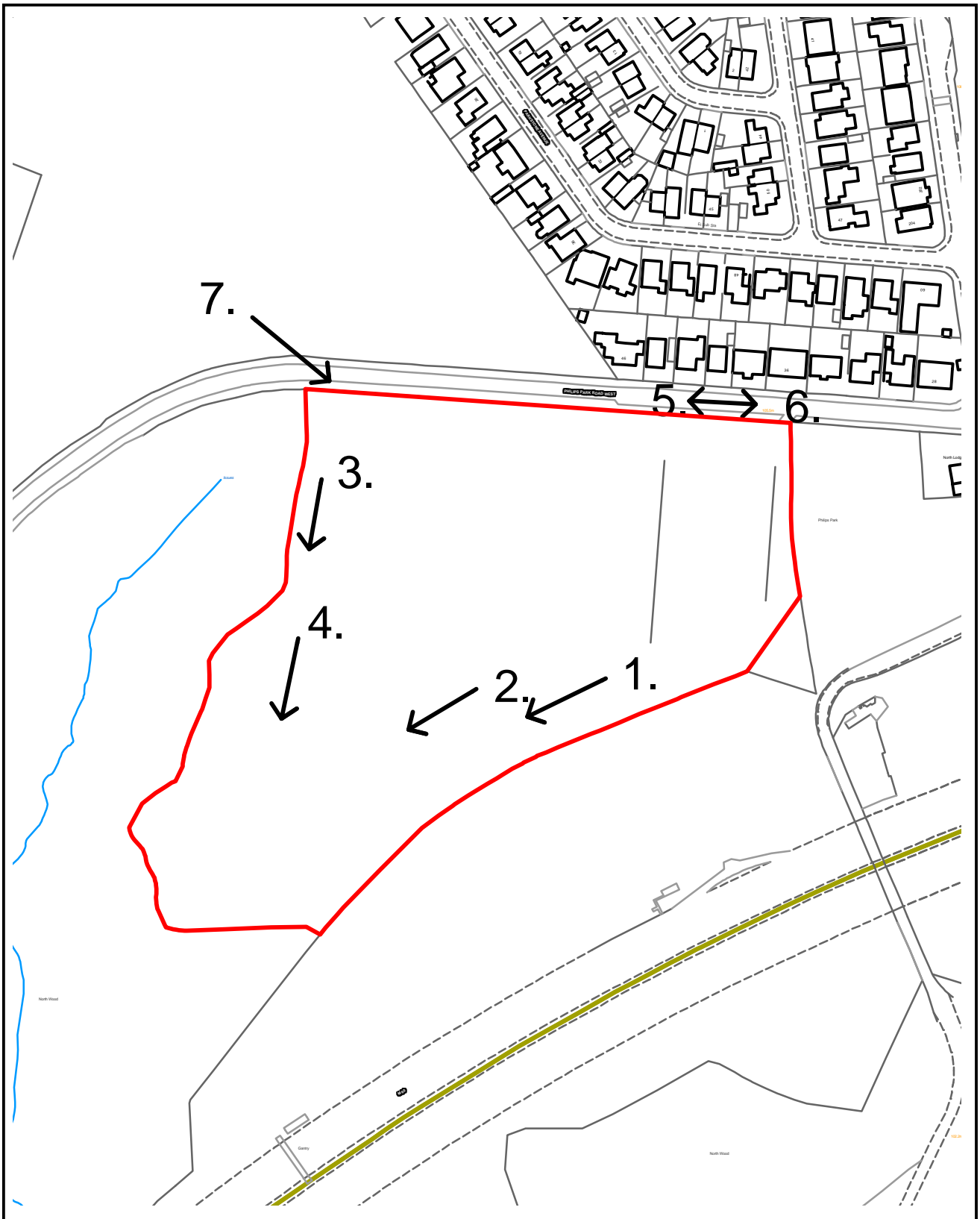
7. The 4 native Hazel trees, identified on Drawing no. 0079-MASTA-DR-A-0204 shall be planted within the first available tree planting period (November to March) following occupation of the steel containers being used as education classrooms hereby approved.

The trees shall be of a standard size (10-12 cm girth), root balled, stalked and tied and shall be kept weed free and watered as appropriate.

Reason: Ensuring the trees are helped to develop and in the interests of providing net-gains to biodiversity, in accordance with Policies JP-G7: Trees and Woodland, and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity, of the Places for Everyone Joint Development Plan, Policies EN1/2 - Townscape and Built Design, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, and the National Planning Policy Framework.

For further information on the application please contact **Claire Booth** on **0161 253 5396**

70583 - Viewpoints



ADDRESS: Sedgley Park Rugby Union
Football Club, Philips Park Road
West, Whitefield, Manchester,
M45 7DZ
Planning, Environmental and Regulatory Services



Bury
Council

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70583

Aerial Image: showing application site set between woodland



Photo 1:



70583

Photo 2:



Photo 3: Access Track



70583

Photo 4: View further along site access towards where the proposed containers would be sited:



Photo 5: Car Parking on Philips Park Road West along boundary of application site – the Rugby pitches were not in use at the time.



70583

Photo 6: Parking on Philips Park Road West facing towards Park Road:



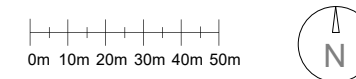
Photo 7: Vehicular access point



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KEY:

NOTES:

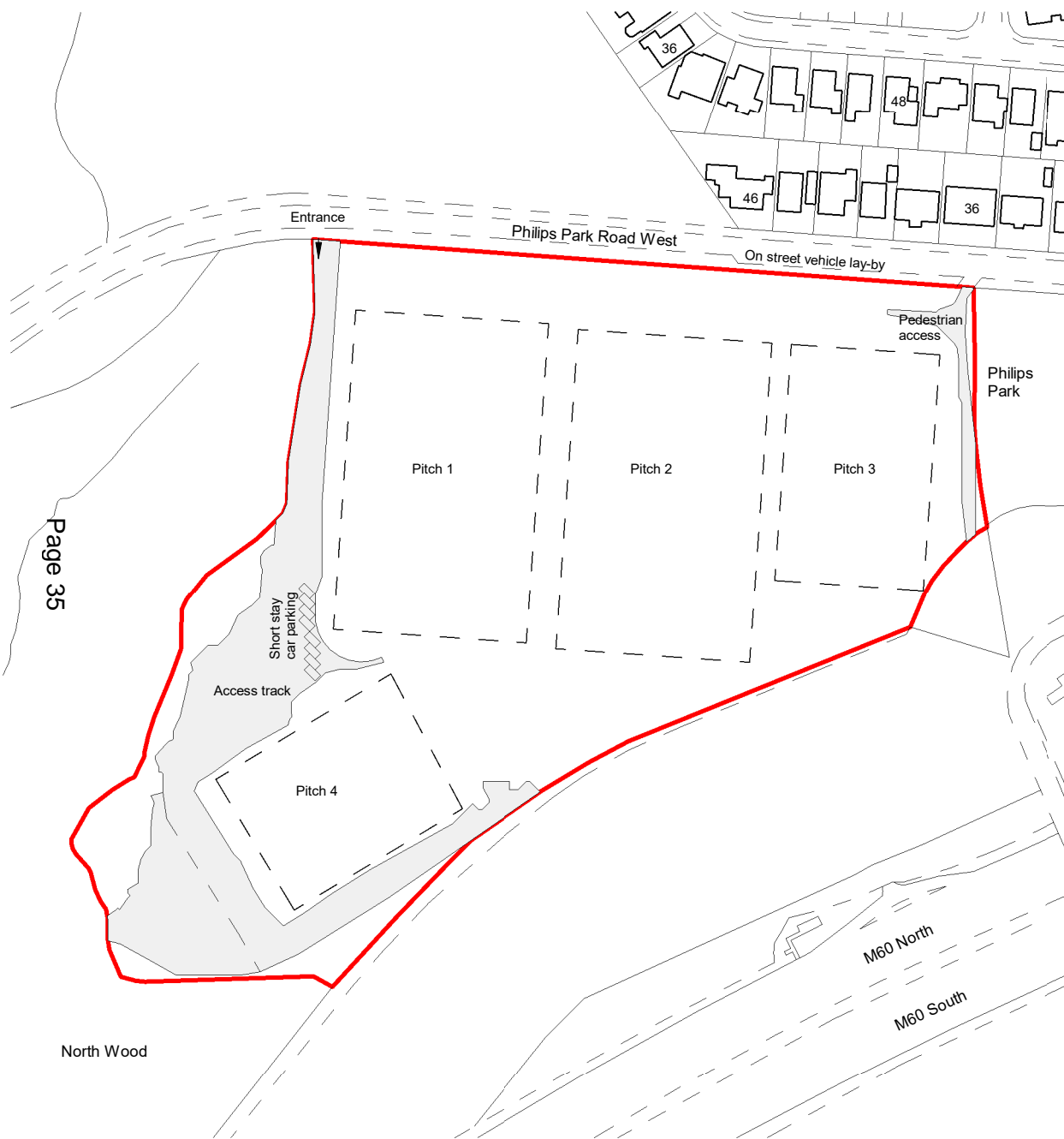
- Site tolerance required for all dimension and levels.

 Cabin Locations seeking approval

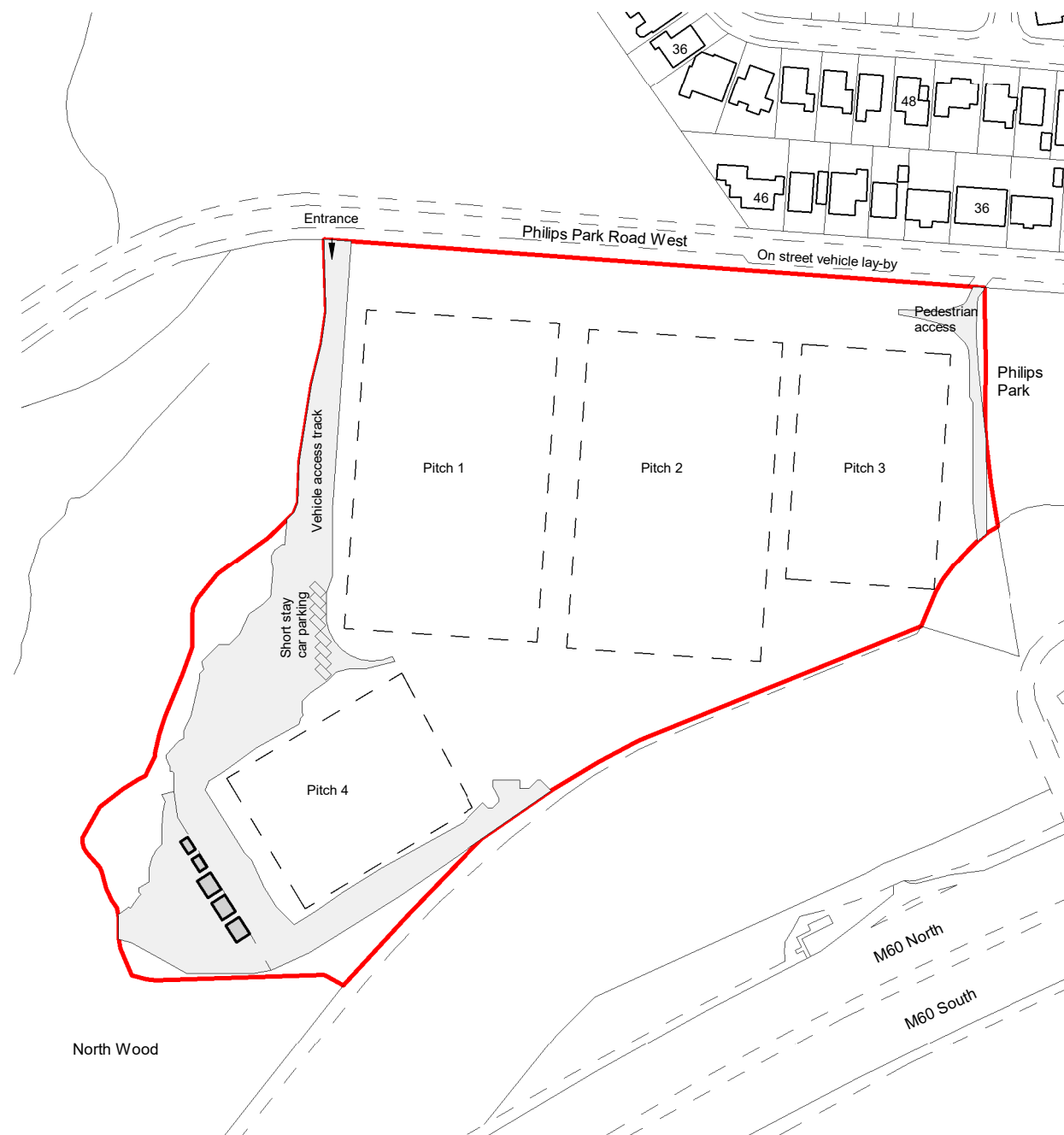
Rev	Description	Date	By
A	Scale updated. Additional information added	15.03.24	MP

Project
 Sedgley Rugby Club - Training Ground
 Title
 Block Plans - Existing and Proposed

Status
 Planning
 Project number
 0079
 Date
 Feb 2024
 Drawn by
 MP
 Checked by
 MP
 Scale
 1 : 2000@A3
 Revision
 A
 Drawing No.
 0079-MASTA-A-0201



OS Site Plan_Block Plan Existing
 1 : 2000

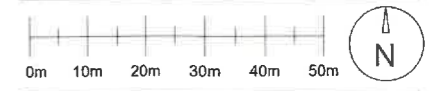


OS Site Plan_Block Plan Proposed
 1 : 2000

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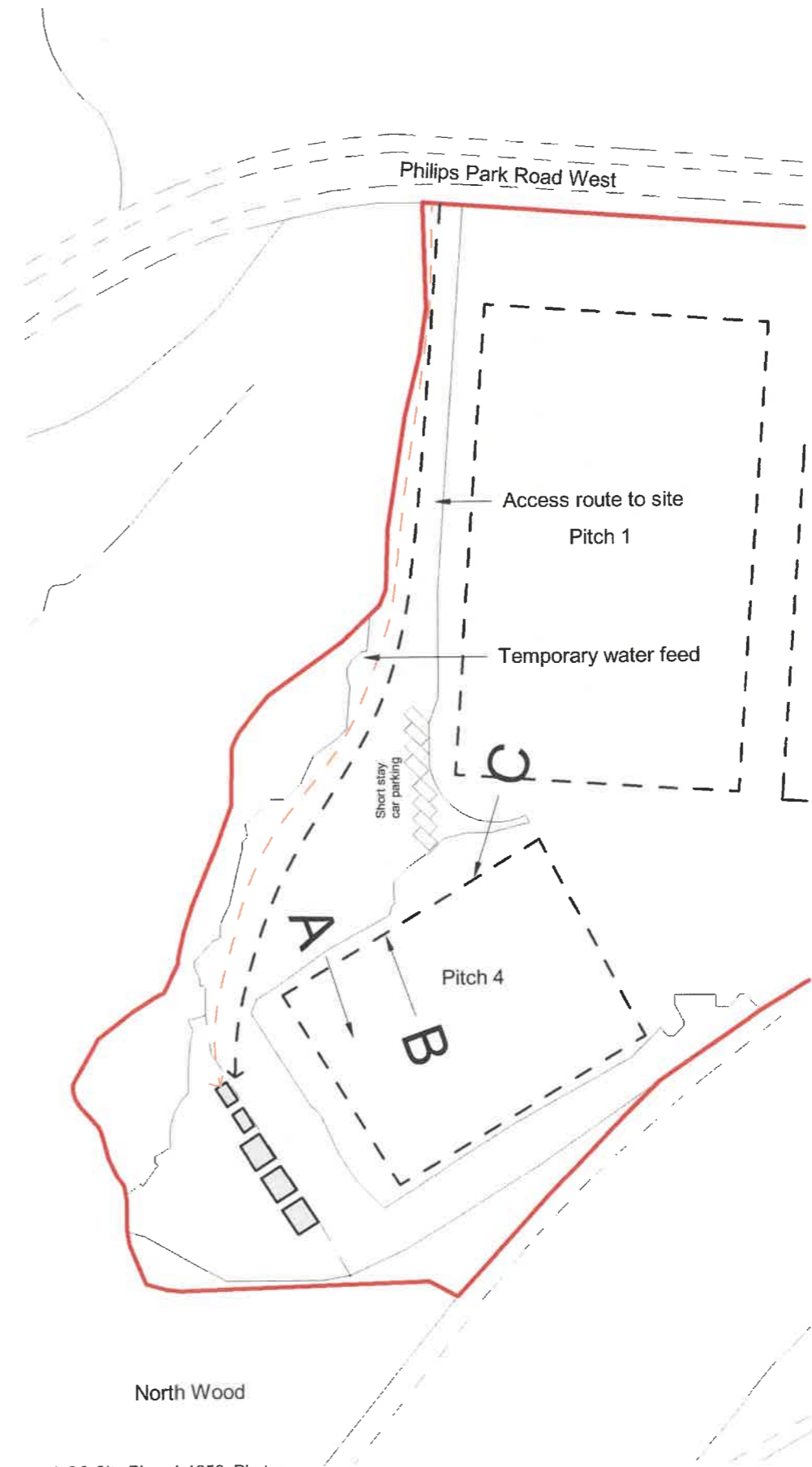
- KEY:
- Photo A: View from the pitches to the site
 - Photo B: Access to the site
 - Photo C: Drone view of the site
 - Cabin locations seeking approval

NOTES:

- Site tolerance required for all dimension and levels.

Rev	Description	Date	By
A	Additional information added	15.03.24	MP
B	Updated in line with planners comments	03.04.24	SP

Project	
Sedgley Rugby Club - Training Ground	
Title	
Location Photos	
Status	
Planning	
Project number	Date
0079	Feb 2024
Drawn by	Checked by
MP	MP
Scale	Revision
1 : 1250@A3	B
Drawing No.	
0079-MASTA-DR-A-0800	



OS Site Plan_1-1250_Photos
 1 : 1250



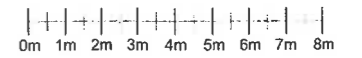
Photo A
 16/02/2024



Photo B
 16/02/2024



Photo C
 16/02/2024



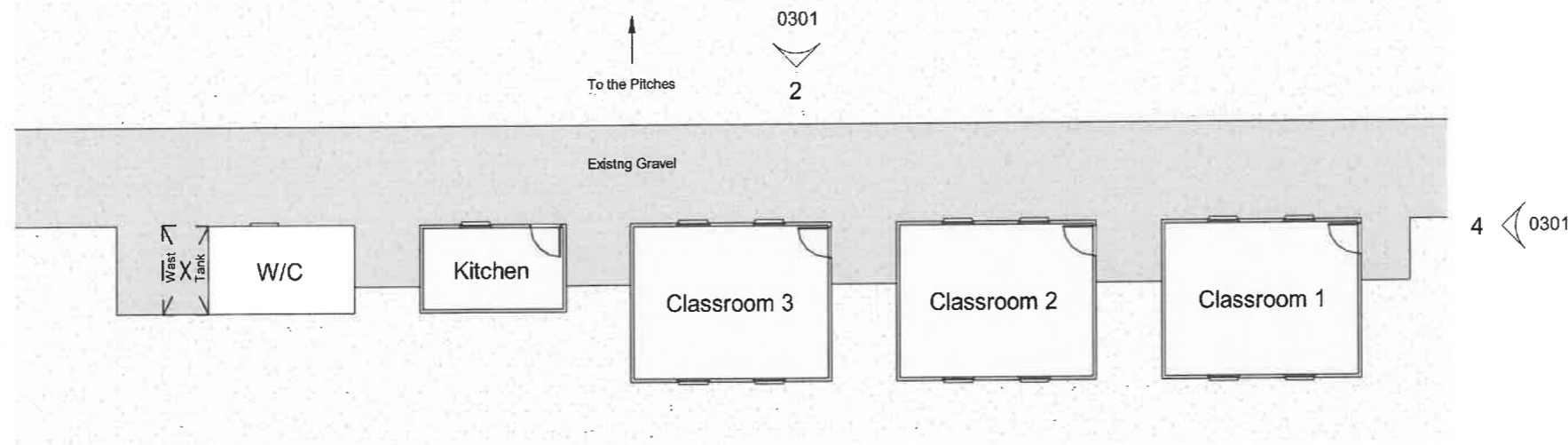
KEY:

NOTES:
 - Site tolerance required for all dimension and levels.

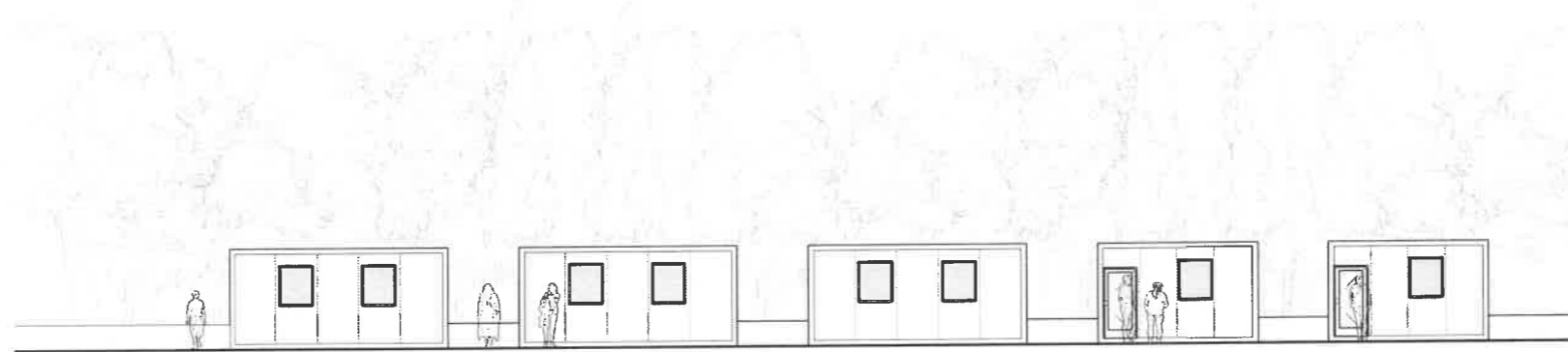
Rev	Description	Date	By
A	Additional information added	15.03.24	MP

Project	
Sedgley Rugby Club - Training Ground	
Title	
Proposed Plans and Elevations	
Status	
Planning	
Project number	Date
0079	Feb 2023
Drawn by	Checked by
SP	MP
Scale	Revision
1 : 200@A3	A
Drawing No.	
0079-MASTA-DR-A-0301	

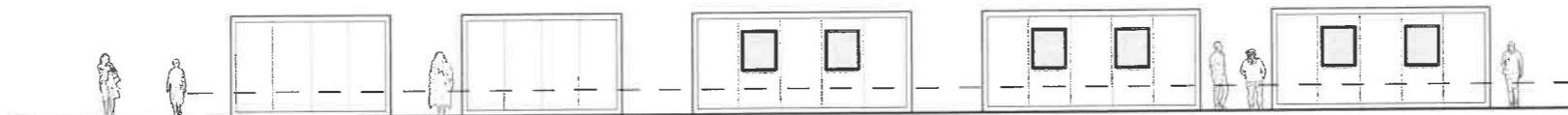
The proposed cabins will be situated on pavers placed on top of compacted hardcore. These pavers are removable, allowing the land to be restored to its original state after use.



1 | Level 0_Proposed
 1 : 200



2 | Proposed Front Elevation
 1 : 200



3 | Proposed Rear Elevation
 1 : 200



4 | Proposed Side 1 Elevation
 1 : 200

5 | Proposed Side 2 Elevation
 1 : 200

KEY:

NOTES:

- Site tolerance required for all dimension and levels.

Rev	Description	Date	By
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Project	
Sedgley Rugby Club - Training Ground	
Title	
Native Tree Locations X4	
Status	
Planning	
Project number	Date
0079	Aug 2024
Drawn by	Checked by
MP	MP
Scale	Revision
1 : 2000@A3	
Drawing No.	
0079-MASTA-DR-A-0204	

Proposed Tree Hazel Tree - Medium - DBH > 30 to ≤ 60cm

The UK native hazel tree (*Corylus avellana*) is a versatile and hardy tree, well-suited for hedgerows, coppices, and as a standalone tree in gardens or woodlands.

Technical Notes:

Spacing:

- Hedgerows: If planting hazel trees as a hedge, space them about 30-45 cm (12-18 inches) apart. This close spacing encourages dense growth, which is ideal for a hedge.
- Orchards or as standalone trees: If planting hazel trees in an orchard or as individual specimens, space them about 3-4 meters (10-13 feet) apart. This ensures they have ample space for their canopies to develop fully.

Planting:

- Site Selection: Choose a site with well-drained soil and full sun to partial shade. Hazel trees are adaptable but thrive best in fertile, moisture-retentive soils.
- Soil Preparation: Clear the area of weeds and grass. Dig a hole that is large enough to accommodate the root system of the tree without bending or crowding the roots.
- Planting Depth: Place the hazel tree in the hole at the same depth it was growing in the nursery. The root collar (where the roots meet the stem) should be level with the soil surface.
- Backfilling: Fill in the hole with the excavated soil, gently firming it around the roots to eliminate air pockets.
- Watering: Water the tree thoroughly after planting to help settle the soil around the roots.

Caring for Hazel Trees:

- Watering: Keep the soil moist but not waterlogged, especially during dry spells and the tree's first few years.
- Mulching: Apply a layer of mulch around the base of the tree to retain soil moisture, regulate temperature, and suppress weeds. Keep the mulch away from the trunk to prevent rot.
- Pruning: Prune hazel trees in late winter or early spring while they are still dormant. Remove any dead, diseased, or crossing branches to maintain a healthy structure. For coppicing, cut the trees down to ground level every 7-10 years to encourage new growth.
- Fertilising: Generally, hazel trees do not require regular fertilisation if planted in good soil. If growth appears slow or leaves are pale, a balanced fertilizer in early spring can be beneficial.
- Pest and Disease Management: Hazel trees are relatively pest-resistant, but keep an eye out for caterpillars, aphids, and scale insects. Also, watch for signs of disease such as cankers or powdery mildew and take appropriate action if needed.

Technical Specifications:

Botanical Specifications:

- Scientific Name: *Corylus avellana*
- Common Names: Hazel, European Hazel, Common Hazel
- Family: Betulaceae
- Type: Deciduous shrub or small tree

Physical Characteristics:

- Height and Spread: Typically grows to a height of 3-8 meters (10-26 feet) with a similar spread. In optimal conditions, it can occasionally reach up to 15 meters (50 feet).
- Growth Rate: Moderate to fast-growing, particularly when young.
- Lifespan: Can live up to 80 years or more under favorable conditions.

Leaves:

- Shape: Broadly ovate with a rounded base and pointed tip.
- Size: 6-12 cm (2.4-4.7 inches) long and 5-9 cm (2-3.5 inches) wide.
- Color: Green, turning yellow in autumn.

Flowers:

- Type: Monoecious (separate male and female flowers on the same plant).
- Male Flowers: Long, yellow catkins that appear in late winter to early spring before the leaves.
- Female Flowers: Small, red-tipped buds that are less conspicuous.

Fruit:

- Type: Nut (hazelnut or cobnut).
- Size: Approximately 1-2 cm (0.4-0.8 inches) in diameter.
- Ripening Time: Late summer to early autumn.
- Enclosure: Encased in a leafy husk, which partially opens when the nut is ripe.

Habitat and Growing Conditions:

- Soil: Prefers well-drained, fertile soils but is adaptable to various soil types including clay, loam, and sandy soils. Tolerates a pH range from acid to neutral.
- Light: Thrives in full sun to partial shade.
- Water: Requires moderate moisture levels; does not tolerate waterlogged conditions.
- Hardiness Zones: Suitable for USDA Zones 4-8. Hardy in most parts of the UK.

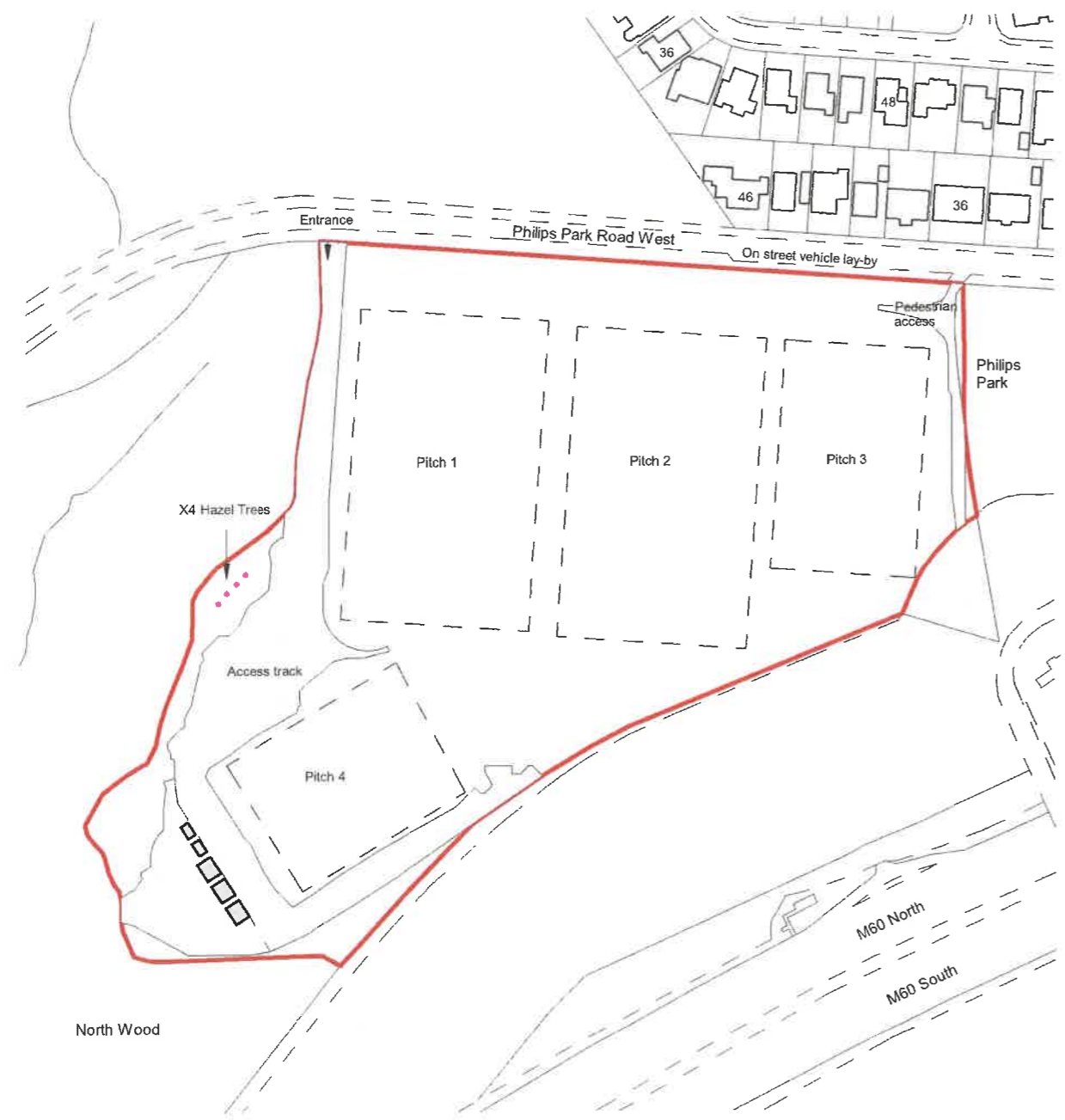
Ecological and Practical Uses:

- Wildlife Value: Provides habitat and food for various wildlife, including birds, small mammals, and insects. The nuts are a valuable food source for animals.
- Coppicing: Frequently coppiced for its wood, which is used in hedging, fencing, and crafts.
- Cultural Significance: Historically important in folklore and traditional crafts. Hazel rods are used for making wattle, baskets, and hurdles.

Example Hazel Tree Image



Hazel tree locations in pink



Ward: Prestwich - Sedgley

Item 3

Applicant: Mr F Moghimi

Location: Land between 13 & 14 Scholes Walk, Prestwich, Manchester, M25 0AZ

Proposal: Erection of 1 no. bungalow

Application Ref: 70755/Full

Target Date: 02/09/2024

Recommendation: Approve with Conditions

Description

The site relates to a vacant plot of land which is located within an established residential estate surrounded by dwellings on all sides.

The plot is accessed via a pathway which is formed between No 13 and No 14 Scholes Walk which gradually rises up from Scholes Walk by approx 2m and leads directly to an opening into the site but which is currently inaccessible due to the site entrance and plot being completely overgrown with vegetation and trees.

The site is enclosed by a perimeter fence to all boundaries.

The proposed development proposes the erection of 1 no dwelling. The dwelling would be a bungalow type, located centrally within the plot but with the front entrance orientated to face the access path to the site. It would be constructed of red brick with a tile roof.

The site is bounded by a 1.8m high fence which would be retained, repaired or replaced where necessary. The scheme proposes a lawned garden, tree planting and shrubbery.

The access to the site from Scholes Walk would be retained for pedestrians only with a parking space formed within an area of grassed land on Scholes Walk next to where other residents and visitors to the area park.

The site has previously been granted a planning consent for 1 no bungalow and parking space (approved 2016) to be provided within the grassed area of land, as proposed in this application.

To compare the scale of development now proposed -

Previously approved scheme

Footprint area of dwelling - 125sqm

Height - 6.4m

Proposed scheme

Footprint area of dwelling - 104.5sqm

Height - 4.6m

Relevant Planning History

59530 - Erection of 1 no. bungalow (resubmission) - Approve with Conditions 21/01/2016

59086 - Erection of 1 no. bungalow - Withdrawn by Applicant 27/10/2015

43791 - Residential development - semi detached - Refused 13/12/2004 (inadequate garden area, insufficient and conflicting information regarding access and parking and

pedestrians),
16/0272 - Untidy land - 15/07/2016
16/0480 - Untidy Land - 23/01/2017
17/0369 - Untidy Land - 02/10/2017

Publicity

Letters sent to 25 properties on 21/5/24.

5 objections received (4 different addresses) which raise the following issues -

- Previously objected to this proposal when it was applied for in the past.
- Would cause noise pollution, the coming & going of work vehicles, spreading dirt & dust and the impact on health.
- A bungalow would still block any sun.
- Think the last proposal was refused due to water/sewage unavailability around the land.
- My garden is prone to sinking & any upheaval in the land that has asked for planning permission would likely cause more sinking due to the sewage tunnels under my garden.
- Capacity for parking in the cul de sac is already at breaking point as previously stated. Not only this but there is no pavement at the bottom where the proposal is and the road is only one car wide, pedestrians and children have to use the road so any increase in vehicle numbers will mean added danger as homes generate traffic other than their own, e.g. deliveries and visitors,
- The trees are under a preservation order so cannot be touched even if the idea was suggested.
- Planning permission has previously been refused on this plot due at least in part to parking issues.
- Utilities are stretched and failing with old pipes constantly having to be repaired. Also the government is against permission being granted on sites like this under so called " Garden Grabbing " which came into force in 2010 to prevent building in high density residential areas, relevant in this case as the plot was originally part of the garden of no 14 Scholes Walk and not deemed suitable to build on for above reasons.
- This is the only access for both houses number 13 and number 14 any building work on this plot means getting in and out from these property's will be impossible. The pathway is stepped and it is not wide enough for machine's to be driving in and out from this plot of land access will be restricted for both houses. It will be too dangerous for children from both households.

The application was made invalid (10/6/24) when it was confirmed by the applicant that the development would not be a self-build, and therefore a BNG metric and assessment would be required for validation purposes.

The application was subsequently made valid (9/7/24) on receipt of a BNG metric and assessment.

Neighbours were re-notified by letter on 9/7/24.

3 objections received with the following comments -

- I strongly object to the erection of a bungalow on this plot of land.
- It is a haven of wildlife living in this area & quite peaceful - I can think of nothing worse than building vehicles destroying this plot bringing nothing but dust dirt chaos & noise pollution.
- The dirt & dust would affect my health.
- In this area we have had many sewage bursts & ground sinking & the upheaval would

- contribute further to more sewage bursts that contribute to rats.
- Having received the amended proposal strongly object once more as it is now suggested a new parking space be carved into the 'green' , the centrepiece of Scholes Walk and what makes it such a lovely peaceful place to live.
 - A new parking space would not only damage our beloved green space but also spoil the general aesthetic of the view from surrounding properties
 - This is a cul de sac with already very limited parking. The application is now for no parking or access for the actual property which is certainly not enough for a three bedroomed property but would also be on a tight corner.
 - This cul de sac is unique in layout and has no pavement so all pedestrians walk on the road, already pretty dangerous but will be made worse by provisions for more vehicles being made.
 - Question how it can be possible for somebody to suggest a green space not owned by them can be dug up to assist in their application. This will set a precedence for everyone to apply to have a parking space made.
 - This land was originally part of the garden of a property and there was a reason it was not built on at the time. It is not appropriate.
 - There is lots of wildlife, including hedgehogs which are protected, and they will be put further at risk.

Comment -

- Suggest that the applicant should show some enhancements to this green area to minimise the additional visual intrusion by the introduction of another car parking space into the area.

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

Statutory/Non-Statutory Consultations

Traffic Section -

Property & Technical Services - Estates Consultancy - No response received

Environmental Health - Contaminated Land and Air Quality - No objection subject to conditions

Waste Management - No response received.

United Utilities (Water and waste) - No objection subject to condition.

Prestwich Village Neighbourhood Forum - No objection

Greater Manchester Ecology Unit - No objection subject to conditions

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

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
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-S4	Flood Risk and the Water Environment
JP-C5	Streets For All
JP-C6	Walking and Cycling

JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 Land Supply and Principle of Residential Development

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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

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%) 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, 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.

In terms of housing delivery the Borough has under-delivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is considered to be in a sustainable location for housing within the urban area and sitting outside the Green Belt. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle.

Layout

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. The site is within an area where a density of 50 dwellings per hectare applies.

The site area equates to around 0.44 hectares, which would indicate a minimum capacity of 2 dwellings. As set out in JP-H4, lower densities may be acceptable where they can be clearly justified by local housing market issues or site-specific issues.

Access to the site and consideration of separation distances to neighbouring dwellings on this small site constrain the ability of the site to achieve 50 dwellings per hectare. As such, the proposal for 1 dwelling on this plot is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence.

UDP Policy H2/6 - Garden and Backland Development gives special regard to factors relating to -

- the concentration of such development in the surrounding area
- the relative density of the proposal to that of the surrounding area
- the impact on neighbouring properties and the local environment
- access arrangements

The site is broadly square in form and it is proposed to position the bungalow more or less centrally within the plot orientated with the front entrance to face the access path.

To the rear of the dwelling would be the garden area which would extend to the rear

boundary by over 7m which would provide an acceptable level of amenity space and in accordance with SPD6.

The site is bounded on 3 sides by an existing fence and the southern boundary would be reinstated with a 1.8m high fence which would screen the lower half of the new dwelling from views from No 13 Scholes Walk.

It is also proposed to landscape the garden and provide tree planting to areas around the boundary which would aid in screening parts of the development.

The access to the site is unusual in that there is only a pathway wide enough for pedestrians with little if any capacity to widen the access to facilitate a vehicle safely and as such this would remain a pedestrian access only.

It is therefore proposed to provide parking remote from the site by using part of the grassed piece of land on Scholes Walk to form one parking space. Many of the houses on Scholes Walk do not have in-curtilage parking and there are other spaces within this area of land which provide parking for residents on Scholes Walk and as such the proposal would be acceptable in principle (details discussed further in the Highway section below).

Internally, living accommodation would comprise living room, kitchen/diner and 3 no bedrooms.

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes. All new dwellings must -

1. comply with the nationally described space standards, and
2. be built to the 'accessible and adaptable standard in Part M4(2) of Building Regulations unless specific site conditions make this impracticable.

The applicant states that the dwellings comply with the nationally described space standards for a 3 bed dwelling. The applicant has confirmed that the dwelling will be built to the accessible and adaptable standard in Part M4(2) of Building Regulations and this would be secured by condition.

It is therefore considered the proposed development would be acceptable and would comply with Policies H2/1, H2/2, H2/6, JP-H3 and JP-H4.

Design and appearance

In terms of its setting, the site is located within a residential estate comprising mews, semi-detached properties and bungalows. Given the site constraints and relationship to the surrounding dwellings, it is considered that a bungalow would be the appropriate solution in providing a dwelling on this particular plot.

The proposed dwelling would have a footprint area of 104.5sqm with a ridge height of 4.6m and as such would be a modest sized building within the plot.

It would be brick built with a tiled roof and elevations would be simple and incorporate windows to habitable rooms. Materials would be secured by condition.

The site is more or less enclosed by surrounding development and not widely open to public views and therefore visual impact would be limited. That said, it is considered the design and appearance, scale and setting of the dwelling would be appropriate to this area and as such is considered to comply with Policies H2/1, H2/2, H2/6, JP-H3 and JP-H4.

Impact on residential amenity

SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case, requiring a distance of 6.5m between a blank wall and directly facing window.

The proposed dwelling would be orientated at an angle to the surrounding houses and as such there would not be a direct interface between habitable windows in the new dwelling and those in neighbouring properties.

The only habitable room windows proposed would be to the front and rear elevations and given these would be at the ground floor, the distance away from adjacent dwellings, orientation of the property together with the provision of a 1.8m high boundary fence and landscaping, it is considered the proposed development would not have a significantly harmful impact on the amenity of nearby occupiers.

The proposed development would therefore comply with Policies H2/2 and SPD6.

Parking and access

SPD11 states that the maximum number of parking spaces would be 2 spaces per 3 bed property within a high access area.

The development proposes 1 parking space.

The parking space would be provided adjacent to the existing parking spaces which are formed within the square on Scholes Walk. This land is council owned and the applicant has served the appropriate notice to the Council who have agreed in principle to the release of the land for the parking space.

The parking space would be added next to two existing spaces within the square. Whilst set close to a bend in the road, there would be sufficient space to manoeuvre in/out of the space with adequate levels of visibility. Scholes Walk is a circular route and whilst not signed as a one-way system, cars appear to travel in one direction. The area is relatively quiet, only serves the residents on Scholes Walk and does not generate significant levels of traffic.

The proposed parking space would be located no closer to a corner of the road than the other bays which are provided around the square and no worse a situation than already exists in the area.

In terms of the level of parking to be provided for the development, the site has good access to public transport and local services and as such in this instance one space would be considered acceptable.

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

The proposed development would therefore comply with Policies HT2/4, JP-C5 and JP-C6.

Ecology

All issues can be dealt with by condition or informative.

Nesting Birds & Hedgehogs

There is the potential for birds & hedgehogs to use shrubs/trees to be removed. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Should there be a need to remove any of the foliage for the development until after the 1st of March in any one year, GMEU would recommend a condition be added to restrict tree and shrub removal.

Biodiversity Net Gain

The information submitted with the application includes a Preliminary Ecological Appraisal

and Statutory Biodiversity Metric from David Bentley Ecology (Jul 2024).

The appraisal found the site had some ecological value, being largely bramble scrub with some scattered trees. The majority of the trees on the site are due to be lost to the development.

GMEU have examined the Biodiversity Net Gain (BNG) metric spreadsheet (Jul 2024) provided by the applicants ecologist and are satisfied with the calculations provided.

After construction of the development and on-site biodiversity remediation there is due to be a loss of 0.14 scrub units and a gain of 0.16 individual tree units, with an overall net gain of 0.02 area unit.

All habitat distinctiveness trading rules have not been adhered to. The loss of 0.14 units of medium distinctiveness scrub units should be replaced with the same broad habitat or with a more higher distinctive habitat.

The applicant should now provide and implement a suitable Biodiversity Gain Plan (BGP) including a Habitat Management and Monitoring Plan (HMMP) for the on site and potential off site element of the BNG.

This document must be retained and used to inform future monitoring and compliance of the time to target enhancement methods and ongoing management required to maintain the agreed level of habitat distinctiveness and quality.

GMEU therefore recommend conditions to this effect.

In addition to the BNG requirements and in line with the guidance provided by the applicants surveying ecologist (David Bentley Ecology), GMEU would also suggest the following replacement cover for breeding and reducing predation for birds and hedgehogs are provided and suitably positioned.

- 1 swift brick incorporated into the development
- 2 x Birds boxes incorporated into the landscape plan or building development.
- Hedgehog friendly fencing

It is therefore considered that with appropriate conditions the proposed development would be acceptable and comply with Policy JP-G8 and chapter 15 - Conserving and enhancing the natural environment.

United Utilities

With regards to the proposed parking space only, UU have identified that there is a legal easement that crosses close to the additional parking space which is in addition to their statutory rights for inspection, maintenance and repair. The easement has restrictive covenants that must be adhered to. It is the applicant's responsibility to obtain a copy of the easement document, available from United Utilities Legal Services or Land Registry. The applicant must comply with the provisions stated within the document.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

Given the size and nature of the pipeline concerned, UU strongly recommend that if they

have not already done so, the applicant contacts the Water Developer Services team at the earliest opportunity for advice on determining the precise location of the pipeline and additional protection measures they must consider both during and after construction.

UU have advised an informative to the applicant and this would be included on the decision notice subject to approval of the application.

UU have also advise that the development include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. This would be included as an informative to the applicant.

Air quality

The Environmental Health Section have identified that one EV chargepoint should be provided.

The parking space would be provided remote to the development site and given the installation and maintenance of the equipment in this area and that there would be the potential the EV unit could be used by those other than the applicant, it is considered in the instance it would not be reasonable to expect this facility to be provided.

Carbon and energy

The applicant states that the proposed development would incorporate sustainability and energy saving mechanisms to achieve the minimum energy consumption as specified in building regulations Part L (2022).

The proposed development would therefore comply with Policy JP-S2.

Digital connectivity

Ducting and installation to the local wired network will be installed to future proof for gigabit installation.

It is considered the proposed development would comply with Policy JP-C2.

Response to objectors

- There are no TPO trees either on the development site or the area proposed for parking.
- The same development for a bungalow and remote parking space have previously been approved on the site in 2016.
- A Construction Traffic Management Plan would be required prior to commencement of development.
- United Utilities have been consulted and have no objection subject to condition.
- The site is privately owned and not publicly accessible. Given its enclosed position and does not contribute to the visual amenity of the area as an area of green open space.
- issues relating to impact on residential amenity, ecology, access and parking 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 - Block plan SK.1 rev C; Revised proposed site plan 835-01 rev e; Topographical site plan - levels and proposed parking space 02 rev A; Proposed floor plan 83502 rev b; Existing site plan 835-04 rev; Existing sections 835-05 rev b; Proposed sections b; Energy Statement; Design and Access Statement 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. The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.
6. 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.

7. No tree or shrub clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest & hedgehog survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests or hedgehogs are present, which has been agreed in writing by the LPA.

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.

8. The Biodiversity Gain Plan shall be prepared in accordance with the Extended Preliminary Ecological Assessment and prepared by Dave Bentley and must include:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat, including an amended Biodiversity Net Gain Metric Calculation that ensure that the loss of 0.14 units of medium distinctiveness scrub units should be replaced with the same broad habitat or with a more higher distinctive habitat.;
- any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- any biodiversity credits purchased for the development; and
- any such other matters as the Secretary of State may by regulations specify.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

9. Prior to the occupation of the development hereby approved, the development shall provide for -

- 1 x swift brick incorporated into the new dwelling;
- 2 x bird boxes incorporated into the landscaping or new dwelling;
- hedgehog friendly fencing.

The installations shall thereafter be maintained.

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, JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

10. Prior to any above groundworks, details samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

11. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

12. The development hereby approved shall not be occupied unless and until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

13. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

14. The parking bay extension on Scholes Walk indicated on the approved plans shall be surfaced and made available for use prior to commencement of construction of the dwelling hereby approved and thereafter maintained available for use at all times.

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

15. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the adopted highway abutting the site and the unadopted pedestrian access to the site from Scholes Walk in the event that subsequent remedial works are required following construction of, and statutory undertakers connections to, the dwelling;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain pedestrian access to the adjacent property;
 4. The provision, where necessary, of temporary pedestrian facilities/protection measures;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on the adjacent residential streets that serve the site and number of vehicle movements;
 7. Measures to control/manage delivery vehicle deliveries and manoeuvres;
 8. Provision of storage on site or on land within the applicant's control of construction materials;
 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the demolition works and 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.

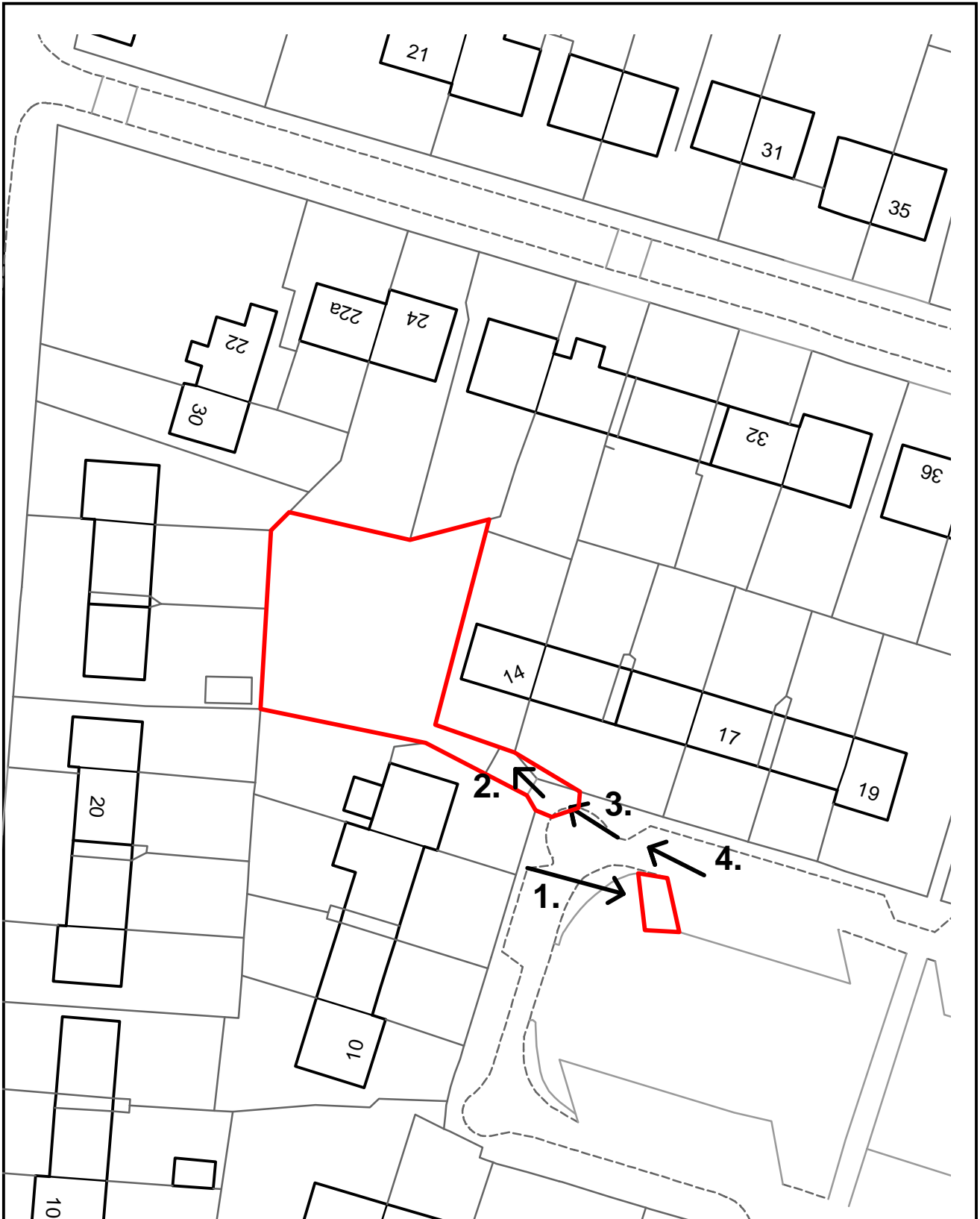
The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

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 Development Plan Policies EN1/2, JP-C5 and JP-C6.

16. The bin storage facilities indicated on the approved plans shall be made available prior to the dwelling hereby approved being first occupied and maintained thereafter.
- Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Policies H2/2 - The Layout of New Residential Development.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70755

ADDRESS: Land between 13 & 14 Scholes Walk,
Prestwich, Manchester, M25 0AZ

Planning, Environmental and Regulatory Services

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Bury
Council

70755

Photo 1



Photo 2



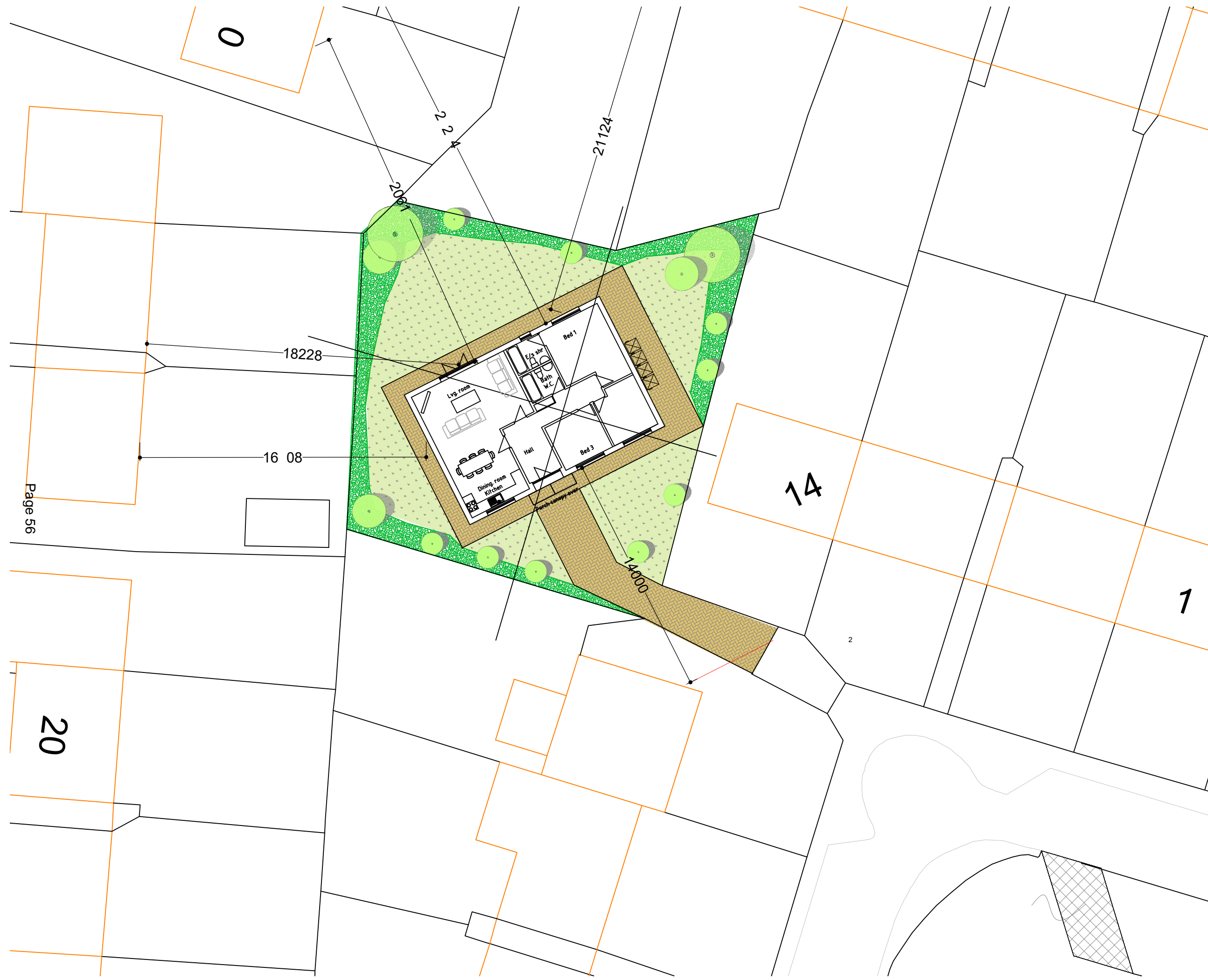
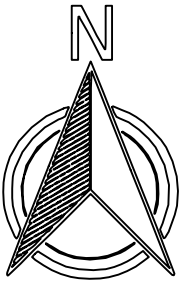
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Photo 3



Photo 4





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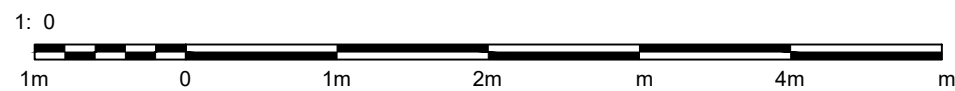
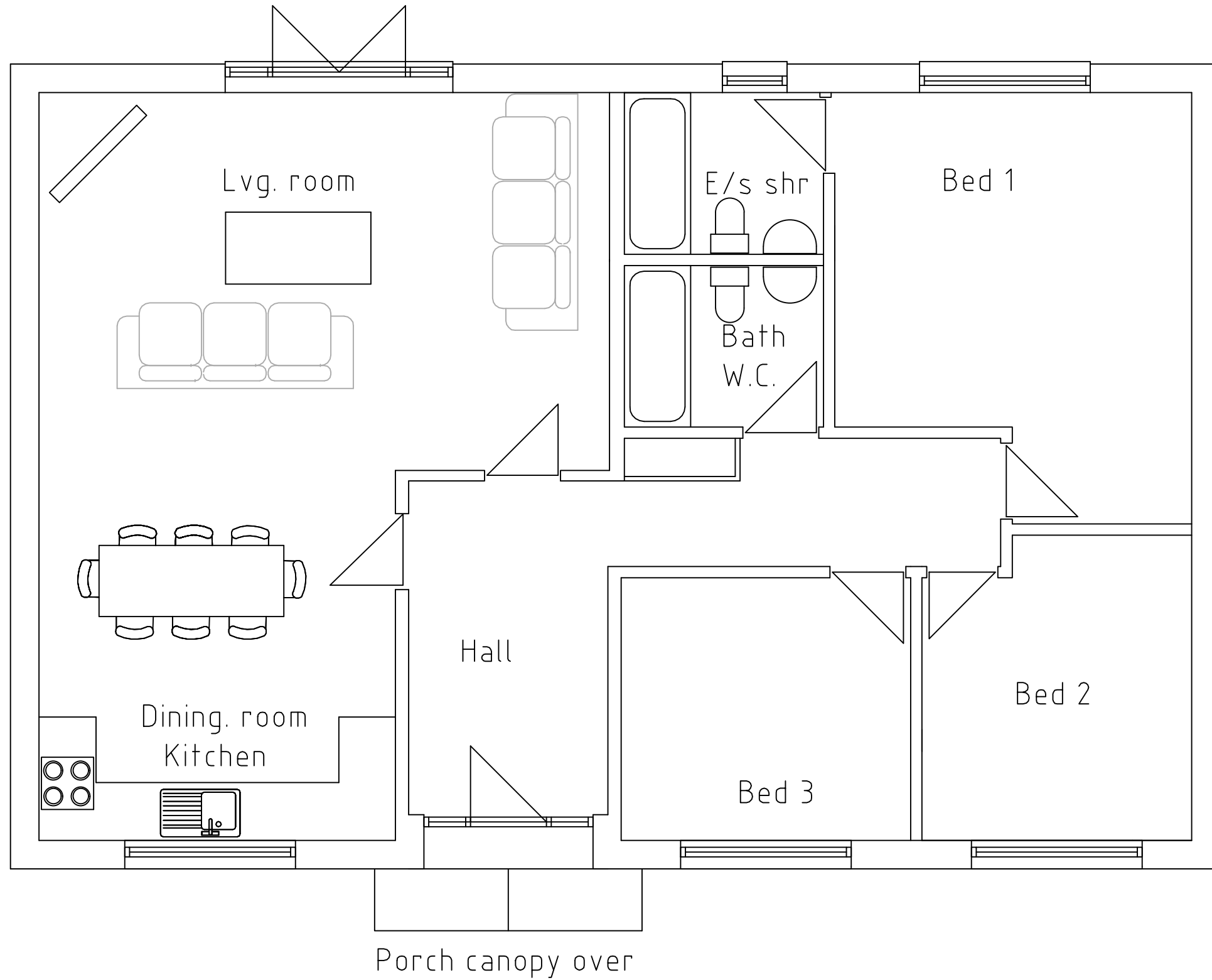
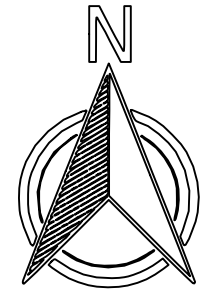
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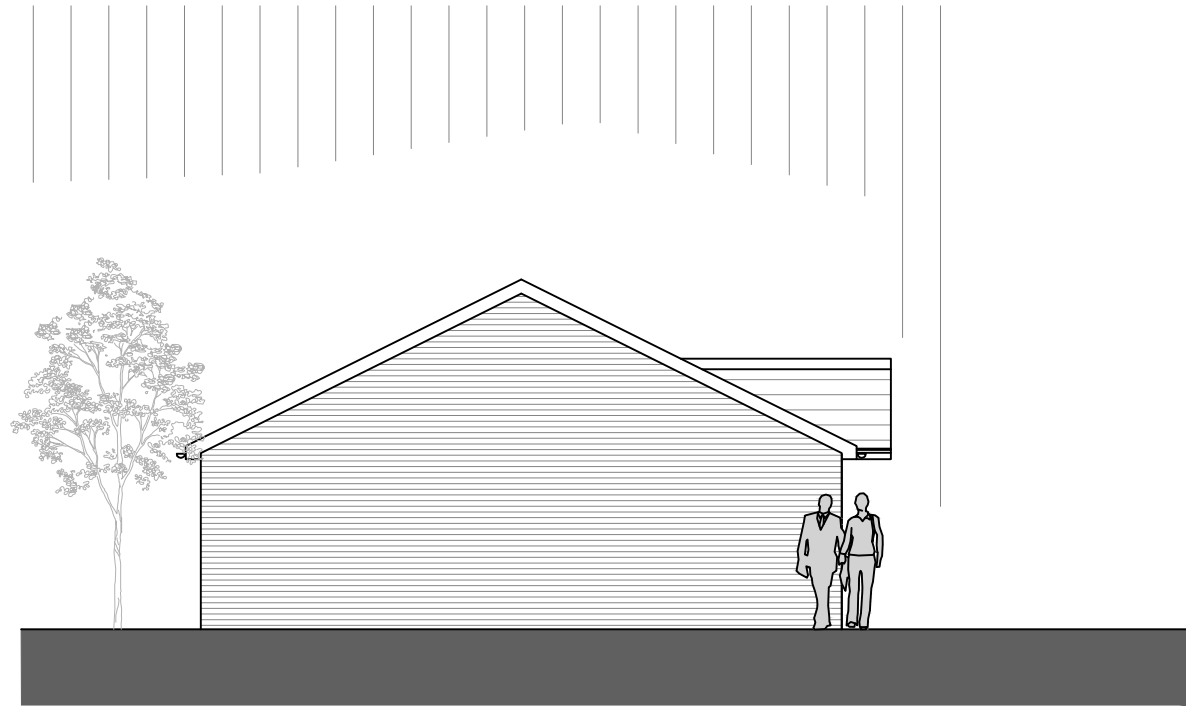
Client	Mr Moghimi	Revision	0
Project	New dwelling at 13-14 Scholes Walk		
Title	Proposed Site Plan	Drawing Number	835-01
	M A H E Architecture	Dwg Scale	1: 00 α3



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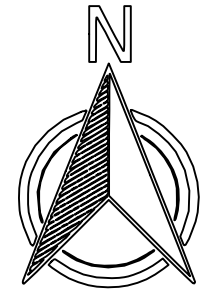
Client	Mr Moghimi	Revision	b
Project	New dwelling at 13-14 Scholes Walk		
Title	Proposed Floor Plan	Drawing Number	835-0
Dwg. Scale	1:50		a3



GABLE



REAR



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GABLE



FRONT

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Client	Mr Moghimi	Revision	b
Project	New dwelling at 13-14 Scholes Walk		
Title	Proposed Elevations	Drawing Number	835-03
Dwg Scale	1:100 a3		



Ward: Prestwich - Holyrood

Item 4

Applicant: Mr F Moghimi

Location: Land at rear of 7-11 Carisbrook Avenue, Whitefield, Manchester, M45 6UP

Proposal: Erection of 1 no.bungalow

Application Ref: 70763/Full

Target Date: 09/09/2024

Recommendation: Approve with Conditions

Description

The application site relates to a vacant backland plot which is located in the middle of an established residential estate. The site is overgrown with vegetation and trees and is bound by timber fencing, which forms the rear boundaries of the houses surrounding the site. There is an existing access into the site between Nos 9-11 Carisbrook Avenue, which runs the length of these 2 properties and opens out into the wider site area.

The majority of the site is relatively level, sloping gradually towards the rear. The houses on Tamworth Avenue to the north are located at a lower level by approx 0.5m.

The application proposes 1 No. 3 bed bungalow.

The proposed dwelling would be positioned more or less centrally within the plot with the front elevation facing Nos 7 and 9 Carisbrook. Amenity space would be to the rear of the property with a driveway, turning area and parking for 2 cars at the front. The existing access between Nos 7 and 9 would be utilised with a drop kerbed formed to the site entrance.

Accommodation would comprise living, dining and kitchen areas, porch, hall and 3 no bedrooms.

The site has previously been granted consent for 1 no bungalow approved in 2016.

Relevant Planning History

59509 - Erection of 1 no bungalow - Approved 18/3/2016

Publicity

Letters sent on 15/7/24.

Site notice posted 17/7/24.

Four objections received -

- Bury Unitary Development Plan Part 2: Chapter 6 : Environment - Section EN6 The land is a self-seeded scrubland that has been left to naturalise over a number of years and now forms a habitat for many species of animal and plants including a family of foxes that live in site. Allowing this development to go ahead would contradict this policy as the Council is committed to the conservation of the natural environment.
- Section H2/1 - The proposed development would have a detrimental effect to the existing surrounding properties who currently look out onto the land. The amenity of the

- natural scrubland would be lost and replaced with a residential dwelling.
- Section H2/2 - Whilst the plans show off road parking provision, access to the site is extremely constrained due to the proximity of the adjacent driveways and footpath and vehicles could not access the site safely. I would suggest a transport statement is needed to demonstrate vehicle tracking, including fire appliance and adequate access exists without being of detriment to the adjacent property.
 - All major housing developments are required to deliver at least a 10% net gain in Biodiversity. It is not clear from the application how the Biodiversity Net Gain obligations will be met.
 - Drainage -The proposal is on land that is lower than Carisbrook Avenue, the proposed water and sewer connections would therefore run uphill into the main sewer on Carisbrook Avenue. There is no proposal to overcome this.
 - Demand and overlooking - Whilst the development meets the overlooking threshold, because of the nature, scale and massing on the proposed development, relative to the surrounding properties it will be overlooked from all sides by all surrounding properties. This will have an impact on the demand and occupation of the property. Unoccupied properties can lead to an increase in crime and antisocial behaviour, The land as it is, currently does not attract any unauthorised access.
 - General - The design and access statement (pages 10, 11, 12) include a number of photographs that are not of this site. This makes me nervous therefore that full due diligence has been followed throughout the application process.
 - In conclusion I would suggest the harm of this development outweighs the benefit and therefore I believe planning permission should not be granted.
 - The loss of green space will impact the area.
 - I am worried by the potential for overlooking my property. The loss of privacy would impact my family.
 - The entrance is very small, I don't see how the large machinery needed will be able to get through. I do not want my property damaged. The noise of this work will have a huge affect on all the surrounding properties.
 - The entrance passage leading to the proposed property is very narrow and emergency vehicles such as fire engines / ambulances would not be able to access the property and the properties that the proposed property surround.
 - The proposed property will affect our privacy as the proposed building is at a higher level and will overlook my property.
 - The expected increase in vehicle movement associated with the development, will likely lead to congestion and pose safety risks to pedestrians, including children and elderly residents. The current road infrastructure is not designed to accommodate the development traffic volume, and this will negatively affect the quality of life for local residents.
 - Impact on parking in the area

Two comments -

- No proposed access to the site - imagine this would be a problem for the emergency services
- Many years ago police advised the overgrown site restricts access to the rear of the properties. Once the land is opened up this could cause a burglar's paradise
- Is the ground area safe for a new property?
- Question why this land was not built on in the first place
- There are some concerns / constraints I would like to see in place before I could consider myself as supporting this application.
- The land is so overgrown that it regularly causes damage to the surrounding fencelines, and it would be beneficial to have this permanently cleared to prevent this in the future.
- However, the developer has previously stated that the border is his responsibility, but no work has been conducted to maintain it (and residents have had to fund this themselves). It is in disrepair at several houses because of this, and if the developer believes it is their responsibility it should be replaced / repaired around the entire perimeter.
- Similarly, I believe that previous applications in 2004/2005 were rejected on the basis that a two-storey building was proposed. Whilst this is a bungalow, a constraint should be included that prohibits a 'dormer' style being built - as this would exacerbate any problems around privacy given the close proximity to existing houses.

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

Statutory/Non-Statutory Consultations

Traffic Management - No objection subject to conditions.

Drainage - No response received.

Environmental Health Contaminated Land and Air Quality - No objection subject to conditions

United Utilities (Water and Waste) - No objection.

The Coal Authority - No comments and request the Coal Authority's Standing Advice Note is sent to the applicant.

Greater Manchester Ecology Unit - No objection subject to conditions

Waste Management - No response received.

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

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
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
JP-S4	Flood Risk and the Water Environment
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle

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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

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%) 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, 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.

In terms of housing delivery the Borough has under-delivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is considered to be in a sustainable location for housing within the urban area and sitting outside the Green Belt. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle.

Consent has previously been granted on the site for a residential development for 1 no dwelling in 2016.

Layout and siting

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 70 dwellings per hectare at this site which would equate to 6 no houses on the site.

As set out in JP-H4, lower densities may be acceptable where they can be clearly justified by local housing market issues or site-specific issues. The access to the site and need to consider the aspect standards and amenity of existing neighbouring dwellings on this small site constrain the ability of the site to achieve 70 dwellings per hectare. As such, the proposal for 1 no dwelling is considered acceptable on this occasion.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence.

UDP Policy H2/6 - Garden and Backland Development gives special regard to factors relating to -

- the concentration of such development in the surrounding area
- the relative density of the proposal to that of the surrounding area
- the impact on neighbouring properties and the local environment
- access arrangements

The proposed dwelling would be orientated to face the rear elevations of Nos 7 and 9 Carisbrook which would be separated from the rear boundaries of these properties by 9.8m of driveway where parking for 2 cars and for visitors would be provided. At the rear, the garden would extend up to 19m at the furthest point providing sufficient amenity area and exceeding separation distances to neighbours. The existing waney-lap fence would be retained around the perimeter of the site.

The existing access off Carisbrook Avenue would be utilised with a new foot way crossing formed at the entrance and gates set back into the site to facilitate a vehicular access clear of the highway.

Given the irregularity of the site and its restricted access, it is considered that the proposal for 1 no dwelling would make best use of the land available and be acceptable on this occasion.

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes. All new dwellings must -

1. comply with the nationally described space standards, and
2. be built to the 'accessible and adaptable standard in Part M4(2) of Building Regulations unless specific site conditions make this impracticable.

The proposal would comply with the nationally described space standards for a 3 bed dwelling and the applicant has confirmed that the dwelling would be built to accessible and adaptable standard in Part M4(2) of Building Regulations.

It is therefore considered the proposed development would be acceptable and would comply with Policies H2/1, H2/2, H2/6, JP-H3 and JP-H4.

Design and appearance

The application proposes a bungalow type dwelling which given its setting and site constraints is considered the most suitable solution to developing the site for a residential property.

The bungalow would have a footprint of approx 133 sqm with a ridge height of 5m. It would be brick built with interlocking roof tiles which would reflect the majority of the housing stock in the area.

Elevations and fenestration patterns would be uncomplicated, reflecting the modest style and scale of the dwelling. Details of the materials would be secured by condition.

Views of the site and the proposed development would only be from the surrounding properties and given the dwelling would be single storey, modest in size, massing and appearance and would be partly screened from views by the boundary fencing, it is considered there would not be a significant impact on the visual amenity of the area.

It is therefore considered the proposed development would comply with Policies H2/1, H2/2, H2/6, JP-H3 and JP-H4.

Impact on residential amenity

SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case, requiring a distance of 6.5m between a blank wall and directly facing window.

To the north, according to the submitted site section plans, the houses on Tamworth Avenue would be located at a lower level to the ground floor level of the proposed dwelling by approx 0.5m. There would be one window on the elevation which would face these houses which would be a narrow, high level window and views would be restricted. The distance of more than 16m from the rear elevation of the directly facing properties would be more than sufficient and the intervening fence would also provide a level of privacy between the two sites.

Separation distances to the houses to the east, south and west would exceed 20m and as such there would be comfortable levels of separation between the proposed new build and

surrounding development.

It is considered the proposed layout and setting of the dwelling would not compromise the privacy or outlook of the surrounding properties and would be in compliance with Policies H2/1, H2/2, H2/6 and SPD 6.

Access and parking

There is an existing 3.8m wide gated access into the site between Nos 9 and 11 Carisbrook Avenue which would be cleared to create the driveway access into the site with a dropped kerb provided at the entrance. Gates would be installed which would be set back into the site to ensure a vehicle could enter and exit without obstruction to the public footway.

Within the site, a drive would provide turning and parking for at least two cars with ample space to manoeuvre within the site to enable exit in a forward gear.

With the access works proposed, it is considered the scale of development to provide one dwelling in this location would not significantly intensify traffic to the area or create undue highway safety issues.

The Traffic Section have raised no objection subject to conditions for the implementation of the works to the access, the setting back of the gates by 5m and the provision of the parking prior to occupation. Approval of a Construction Traffic Management Plan would be required.

The proposed development would therefore comply with Policies H2/2, H2/6, JP-C5 and JP-C6.

Ecology

Summary

A thorough ecological report has been provided. Biodiversity net gain is likely to be an issue on this site. Other ecological issues include nesting birds, small mammals and invasive species.

Protected Species

GMEU agree with the ecological consultant that it is very unlikely that there are any protected species associated with this site. There are no suitable habitats on the site or within the zone of influence of the development. No further information or measures are required.

Nesting Birds

The scrub on the site provides high value habitat for nesting birds. It is very likely that birds nest on the site. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition to restrict the removal of vegetation would be included.

Other Wildlife

The dense scrub will provide cover and potentially breeding habitat for small mammals and could provide cover for other wildlife such as amphibians and reptiles. GMEU agree however with the consultant that reptiles are not confirmed from the Borough and that whilst garden ponds may be present nearby suitable for common frog and species such as smooth newt, the risks of such species being present is fairly low. GMEU also take on board the consultant's opinion that the site is also difficult to access for larger terrestrial wildlife owing to garden fencing and gate. On balance however the residual risk of harm and suffering to mammals is sufficient that GMEU recommend site clearance occurs under reasonable avoidance measures method statement and therefore recommend a condition

is applied to any permission that prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals and amphibians will be provided to and agreed in writing by the LPA.

Invasive species

Two species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded on the site, monbretia and variegated yellow-archangel. It is an offence to introduce or cause to grow wild any plant listed under this schedule. The consultant also lists other non-native and potentially invasive species but these are currently not covered by UK legislation.

Whilst the proposed site is a residential dwelling and therefore not wild and therefore any monbretia or variegated yellow-archangel not an issue on such a site, with no risk of spreading naturally from the site to the wild, there is a risk during construction of material contaminated with these species being transported off-site either accidentally or deliberately. GMEU therefore recommend a condition is applied to any permission that prior to any earthworks or vegetation clearance a method statement for the control of monbretia and variegated yellow-archangel will be provided to and agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The site is currently primarily dense scrub of a medium value habitat. This will be replaced by a garden and dwelling of low and negligible value habitats. The main wildlife issue is nesting birds.

With regards biodiversity net gain, GMEU have no issues with the baseline calculation for the site.

With regards the habitat creation scheme however, GMEU would note that the proposed trees and shrubbery would count as part of the vegetated garden habitat (which has not been included within the habitat creation scheme). The individual trees and mixed scrub do not count towards the post-development value under the BNG guidelines, which previously would have been accepted. The total area of vegetated garden should therefore be calculated and entered in to the habitat creation table to provide the final deficit. This will however be similar to that calculated. ie less than 1 biodiversity unit.

Off-site compensation will be required purchased from an off-site habitat bank or through statutory credits. Currently defra is struggling to register sites, therefore they may be technical difficulties with the developer purchasing the off site units in the short term. The unit shortfall may also generate viability issues for the developer dependent on the unit cost requested by the off-site provider. The small number of units required are not however a reason to refuse the development as ultimately such a small unit loss should be capable of being provided off-site and therefore the statutory biodiversity condition could be discharged.

In addition to the BNG requirements and to mitigate loss of bird wildlife, a condition for the provision of swift bricks and bird boxes in the development will be included.

The proposed development would therefore be acceptable and comply with Policies JP-G8 and the principles of the NPPF.

Coal Authority

The Coal Authority have reviewed the site location plan and confirm that the site would fall within a defined Development Low Risk Area and on this basis have no specific comments to make.

It is requested that the Coal authority's Standing Advice note is drawn to the applicant's attention and this would be included as an informative.

Response to objectors

- BNG is now mandatory for the type of site and development proposed and conditions have been included to require the statutory 10% uplift.
- The scale of development for 1 no dwelling and its location would not warrant a transport statement. The Highway Section have no objections subject to conditions.
- The location of the site would not prohibit access for the fire service
- United Utilities have been consulted and have raised no objection.
- A revised design and access statement has submitted with the incorrect photographs of the site removed.
- The site is privately owned and not publicly accessible. Given its enclosed position and does not contribute to the visual amenity of the area as an area of green open space.
- A Construction Traffic Management Plan would be required prior to development commencing (Condition 6).
- Permitted development rights have been removed to restrict further development unless planning permission is sought. This is to protect the residential amenity of adjacent occupiers.
- Issues of overlooking, impact on residential amenity, parking and access 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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered - Location plan dwg SK.1; Planning drawing 01 rev C layout, elevations, floor plans); Proposed site layout 836-02 rev b; Revised proposed sections 836-04 rev a; Design and Access Statement (Digital connectivity) rev b; Energy Statement 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 one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking). Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*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 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

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. No development shall commence unless and until a 'Construction Traffic Management Plan' (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 adopted highway abutting the site in the event that subsequent remedial works are required following construction of, and statutory undertakers connections to, the dwelling;
- Access route for all demolition/construction vehicles to the site from the Key Route Network;
- If proposed, details of site hoarding/gate positions, taking into consideration the need to maintain vehicular access to the adjacent residential properties;
- The provision, where necessary, of temporary pedestrian facilities/protection

- measures on the highway;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, demolition, delivery & construction vehicle sizes that can be accommodated on the adjacent residential streets that serve the site and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles, together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the demolition works and 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. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

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 Policies EN1/2, JP-C5 and JP-C6.

7. The access arrangements indicated on approved plan reference 836-02 Revision B, incorporating the provision of a new footway crossing/the extension of the existing footway crossings on Carisbrook Avenue, demarcation of the limits of the adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development and following any statutory undertakers connections to the site, shall be implemented prior to occupation of the dwelling hereby approved.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of road safety pursuant to Policies H2/6, JP-C5 and JP-C6.

8. The gates indicated on approved plan reference 836-02 Revision B shall be inward opening and set back a minimum of 5m from the back of the adopted footway and thereafter maintained.

Reason. To ensure good highway design in the interests of pedestrian safety pursuant to Policies H2/6, JP-C5 and JP-C6.

9. The car parking and turning facilities indicated on approved plan reference 836-02 Revision B shall be provided before the development is first occupied and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy H2/4.

10. Prior to any above groundworks, details samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.
11. 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 list
12. Prior to the occupation of the development hereby approved, the development shall provide for -
1 x swift brick incorporated into the new dwelling;
2 x bird boxes incorporated into the landscaping or new dwelling
The installations shall thereafter be maintained.
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, JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
13. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a nesting bird survey and method statement for clearance is provided by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
14. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for mammals and amphibians shall be provided to and agreed in writing by the LPA. The approved reasonable avoidance measures shall be implemented as approved.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
15. Prior to any earthworks or vegetation clearance a method statement for the control of monbretia and variegated yellow-archangel will be provided to and agreed in writing by the LPA. the scheme shall then be carried out in accordance with the approved details.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

16. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological Assessment prepared by Dave Bentley dated 18/6/24 V2 and must include:
- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - the pre-development biodiversity value of the onsite habitat;
 - the post-development biodiversity value of the onsite habitat, including an amended Biodiversity Net Gain Metric Calculation that ensure that the loss of the calculated units of medium distinctiveness scrub units should be replaced with the same broad habitat or with a more higher distinctive habitat.;
 - any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - any biodiversity credits purchased for the development; and
 - any such other matters as the Secretary of State may by regulations specify.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

17. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

18. The development hereby approved shall not be occupied unless and until:
- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

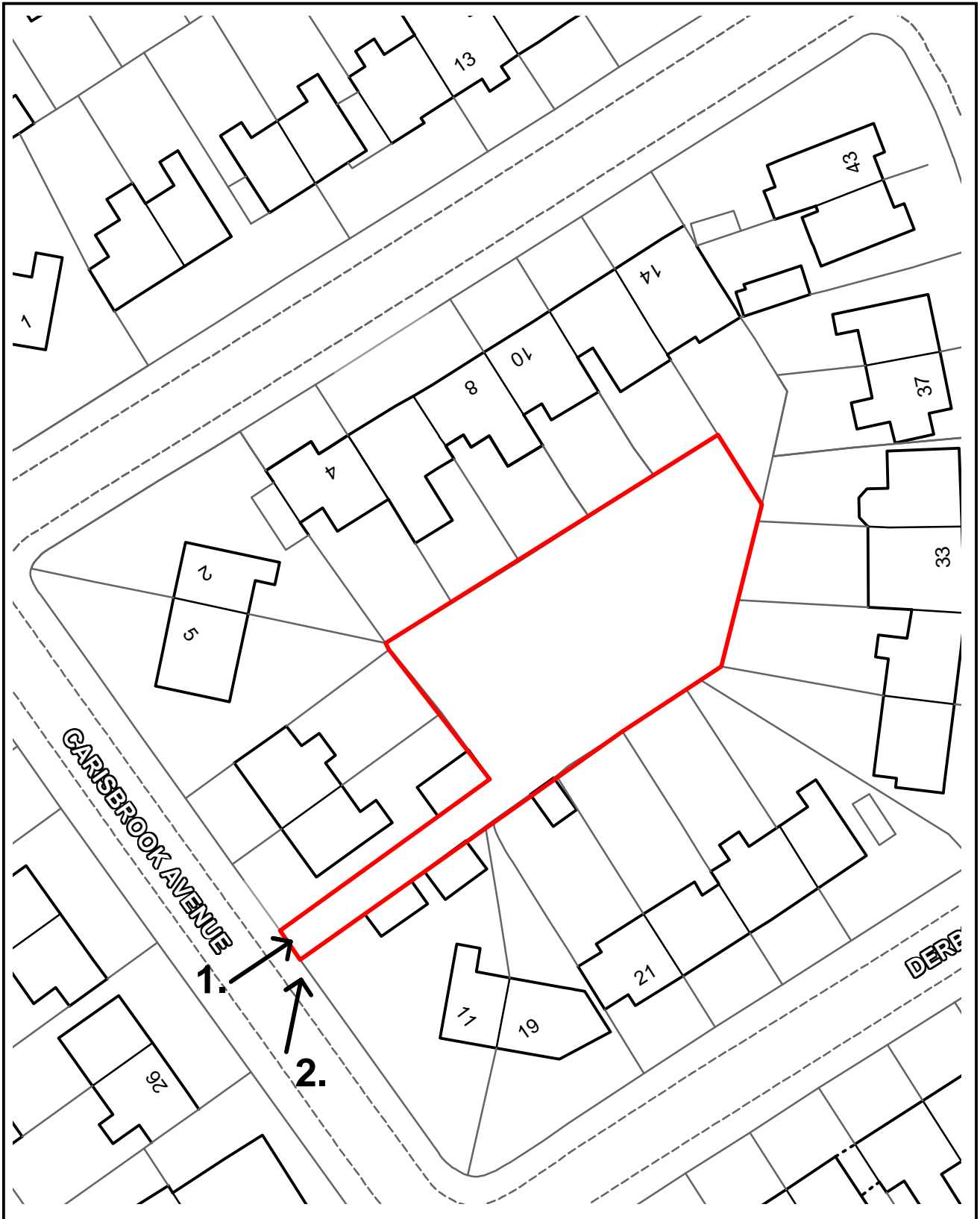
The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

19. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

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

viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70763

ADDRESS: Land at rear of 7-11 Carisbrook Avenue, Whitefield, Manchester

Planning, Environmental and Regulatory Services

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Bury
Council

70763

Photo 1



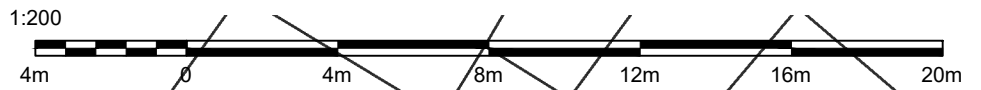
Photo 2



70763

Aerial





Oak tree to be retained

+ 7.710

- site to be cleared, turfed and maintained
- permeable paving to be hydropave concrete textured flags in charcoal colour way by Tobermore
- shrubbery as per planting table
- proposed tree as per planting table

Tree to be retained

proposed tree as per planting table

bin store location:-
1no general; 1no glass; 1no paper;
1no grass etc

All existing perimeter fencing consists of concrete posts with "Waney-lap" style timber panels and is to be retained

+ 8.010

Self-seeded "weed" saplings and undergrowth removed. Garden areas landscaped to owner's choice

+ 8.080

8.360

8.356

Outline of proposed bungalow
Proposed ground floor level 8.350

+ 8.180

+ 8.330

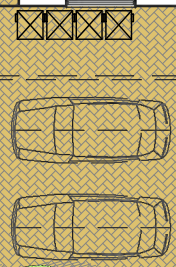
8.380

Section AA

X 7.830

X 7.890

X 8.150



9811

M.H.

+ 8.580

+ 9.180

22939

+ 9.730

5

1

New decorative steel gates and posts

All levels and dimensions must be checked on site by contractor prior to commencement of works. Any variations must be reported to the client.
Information hereon is the copyright of the designer. Copying in full or in part is forbidden without the written permission from the designer.

Client	Mr Moghimi	Revision	b
Project	New Dwelling:- Land between 9 & 11 Carrisbrook Rd	Drawing Number	836-02
Title	Proposed Site Plan	Scale	1:200

DATUM
M.H. cover
10.000

5000

+ 10.160

+ 10.130

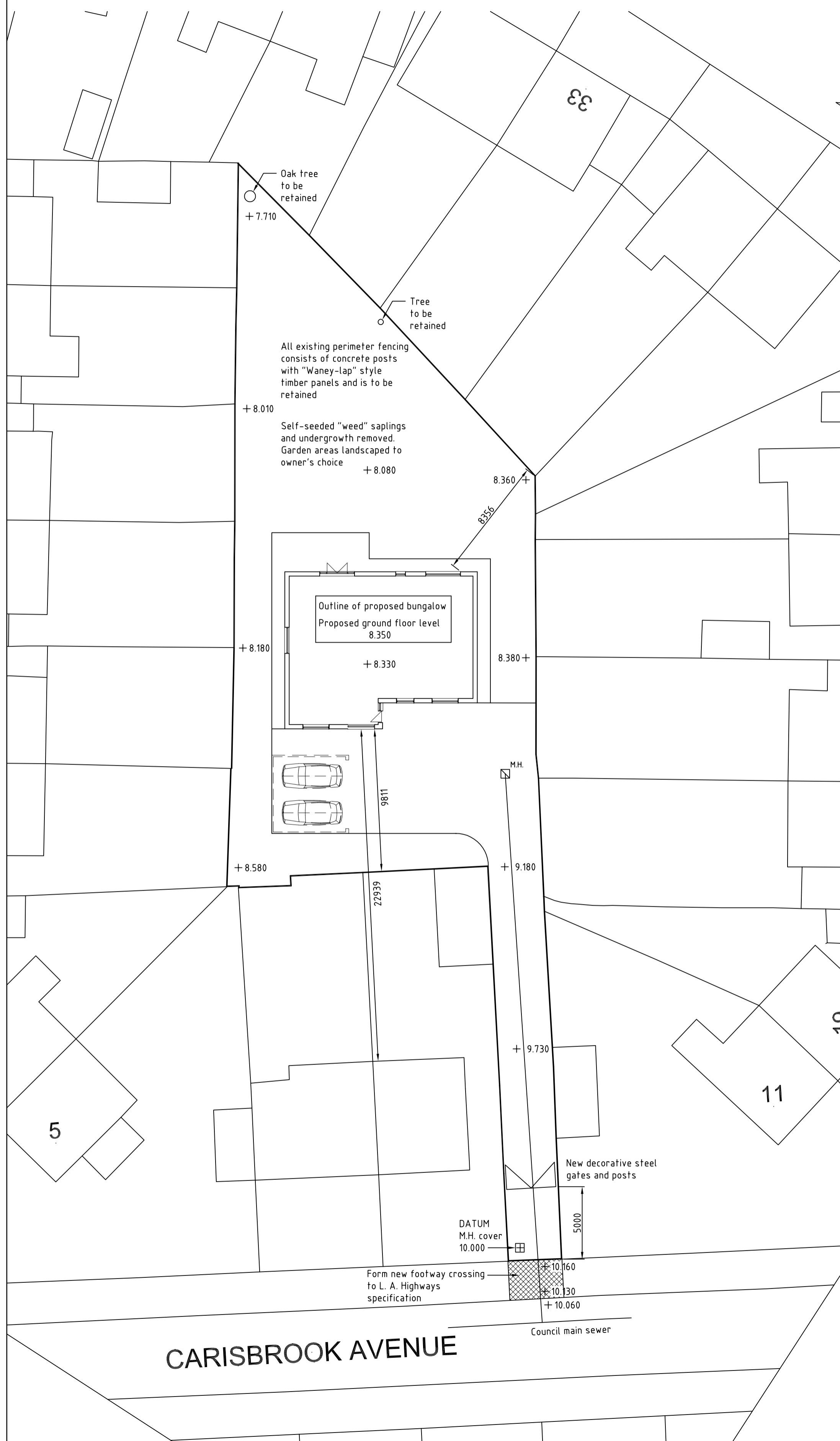
+ 10.060

Form new footway crossing to L.A. Highways specification

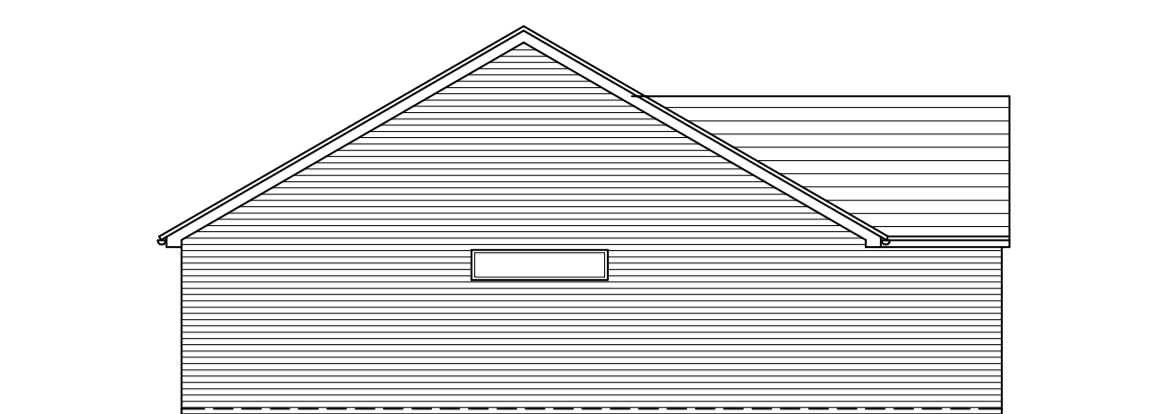
NOTES

1. Roof covering: large format profiled concrete tiles, e.g. Marley Ludlow Major or Marley Modern, colour to L.A. approval
2. External walls: Facing brick to L.A. approval
3. Window and door frames: white UPVC
4. Rainwater goods: black UPVC
5. Entrance pathway and parking area: Tarmac.
6. Perimeter paths and patio: Precast concrete flags, colour natural
7. Garden areas generally laid to lawn with beds and borders to client's choice

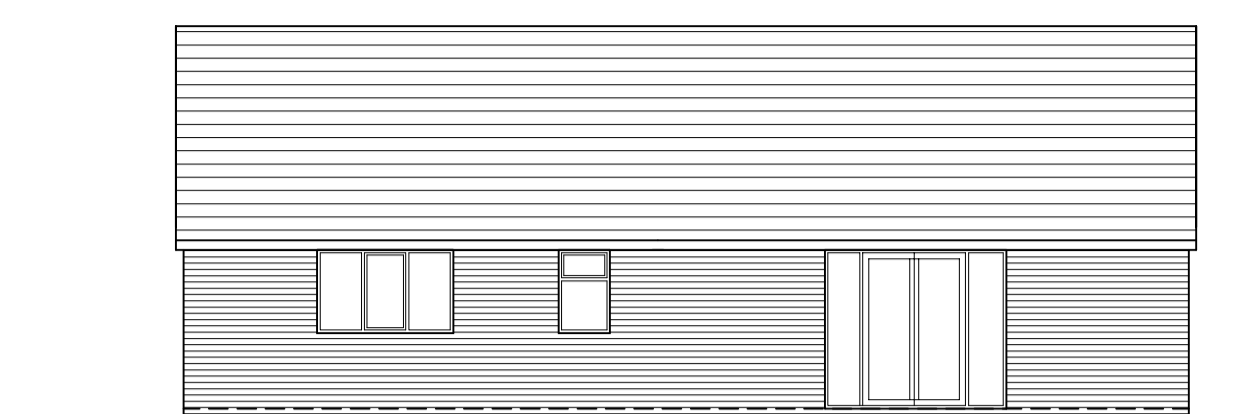
Page 77



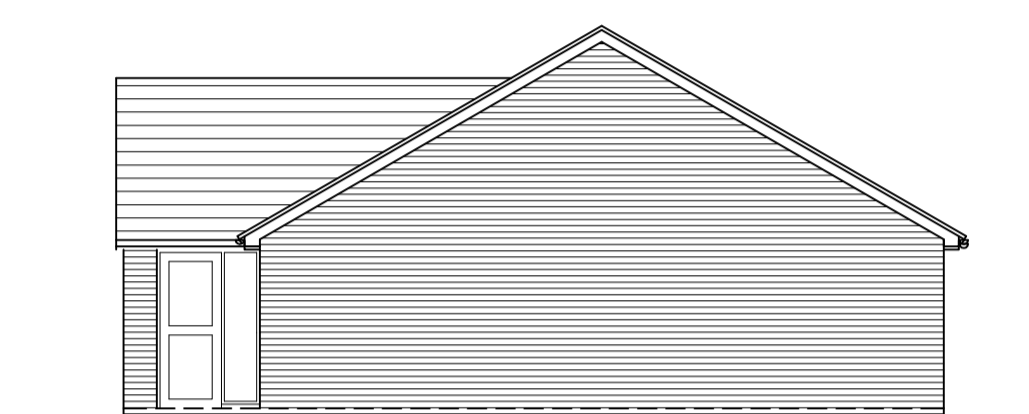
**SITE PLAN 1:200 SCALE SHOWING LEVELS
DATUM = MANHOLE COVER ADJ FRONT GATE 10.000**



NORTH WEST ELEVATION



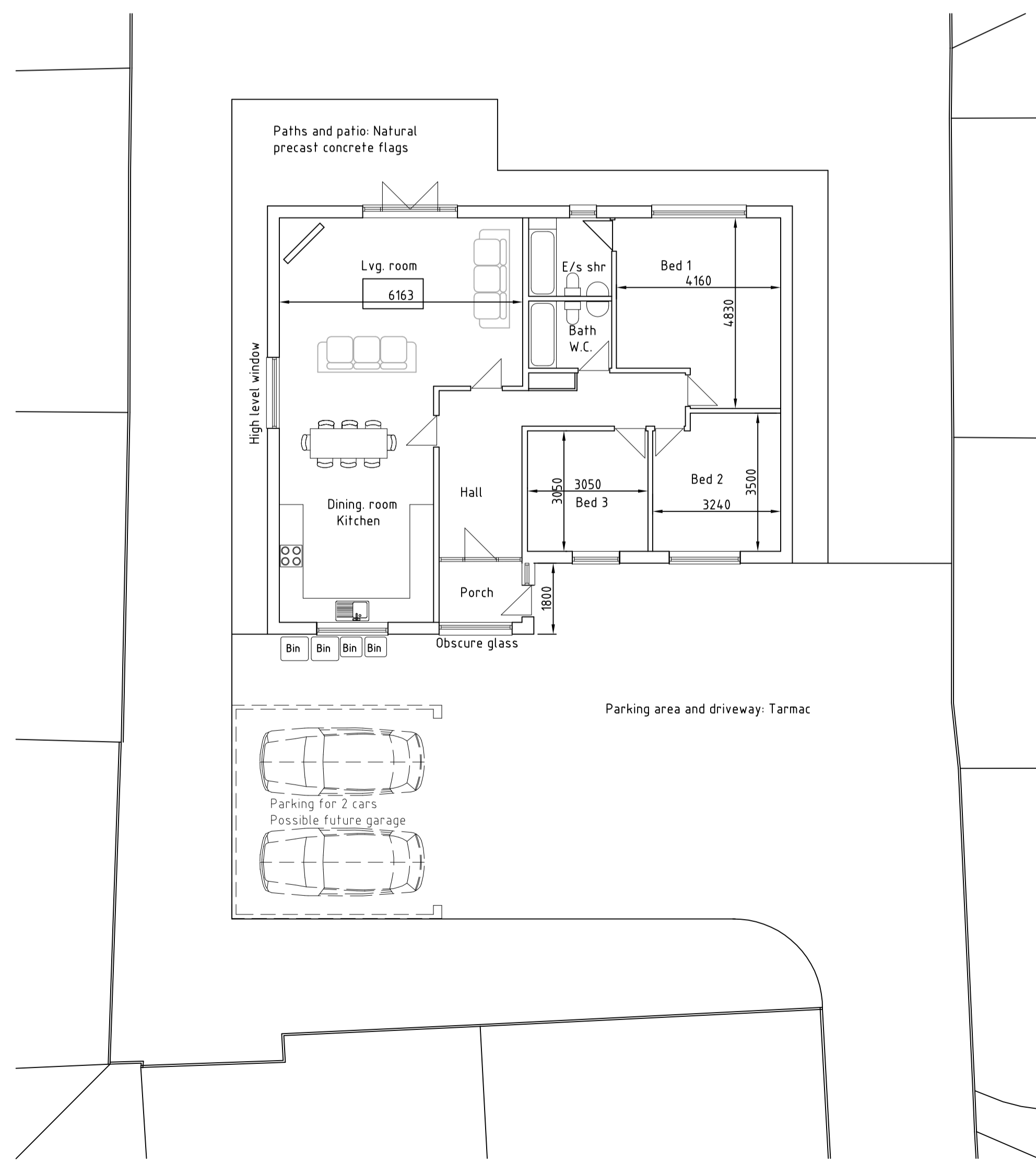
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



GROUND FLOOR PLAN 1:100 SCALE

rev	date	description	by	chkd
C	25.1.16	Footway crossing added, parking area increased	PNH	
B	15.1.16	Roof pitch reduced to 30 deg	PNH	
A	27.11.15	Location of bins shown	PNH	

client	KATY MOGHIMI			
project	PROPOSED BUNGALOW ON LAND BETWEEN 9 AND 11, CARISBROOK ROAD, M45 6UP			
title	PLANNING DRAWING			
scales	1:50			
drawn	checked	approved	date	
PNH			NOV 2015	
contract no.	drawing no.	revision		
12000	01	C		

**Peter N Hewitt Associates Ltd
Consulting Engineers**
 3 Wadebridge Avenue, Baguley
 Manchester M23 9LS
 Tel. 0161-905 2555. Mobile 07946 642 414
 E-mail: phewitt1@btconnect.com

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<h1>REPORT FOR NOTING</h1>

Agenda Item	5
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 August 2024
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 15/07/2024 and 15/08/2024



Ward: **Bury East**

Application No.: 70733 **App. Type:** FUL 19/07/2024 Approve with Conditions
Location: Bury College Woodbury Centre, Market Street, Bury, BL9 0BG
Proposal: Erection of temporary timber hoarding/access gates around perimeter of the front entrance (maximum height of 2.4 metres)

Application No.: 70734 **App. Type:** ADV 19/07/2024 Approve with Conditions
Location: Bury College Woodbury Centre, Market Street, Bury, BL9 0BG
Proposal: Non-illuminated vinyl banners to temporary timber hoarding

Application No.: 70776 **App. Type:** FUL 09/08/2024 Refused
Location: Pedestrian area adj 2 Central Street/4 Clerke Street, The Rock, Bury, BL9 0JN
Proposal: Installation of multifunctional communication hub including defibrillator and advertisement display

Application No.: 70777 **App. Type:** ADV 09/08/2024 Refused
Location: Pedestrian area adj 2 Central Street/4 Clerke Street, The Rock, Bury, BL9 0JN
Proposal: Internally illuminated advertisement display comprising of LCD portrait screen integrated into communication hub

Application No.: 70827 **App. Type:** FUL 26/07/2024 Refused
Location: Land off Arley Avenue, rear of 1 Copse Drive & 2 Spinney Drive, Bury, BL9 5HE
Proposal: Variation of condition no. 2 following approval of planning permission 69387: (Formation of car park and erection of boundary fence) - Removal of demarcation of car park lines from proposed site layout

Application No.: 70841 **App. Type:** FUL 15/08/2024 Approve with Conditions
Location: 12 Bolton Street, Bury, BL9 0LQ
Proposal: Installation of extraction flue and 2 no air conditioning units

Ward: **Bury East - Moorside**

Application No.: 70368 **App. Type:** FUL 09/08/2024 Approve with Conditions
Location: 1 Ferngrove House, Rochdale Old Road, Bury, BL9 7LS
Proposal: Demolition of existing garage at side and erection of 3 storey extension at side with roof lights at front and rear to provide 6 no. additional single occupancy bedrooms (13 no. in total) to existing HMO with associated parking and refuse storage

Application No.: 70671 **App. Type:** FUL 17/07/2024 Approve with Conditions
Location: Chamberhall Business Park, Harvard Road, Bury, BL9 0FU
Proposal: Variation of condition no. 2 (approved drawings) following approval of planning permission 68699 - Additional drawings for the construction of a pre-cast concrete retaining wall along western site boundary and rear of building (block A)

Application No.: 70721 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 40 Birch Street, Bury, BL9 5AL
Proposal: Change of use from 2 no. flats (Class C3) to office and storage space (Class E)

Application No.: 70830 **App. Type:** LDCP 30/07/2024 Lawful Development
Location: Flats 1-4, 1-3 Porter Street, Bury, BL9 5DZ
Proposal: Lawful development certificate for proposed change of use from 4 no. flats (Class C3) to 4no. HMO's (C4)

Application No.: 70864 **App. Type:** FUL 09/08/2024 Approve with Conditions
Location: Mayfield Garage Ltd, Eldon Street, Bury, BL9 5AZ
Proposal: Reinstatement of vehicular access to front elevation with roller shutter door

Ward: **Bury East - Redvales**

Application No.: 70794 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 85 Bronte Avenue, Bury, BL9 9RN
Proposal: Single storey rear extension

Ward: **Bury West - Church**

Application No.: 70732 **App. Type:** PIAPA 16/07/2024 Prior Approval Not Required
Location: 43 Bolton Road, Bury, BL8 2AB
Proposal: Prior approval for proposed change of use of ground floor from commercial, business and service (Use Class E) to a residential dwelling (Use Class C3)

Application No.: 70767 **App. Type:** FUL 25/07/2024 Approve with Conditions
Location: Moor House, 42 Cockey Moor Road, Bury, BL8 2HB
Proposal: Two storey side extension and demolition of existing porch and construction of new double storey porch

Application No.: 70820 **App. Type:** LDCP 30/07/2024 Lawful Development
Location: 74 Grantham Drive, Bury, BL8 1XW
Proposal: Lawful development certificate for proposed conversion of the existing garage (with heated habitable spaces above and below) into a bedroom, bathroom and utility room.

Application No.: 70867 **App. Type:** LDCP 14/08/2024 Lawful Development
Location: 562 Bolton Road, Bury, BL8 2DU
Proposal: Lawful development certificate for proposed erection of a rear dormer and 2no of side dormers including installation of 1no of rooflight at the front roof

Application No.: 70881 **App. Type:** FUL 19/07/2024 Approve with Conditions
Location: 14 Clitheroe Drive, Bury, BL8 2JU
Proposal: Single storey / two storey extension at side and pitched roof over garage and porch

Ward: **Bury West - Elton**

Application No.: 70741 **App. Type:** FUL 23/07/2024 Approve with Conditions
Location: 33 Elton Fold Chase, Bury, BL8 1PW
Proposal: Single storey extension at side / rear; loft conversion including 1 no. loft window at front and 2 no. loft windows at rear

Application No.: 70784 **App. Type:** LDCP 16/07/2024 Lawful Development
Location: 7 Woodhill Vale, Bury, BL8 1AH
Proposal: Lawful development certificate for proposed use as residential institution (Use Class C2)

Application No.: 70822 **App. Type:** FUL 18/07/2024 Approve with Conditions
Location: 21 Holme Avenue, Bury, BL8 1HN
Proposal: Single storey extension at rear/ side

Application No.: 70850 **App. Type:** FUL 14/08/2024 Approve with Conditions
Location: Cromer House, Cromer Road, Bury, BL8 1ES
Proposal: Two storey side extension, first floor side extension, front porch entrance, single storey rear extension, solar panels, brick boundary wall and railings to the front of site, new pedestrian access and widening of the existing vehicular access.

Application No.: 70868 **App. Type:** GPDE 30/07/2024 Prior Approval Not Required - Extension
Location: 12 Bramley Drive, Bury, BL8 1JL
Proposal: Prior approval for proposed single storey extension

Ward: **North Manor**

Application No.: 70812 **App. Type:** FUL 08/08/2024 Approve with Conditions
Location: 1 St Austell Drive, Tottington, Bury, BL8 4EY
Proposal: Two storey rear extension; single storey extension to garage at rear; single storey extension to existing front porch; car port at side and external landscaping works

Application No.: 70823 **App. Type:** LBC 15/08/2024 Approve with Conditions
Location: The Lee, 635 Walmersley Road, Bury, BL9 5JA
Proposal: Listed Building Consent - Refurbishment / repair of the existing pitched roof covering, including new / refurbished leadwork and inclusion of vapour permeable sarking felt and treated timber counter battens.

Ward: **Prestwich - Holyrood**

Application No.: 70695 **App. Type:** LDCP 16/07/2024 Lawful Development
Location: 121 Simister Lane, Prestwich, Manchester, M25 2SA
Proposal: Lawful development certificate for proposed detached outbuilding to be constructed under Class E - provision of buildings and other development on land surrounding the house.

Application No.: 70766 **App. Type:** FUL 09/08/2024 Approve with Conditions
Location: 2 Lilac Grove, Prestwich, Manchester, M25 3DT
Proposal: Two storey extension at side and rear dormer.

Application No.: 70774 **App. Type:** FUL 25/07/2024 Approve with Conditions
Location: 1 Derby Road, Whitefield, Manchester, M45 6TW
Proposal: Demolition of existing garage; Single storey rear extension with raised decking/steps to garden level; Loft conversion with rear dormer and juliette balcony

Application No.: 70811 **App. Type:** FUL 29/07/2024 Approve with Conditions
Location: 10 Langley Grange, Prestwich, Manchester, M25 3EA
Proposal: Single Storey Rear Extension

Application No.: 70869 **App. Type:** FUL 15/08/2024 Approve with Conditions
Location: 23 Warwick Avenue, Whitefield, Manchester, M45 6TU
Proposal: Single storey side extension; Front and side porches; Loft conversion with rear dormer

Ward: **Prestwich - Sedgley**

Application No.: 70488 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 78 Albert Avenue, Prestwich, Manchester, M25 0LU
Proposal: Hip to gable roof extension at side; Loft conversion with front and rear dormers; First floor rear extension

Application No.: 70628 **App. Type:** FUL 25/07/2024 Approve with Conditions
Location: 18 Arlington Avenue, Prestwich, Manchester, M25 9NF
Proposal: Loft conversion with rear dormer; Garage extension and conversion to annex/living accommodation ancillary to the existing dwelling for a live in carer

Application No.: 70685 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 1 Park Hill, Bury Old Road, Prestwich, M25 0FX
Proposal: Two storey rear extension and extractor system at rear

Application No.: 70742 **App. Type:** FUL 18/07/2024 Refused
Location: 31 Grosvenor Street, Prestwich, Manchester, M25 1ES
Proposal: Change of use from dwelling (Class C3) and Swim School building (Class E(d)) to 10 no. bed House of Multiple Occupancy (HMO) (Class Sui Generis) to include changes to the fenestration of the pool building; Loft conversion with 2 no. rear dormers to dwelling

Application No.: 70810 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 34 Scholes Lane, Prestwich, Manchester, M25 0AY
Proposal: Two storey side extension with render and rear juliette balcony; Single storey rear extension

Application No.: 70838 **App. Type:** FUL 19/07/2024 Approve with Conditions
Location: 69 Richmond Avenue, Prestwich, Manchester, M25 0LW
Proposal: Single storey side and rear extension

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

Application No.: 70750 **App. Type:** FUL 25/07/2024 Approve with Conditions

Location: 57 Prestwich Hills, Prestwich, Manchester, M25 9PY

Proposal: Garage conversion including change from garage door to window; Single Storey side extension; first floor extensions at front and side and single storey rear extension

Application No.: 70778 **App. Type:** TEL 15/07/2024 Prior Approval Required and Refused

Location: Land at Firwood Timber and Plywood Ltd, Greengate Lane, Prestwich, Manchester, M25 3HW

Proposal: Prior approval for proposed installation of telecommunications mast - 20m lattice tower, supporting 6 no. antennas, 15 no. RRU's BS 2 no. transmission dishes (300mm & 600mm). Installation of 3 no. cabinets on new concrete base and ancillary equipment

Application No.: 70806 **App. Type:** FUL 25/07/2024 Refused

Location: 132 Lowther Road, Prestwich, Manchester, M25 9QP

Proposal: Single storey front porch extension; Rendering of gable wall & front porch

Application No.: 70839 **App. Type:** FUL 19/07/2024 Approve with Conditions

Location: 50 Scott Road, Prestwich, Manchester, M25 9GN

Proposal: Single storey rear extension

Application No.: 70878 **App. Type:** FUL 29/07/2024 Refused

Location: 7 Pimlott Grove, Prestwich, Manchester, M25 9TR

Proposal: Installation of air source heat pump to rear

Ward: **Radcliffe - East**

Application No.: 70769 **App. Type:** FUL 16/07/2024 Approve with Conditions

Location: 8 Sycamore Drive, Radcliffe, Manchester, M26 4SA

Proposal: Single/two storey rear extension

Application No.: 70770 **App. Type:** FUL 26/07/2024 Refused

Location: 100 Spring Lane, Radcliffe, Manchester, M26 2QX

Proposal: Creation of an additional shop Class E (a) to rear of the existing shop Class (E), including alteration of existing window on side elevation to form new shop front

Application No.: 70793 **App. Type:** FUL 25/07/2024 Approve with Conditions

Location: 5 Greenbank Road, Radcliffe, Manchester, M26 4FR

Proposal: Replace existing rear conservatory with single storey rear extension

Application No.: 70887 **App. Type:** FUL 30/07/2024 Approve with Conditions

Location: 14 Withins Lane, Radcliffe, Manchester, M26 2RU

Proposal: Single storey rear extension; Render to rear elevation

Ward: **Radcliffe - North and Ainsworth**

Application No.: 70857 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 44 Bradley Fold Road, Ainsworth, Bolton, BL2 5QP
Proposal: Creation of vehicular access and driveway at front

Application No.: 70859 **App. Type:** GPDE 16/07/2024 Prior Approval Not Required - Extension
Location: 22 Saville Road, Radcliffe, Manchester, M26 4JX
Proposal: Prior approval for proposed single storey rear extension

Application No.: 70879 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 3 Chatsworth Road, Radcliffe, Manchester, M26 4NT
Proposal: First floor side extension

Ward: **Radcliffe - West**

Application No.: 70649 **App. Type:** LDCP 15/08/2024 Lawful Development
Location: 16 King Street, Radcliffe, Manchester, M26 1ND
Proposal: Lawful development certificate for proposed change of use from dwellinghouse C3(a) to home for 3 young adults (aged 18-25) C3(b)

Application No.: 70833 **App. Type:** FUL 09/08/2024 Approve with Conditions
Location: 130 Outwood Road, Radcliffe, Manchester, M26 1BG
Proposal: Single storey extension at front, two storey extension at side, Amendment to previously approved single/two storey rear extension by way of increased width to two storey section and amendments to ground floor openings.

Application No.: 70894 **App. Type:** AG 29/07/2024 Prior Approval Not required
Location: Shoreside Bungalow, Prestolee Road, Radcliffe, Manchester, M26 1FJ
Proposal: Prior notification for proposed agricultural building

Application No.: 70906 **App. Type:** AG 30/07/2024 Prior Approval Not Required
Location: Scotson Fold Farm, Scotson Fold, Radcliffe, Manchester, M26 3SQ
Proposal: Prior approval for proposed agricultural building

Ward: **Ramsbottom**

Application No.: 70507 **App. Type:** LBC 19/07/2024 Approve with Conditions
Location: Plant Farm, Cross Lane, Ramsbottom, Bury, BL8 4LY
Proposal: Listed building consent for internal alterations to layout of main dwelling; tanking of cellar; replacement of ceiling/floor timbers; opening up of internal wall

Application No.: 70672 **App. Type:** FUL 16/07/2024 Approve with Conditions
Location: 72 Nuttall Lane, Ramsbottom, Bury, BL0 9JZ
Proposal: Front porch, alterations to fenestration and solar panels to the rear.

Application No.: 70761 **App. Type:** FUL 23/07/2024 Approve with Conditions
Location: 17 St Edmund Hall Close, Ramsbottom, Bury, BL0 9DE
Proposal: Two storey rear extension; Single storey side/rear extension; Front porch

Application No.: 70837 **App. Type:** FUL 14/08/2024 Approve with Conditions
Location: 25 Callender Street, Ramsbottom, Bury, BL0 9DX
Proposal: Garage conversion to habitable along with the installation of roof lights on both the existing garage and the main dwelling.

Application No.: 70848 **App. Type:** FUL 19/07/2024 Approve with Conditions
Location: 7 Cotswold Close, Ramsbottom, Bury, BL0 9LJ
Proposal: Single Storey Side Extension

Ward: **Tottington**

Application No.: 70667 **App. Type:** FUL 23/07/2024 Refused
Location: 16 Hall Street, Walshaw, Tottington, Bury, BL8 3BD
Proposal: Change of use from office to residential (Class C3) and erection of timber shed

Application No.: 70713 **App. Type:** LDCE 08/08/2024 Lawful Development
Location: 30A Church Street, Tottington, Bury, BL8 3AT
Proposal: Lawful development certificate for existing outbuilding

Application No.: 70953 **App. Type:** SCR 01/08/2024 EIA Required
Location: Land off Church Street/ Scobell Street, Tottington, Bury, BL8 3DE
Proposal: EIA Screening Opinion' under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for proposed residential development of up to 300 dwellings

Ward: **Whitefield + Unsworth - Besses**

Application No.: 70698 **App. Type:** FUL 19/07/2024 Approve with Conditions
Location: 70 Hardmans Road, Whitefield, Manchester, M45 7BD
Proposal: Single storey extension at front to form porch/lobby

Application No.: 70836 **App. Type:** FUL 08/08/2024 Refused
Location: 17 Billberry Close, Whitefield, Manchester, M45 8BL
Proposal: Removal of existing conservatory and erection of two/single storey rear extension; Raise roof ridge height/roof extension/loft conversion to form second floor with roof terrace; New first floor windows to side elevations

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

Application No.: 70753 **App. Type:** PRNPV 18/07/2024 Prior Approval Not required
Location: Higher Lane Primary School, Egerton Road, Whitefield, Manchester, M45 7EX
Proposal: Prior approval for proposed installation of solar PV panels to roof

Application No.: 70762 **App. Type:** FUL 17/07/2024 Approve with Conditions
Location: 3 Ringley Drive, Whitefield, Manchester, M45 7BX
Proposal: Raise of roof ridge height, Two storey front extension; Single storey rear extension with glass balustrade and steps to garden; External alterations

Application No.: 70815 **App. Type:** FUL 29/07/2024 Approve with Conditions
Location: 2 West View Grove, Radcliffe, Manchester, M45 7NQ
Proposal: Variation of conditions 2 (approved plans) and 3 (materials) following approval of planning permission ref. 66734 (Alteration to roof including increase in height) - Roof height to be increased 257mm higher than approved and change external finishing material of walls to render white or off white

Application No.: 70834 **App. Type:** FUL 01/08/2024 Approve with Conditions
Location: 9 Holcombe Grove, Radcliffe, M26 1SE
Proposal: Two/single storey extension at side/rear with garden terraces

Application No.: 70835 **App. Type:** FUL 05/08/2024 Approve with Conditions
Location: 12 Ringley Chase, Whitefield, Manchester, M45 7UA
Proposal: Single storey side extension

Application No.: 70849 **App. Type:** FUL 08/08/2024 Approve with Conditions
Location: 47 Wingate Drive, Whitefield, Manchester, M45 7GX
Proposal: Two storey extension at rear and single storey extension at side/rear; New first floor windows to side elevations; Widening of existing vehicular access/driveway

Application No.: 70865 **App. Type:** LDGP 14/08/2024 Lawful Development
Location: 2 Newlands Avenue, Radcliffe, Manchester, M45 7WR
Proposal: Lawful development certificate for proposed conversion of existing garage to study; Existing garage door to be changed to a window.

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 70680 **App. Type:** FUL 23/07/2024 Refused
Location: 521 Manchester Road, Bury, BL9 9SH
Proposal: Proposed conversion of basement to an existing 6 bedroom House in Multiple Occupation (HMO) to form a 7-bed HMO

Application No.: 70782 **App. Type:** LDGP 17/07/2024 Lawful Development
Location: 11 Stokesay Close, Bury, BL9 8DB
Proposal: Lawful development certificate for proposed use of a (Class C3) dwelling as a children's home for up to three children, with up to three carers, two sleeping overnight working on a rota basis (Class C2)

Application No.: 70796 **App. Type:** FUL 18/07/2024 Approve with Conditions
Location: Land to south of Brick House Farm, Griffe Lane, Bury, BL9 8QS
Proposal: Change of house type of dwelling to plot 1

Application No.: 70851 **App. Type:** FUL 26/07/2024 Approve with Conditions
Location: 21 Leeds Close, Bury, BL9 8LD
Proposal: Demolition of existing detached garage; Two storey/single storey side extension with white render; Single storey rear extension; Front porch

Total Number of Applications Decided: 72

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<h1>REPORT FOR NOTING</h1>

Agenda Item

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 August 2024
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
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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

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**Planning Appeals Decided
between 15/07/2024 and 15/08/2024**



Application No.: 69392/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 25/07/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr Stewart Sivvery	
Location: Further Davises Farm, Mather Road, Bury, BL9 6TJ	
Proposal: Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows	
Application No.: 69616/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 15/07/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr K & Mrs V Stopforth	
Location: The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth,	
Proposal: Demolition of existing building to be replaced with 2 no. dwellings	
Application No.: 69656/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 22/07/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr Konrad Wilk	
Location: Land at Kingston Close, Bury, BL8 2EJ	
Proposal: Erection of 4 no. dwellings and community facilities/recreation area with associated parking and landscaping	
Application No.: 69884/FUL	Appeal Decision: Updated
Decision level: DEL	Date: 17/07/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Park Avenue Ltd	
Location: Land adjacent to 1 Park Avenue, Ramsbottom, Bury, BL0 0DA	
Proposal: Erection of 1 no. dwelling including driveway	
Application No.: 70163/AG	Appeal Decision: Dismissed
Decision level: DEL	Date: 22/07/2024
Recommended Decision: Prior Approval Required	Appeal type: Written Representations
Applicant: Mr Stuart Alderson	
Location: Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, Bolton, BL2	
Proposal: Prior approval for proposed agricultural building	

Application No.: 70189/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 31/07/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr Ray Ellis	
Location: 1 Pitt Street, Radcliffe, Manchester, M26 3TF	
Proposal: Balcony on top of existing rear single storey extension with obscure glazed balustrade	
Application No.: 70422/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 12/08/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 46 Haymarket, Bury, BL9 0BX	
Proposal: Installation of 1no. multifunctional communication hub including defibrillator and advertisement display	
Application No.: 70423/ADV	Appeal Decision: Dismissed
Decision level: DEL	Date: 12/08/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 46 Haymarket, Bury, BL9 0BX	
Proposal: Advertisement consent for display integrated into multifunctional communication hub unit	
Application No.: 70427/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 13/08/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 1 Union Street, Bury, BL9 0NY	
Proposal: Installation of 1no. multifunctional communication hub including defibrillator and advertisement display	
Application No.: 70444/ADV	Appeal Decision: Dismissed
Decision level: DEL	Date: 13/08/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 1 Union Street, Bury, BL9 0NY	
Proposal: Advertisement consent for display integrated into multifunctional communication hub unit	



Appeal Decision

Site visit made on 11 June 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/T4210/W/23/3331746

Hague Hall Farm, Mather Road, Bury BL9 6TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stewart Sivvery against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69392.
 - The development proposed was originally described as: retrospective application for retention of 1m extension to remove setback on two storey side elevation together with alteration to fenestration and change of use of part of building to additional residential accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the National Planning Policy Framework (the Framework) was revised and the Council adopted the "Places for Everyone" Development Plan Document on 21 March 2024 (DPD). The DPD replaces certain policies of the Bury Unitary Development Plan 1997 (UDP), including UDP Policy EN1/1 cited in the Council's reasons for refusal. The main parties have had an opportunity to comment on the implications of the revised Framework and the DPD within the appeal timetable, and I have taken account of any comments made.

Main Issues

3. Having regard to all of the evidence before me, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, including the effect upon openness, having regard to the Framework and relevant development plan policies;
 - the effect of the proposal upon the character and appearance of the host property, and the wider area;
 - whether the proposed development would provide acceptable arrangements for digital connectivity;
 - whether the proposed development would be net zero carbon; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Background

4. During a fire incident at the appeal site in 2017, the appeal property was damaged by a fire tender reversing into a single storey outrigger, aligned to the main elevation. Various works subsequently took place at the appeal property, some of which are considered by the appellant as pursuant to previous permissions. The Council considers that some works are unauthorised.
5. For the avoidance of doubt, it is not the role of an Inspector dealing with a s78 appeal to determine whether any works undertaken at the appeal site are lawful. I have considered the proposal as submitted.
6. A planning application¹ was submitted to regularise matters and included a two-storey side extension with a setback to the main elevation. This was refused in August 2021 and subsequently dismissed at appeal² (the dismissed scheme). A further application³ was made to include the same setback as the dismissed scheme, but with other changes to the previously dismissed scheme. This was granted in September 2022 (the approved scheme).
7. The situation as built is such that the footprint of the damaged outrigger and an adjacent single storey workshop is now occupied by the proposed two-storey extension, aligned with the main elevation. The appellant seeks the retention of the two-storey extension as built.
8. As the dismissed and approved schemes include a setback, they are not entirely comparable to the scheme before me. In any event, I am not bound by previous decisions and DPD policies must also be taken into account.

Whether inappropriate development, including the effect upon openness

9. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate development.
10. There are, however, a limited number of exceptions to this, as set out in paragraph 154 of the Framework. Paragraph 154 c) refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building⁴.
11. The Framework does not define what may constitute a disproportionate addition. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (for example in terms of footprint, floorspace and/or volume) is clearly an important factor.

¹ Ref: 66800

² Ref: APP/T4210/W/21/3284471

³ Ref: 68626

⁴ The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

12. DPD Policy JP-D9 defines the extent of the Green Belt. UDP Policy OL1/2 sets out that the construction of new development in the Green Belt is inappropriate development unless it is for certain purposes, which include an exception for 'limited extensions' of existing dwellings, provided this would not result in disproportionate additions over and above the size of the original dwelling.
13. Supplementary Planning Document: *Development Control Policy Guidance Note 8 – New Buildings & Associated Development in the Green Belt - January 2007* (SPD8) sets out that in general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. It further states that each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).
14. Although the appellant has commented on the age of the UDP, paragraph 225 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
15. While I consider UDP Policy OL1/2 and SPD8 to be broadly consistent with the Framework, SPD8 seeks to advise on other factors beyond those of size. The Council's concerns about the absence of a setback and the design of the two-storey extension relate primarily to the effect upon the character and appearance of the existing dwelling and the surrounding area, and these matters are addressed in my next main issue.
16. The appellant's calculations indicate that the appeal scheme would result in a volume increase of 31.66% when considered against the original dwelling. These figures are not disputed by the Council. Thus, the appeal scheme would be within the SPD8 threshold.
17. Having regard to all of the above, I consider that the proposal would not result in a disproportionate addition to the original building in terms of size, and it therefore falls within the exception at paragraph 154 c) of the Framework. Consequently, the proposed development would not, by definition, have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, there is no requirement to assess if there are other considerations that amount to very special circumstances to justify it.
18. I therefore conclude that the proposed development would not be inappropriate development. It accords with UDP Policy OL1/2 and DPD Policy JP-D9, and the provisions of the Framework.
19. The Council considered the proposal to conflict with UDP Policy OL1/4, which relates to the conversion and re-use of buildings within the Green Belt. It is clear that the proposal before me relates to extensions, and therefore I do not consider this policy and guidance to be relevant to the proposal before me.

Character and appearance

20. The appeal site is within the Pennine Foothills (West/South Pennines) Landscape Character Area (LCA), characterised as a traditional working landscape with a traditional, upland fringe feel, with scattered farms and houses of a local stone vernacular.

21. DPD Policy JP-P1 seeks to ensure that development respects the distinctive character and identity of its locality in terms of design, siting, scale and materials. DPD Policy JP-G1 seeks to ensure that the development within LCAs reflects and responds to the special qualities and sensitivities of the key landscape characteristics of its location, including views and perceptual qualities. The Council advises that guidance within the Greater Manchester Landscape Character and Sensitivity Report seeks to ensure that any development in the LCA is in keeping with the form, density and vernacular of existing buildings.
22. The appeal property is a detached two storey farmhouse with a traditional appearance in an upland context with a local stone vernacular, although it includes some raking brickwork supports to the rear elevation. It is within view from the approach via Mather Road, from the nearby public footpath/bridleway network, from the denser settlement pattern to the north (albeit at some distance), and within the wider landscape. Consequently, the appeal property makes a positive contribution to the character of the LCA.
23. UDP Policy H2/3 seeks to achieve a high standard of design that compliments the original building, supported by the Council's Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties 2010 (SPD6), which seeks to ensure proposals reflect the design and proportion of the original dwelling.
24. Due to its overall scale, height and width, the proposed two storey extension significantly extends the existing two-storey wing, flush to the main elevation. A subordinate relationship to the host dwelling is therefore not maintained. Such a design would not respect the original form, scale and mass of its host, and the two-storey extension as built appears as a dominant addition to the building, whether in view from the immediate area, or within more distant views.
25. In this regard, my findings are consistent with those of the previous Inspector for the dismissed scheme, albeit as part of his consideration of the dismissed scheme in regard to his first main issue. That Inspector found that "given the wide frontage of the building, and the setback proposed to the front wing, this addition at the end of the building would appear subservient."
26. The appellant accepts that a setback is a common default mechanism for extensions but draws my attention to the alignment of the previous outrigger in that it was in situ for decades. However, the evidence before me indicates that the outrigger was a single storey lean-to form, with a mono-pitch roof. Consequently, it maintained a subordinate relationship to its host by virtue of its overall scale, height, width and depth and design, along with the adjacent workshop. The fact that the outrigger was damaged due to circumstances outside the appellant's control is unfortunate but is not a matter that alters the planning merits of the proposal before me.
27. As built, the two-storey extension fails to respect the randomised stone pattern of the main elevation of existing dwelling. The appellant suggests that the views of the incompatible stonework are close to imperceptible from public locations. However, and despite recent stone cleaning, I did not find this to be the case during my visit, particularly from the approach along Mather Road and the nearby public footpath/bridleway network.

28. In any event, the appellant is willing to remedy this matter by removing and rebuilding the front wall, and this is supported by a method statement submitted with the application. This matter could therefore be controlled by a suitable condition if I were to allow the appeal.
29. However, this would still result in the partial concealment of all of the quoins within the north-westerly corner of the existing building (unlike the previous single storey outrigger) and thus the two-storey extension would fail to respect the original design and appearance of the dwelling, even if a heritage style drainpipe was deployed to camouflage the join and other sympathetic features are proposed including further quoins, headers and cils.
30. I therefore conclude that the proposal would unacceptably harm the character and appearance of its host and the wider area. It conflicts with DPD Policies JP-P1 and JP-G1; UDP Policy H2/3 and the guidance within SPD6, whose objectives I have set out above.

Digital connectivity

31. DPD Policy JP-C2 seeks to ensure that new development is equipped with electronic communication services and requires all new development to have full fibre to premises connections. There is no substantive evidence before me to demonstrate compliance with this policy.
32. The proposal relates to an existing property which may already benefit from broadband connectivity. In any event, the policy allows an exception if it can be demonstrated that such connectivity is not practicable or financially viable. In such circumstances, I see no reason why this matter could not be controlled by a suitable condition.
33. I therefore conclude that subject to a suitable condition, the proposed development would provide acceptable arrangements for digital connectivity. It accords with DPD Policy JP-C2.

Net Zero Carbon

34. DPD Policy JP-S2 expects all new development to be net zero carbon. The expectation from the adoption of the DPD is that net zero carbon should be achieved for regulated carbon emissions; from 2028 for all emissions in construction; and from 2025, development should also calculate and minimise carbon emissions from unregulated emissions. An energy statement should set out how this will be achieved, in accordance with an energy hierarchy.
35. There is no energy statement before me, nor any substantive evidence to detail how the proposal would comply with this policy. However, as the policy allows an exception if it can be demonstrated that net zero carbon is not practicable or financially viable, I see no reason why this matter could not be controlled by a suitable condition.
36. I therefore conclude that subject to a condition, the proposed development would accord with DPD Policy JP-S2, whose objectives I have set out above.

Other Matters

37. The proposal would support the efficient use of land. The appellant states that the proposal will deliver a 'better quality' home. However, it been demonstrated that the existing property is below any particular standard, nor

that it is necessary to meet any particular need of the occupier, nor that the proposal is the only way to achieve this objective. The benefits of additional space to the occupier would be a private benefit.

38. While the appellant intends to employ local labour for the proposal, there is no mechanism to secure such a benefit to the local economy. Nevertheless, the proposal would result in temporary economic benefits of a limited scale, and therefore attract limited weight.

Conclusion

39. Although I have found that the proposal would not be inappropriate development within the Green Belt, it would unacceptably harm the character and appearance of its host and the wider area. The policies with which the proposal conflicts are in accordance with the Framework, which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
40. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR



Appeal Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/T4210/W/23/3332224

The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bury BL2 5PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs K J & V Stopforth against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69616.
 - The development proposed is demolition of existing building and erection of two detached dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr & Mrs K J & V Stopforth against Bury Metropolitan Borough Council. That application is subject to a separate Decision.

Preliminary Matters

3. Since the appeal was submitted, the Council has adopted Places for Everyone¹ as part of the statutory Development Plan for the Borough. The main parties were given the opportunity to comment on the adopted plan and I have taken into account the comments received accordingly.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. Comments were invited from the main parties and responses received have been taken into account.
5. The appeal site is located in the Green Belt. Based on the information presented, the development would not be inappropriate development in the Green Belt because it would accord with paragraph 154 g) of the Framework. This position is agreed by the main parties and I have no justifiable reason to come to a different conclusion.
6. A Structural Survey has been submitted with the appeal which the Council point out was not part of the planning application and therefore not subject to consultation or assessment as part of its decision making process. Although the structural report did not form part of the planning application, it was submitted

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

as part of the appellants' grounds of appeal at the outset of the appeal procedure. The Council consulted the relevant parties about the appeal and so an opportunity was given for any comments to be made. The Council has commented on the survey and so I do not consider that any unfairness or harm to natural justice would occur by my taking the structural survey into account in my assessment of the appeal.

Main Issues

7. The main issues are the effect of the proposal on: -

- the character and appearance of the area, including its effect on non-designated heritage assets; and
- the living conditions of the occupiers of The Haven and The Wash House by reason of loss of privacy or outlook.

Reasons

Character and Appearance

8. The appeal site comprises part of the former Ainsworth Nursing Home complex, located just off Knowsley Road on the outskirts of Ainsworth. Together with a number of other structures on the wider complex, it was developed in the early 20th century as part of Ainsworth Hospital for the treatment of smallpox. When the nursing home use ceased, the site was sold as separate plots and a number of these former hospital buildings converted to residential use, including The Wash House. Other buildings within the complex include, The Haven, The Bungalow and another dwelling to the south west of the appeal site, not yet built but granted planning permission². At this time, the appeal building was given the name The Coach House.
9. The Council's draft list of non-designated heritage assets indicates that all the 'Former Isolation Hospital' buildings are included in the local listing. I have taken all the former surviving hospital buildings to be non-designated heritage assets, including The Coach House.
10. The Coach House was formerly an isolation ward, while other structures housed an administrative block; the male and female hospital wards; baths; a laundry and a mortuary. The submitted heritage statement outlines that the site was in operation as a hospital in 1976 and subsequent to smallpox being eradicated, it became a nursing home in 1986.
11. The significance of these buildings individually derives from their architectural interest and associations with a locally renown architect, Henry Lord. Significance comes from the former use and function of the wider hospital complex and evidences the evolution of health and social care as a pre-cursor to the later creation of the welfare state and the National Health Service. Some of the other buildings have more architectural interest and detailing than others which contribute greater aesthetic value. Significance also comes from the buildings' group value, being a remnant of former hospital structures, with functional and associative links. Consequently, the wider former hospital site forms the setting for the designated heritage assets and each surviving

² Planning Application Ref: 68661.

- structure within this contributes to the significance of the designated heritage assets therein.
12. The Coach House is a rectangular single storey building, constructed of red engineering brick, a slate roof with terracotta ridge tiles, a feature entrance and emphasis on vertical fenestration. Compared to more striking former hospital buildings, such as Knowsley House, the Coach House is of a restrained design, unadorned and institutional aesthetic, of modest scale and simple in form. The submitted heritage statement describes the appeal building as being low in value historically, aesthetically and communally. However, the Council states that this type of former hospital building is rare and is the only one understood to have existed in the Borough and therefore of local significance.
 13. Other buildings on the wider complex might be of greater aesthetic value, reflective of their former functional status within the hospital complex. Nevertheless, the Coach House is of significance as part of the wider group and distinct for its separate and functional appearance, consistent with its original purpose as an isolation ward. The Coach House also shares historic and associative value with the other designated heritage assets on the wider complex, and contributes to their significance. The former hospital complex has evidently evolved and changed over time, including some buildings being demolished and others linked together. Despite additions, removals and alterations, to this day the original plan form, character and former use is legible. Therefore, the character and appearance of the wider complex, is greatly informed by the interrelationship, architectural hierarchy and cohesive character of the surviving former hospital buildings.
 14. The appeal scheme proposes the wholesale demolition of the Coach House. Consequently, the significance of this building would be lost in its totality. Furthermore, the demolition of the Coach House in the setting of other designated heritage assets on the site weaken what survives of a coherent former integrated hospital complex.
 15. The proposal would replace the existing single building with two detached dwellings. The design of the proposed dwellings is intended to reflect some of the design characteristics mentioned by a previous Inspector, who dismissed an appeal for the demolition of the existing building and erection of two detached dwellings³ on the same site.
 16. Of themselves, the proposed buildings would appear as two-storey houses that would be typical suburban residential properties, not dissimilar to that which can be found almost anywhere. Whilst it is possible to pick out some specific details such as brickwork and roofing materials or porches and chimneys, these specific details alone fail to reflect the identity of either the extant building, or the other former hospital buildings that characterise the wider site.
 17. Moreover, the proposed dwellings would be large, the four bedroomed dwelling, identified as House 1 would especially appear substantially larger and more dominant than the smaller dwelling alongside it, The Wash House. The development would also compete with Knowsley House, which historically was a key building on the hospital site. Although the buildings have long ceased to function as a hospital, there is a clear hierarchy of buildings that remains today. The introduction of two large detached dwellings as proposed, would

³ Appeal Ref: APP/T4210/W/22/3298500.

erode that balance and undermine the integrity of the overall site. The scale, form, design and overall appearance of the proposed dwellings would be at odds with the character and appearance of the former hospital, they would not sit comfortably within the wider setting of the heritage asset and would do little to respect its relevance and significance.

18. Drawing all of the above together, I consider that the proposed development would harm the significance of The Coach House and the other former hospital buildings in the wider complex, as non-designated heritage assets. The proposal would therefore result in total loss of significance of The Coach House and indirectly affect the significance of the other non-designated heritages. Furthermore, the proposed dwellings would do little to reflect the historical narrative of the site but rather would be uncomfortably out of place and harm the character and appearance of the area. The proposed development would therefore conflict with UDP⁴ Policy EN1 which, amongst other things, seeks to protect, preserve and enhance the character and appearance and amenity of the Borough's built environment. Moreover, it would conflict with the aims of the Framework to conserve and enhance the historic environment.

Living Conditions

19. The Haven is located to the south of proposed House 2 and the distance between the two falls below the separation standard normally required between habitable windows. These are set out in SPD 6⁵. Although this document relates to alterations and extensions to residential properties, the separation standards aimed to protect privacy and overbearing relationships between dwellings are applicable.
20. At first floor level, House 2 would incorporate three roof lights, two of which would be to bathrooms and the other to a bedroom. Although the roof light would provide the only window to the bedroom, this room would be modest in size and I see no particular harm in relation to the level of natural light that the roof light would provide. The distance between the window and the rear elevation and windows to habitable rooms at The Haven would be below the standard. The appellant suggests that this could be overcome by condition or amendment to the plan. Whilst it would not be appropriate to impose a condition requiring the plans to be amended, it would be reasonable to require detailed specifications of the window to be submitted which could specify the height of the window above the internal floor level of the bedroom, glazing and opening details. Furthermore, the window would be slightly off-set from The Haven and so I am satisfied that overlooking from this window could be minimised.
21. The Wash House lies to the west of proposed House 1 and although the proposed dwelling would be taller and larger than The Wash House, the distance between the two is sufficiently wide to ensure that it would not be unduly overbearing. As such, the living conditions of the occupiers of The Wash House would not be harmed due to an overbearing outlook.
22. Therefore, the proposal would not harm the living conditions of the occupiers of The Haven or The Wash House by reason of loss of privacy or outlook. UDP

⁴ Bury Unitary Development Plan, Adopted Plan 1997 – Written Statement Adopted by Bury Metropolitan Borough Council 29 August 1997.

⁵ Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties, Adopted 17 March 2004 and updated 13 January 2010.

Policy H2/1 requires development to make a positive contribution to the form and quality of the surrounding area taking into account matters including the position and proximity of neighbouring properties. Although the proposal would conflict with the SPD with regard to the separation distance, this would not cause harm as I have stated and no conflict with Policy H2/1 would arise. Both neighbouring properties have raised other concerns but these are not matters that would justify withholding permission on the basis of the effect on living conditions.

Other Matters

23. The structural report notes that there has been movement and/or erosion in the brickwork below damp course level to the front elevations although the brickwork above damp course level is reasonably plumb and within acceptable tolerance. To rectify these problems the report recommends the brickwork below damp proof course level to be taken down to the foundation and re-built. It goes on to state that as it would be extremely difficult to replace and underpin the brickwork, the main wall to the left hand side of the entrance should be taken down and rebuilt on a new foundation. Likewise, part of the rear wall would require the same level of treatment. Other works are also recommended.
24. The appellant states that these works would impact on the viability and the feasibility of a conversion. However, no evidence has been submitted to support this. The report alone is not sufficiently compelling to overcome the harms I have identified.

Planning Balance

25. The Council originally indicated that it did not have a five year supply of housing land as required by the Framework. However, the Places for Everyone Joint Development Plan has resulted in strategic housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable five year supply of housing land. Paragraph 11 d) of the Framework is therefore not engaged. Nonetheless, the proposed development would provide two additional dwellings that would contribute towards boosting the supply of housing and choice of homes available in the Borough. There would be economic benefits relative to the construction phase and as future occupiers feed into the local economy.
26. No concerns have been raised about the access or parking arrangement for the new dwellings and I note the appellants intention to prepare and submit a Construction Management Plan which could be secured through a condition. A section of impermeable access road would be removed and new hardstanding areas would be constructed with permeable surface material. The site would also be landscaped. I note that a sprinkler/misting system is proposed for each dwelling in order to address any concerns of the Greater Manchester Fire and Rescue Service. I also note that the new build scheme would be capable of delivering long term gains in energy efficiency and sustainability. Furthermore, the proposal would involve the partial redevelopment of previously developed land.
27. However, these benefits together with the lack of harm to the living conditions of the occupiers of The Haven or The Wash House do not overcome the harm I

have found to the character and appearance of the area and the non-designated heritage assets.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the reasons set out above, the appeal should be dismissed.

J D Clark

INSPECTOR



Costs Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

**Costs application in relation to Appeal Ref: APP/T4210/W/23/3332224
The Coach House, Former Ainsworth Nursing Home, Knowsley Road,
Ainsworth, Bury BL2 5PT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs K J & V Stopforth for a full award of costs against Bury Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing building and erection of two detached dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. A previous appeal to demolish the building and erect two dwellings was dismissed¹. In that appeal, the Inspector was not persuaded that the loss of the appeal building could not be mitigated against but found that the proposed scheme was not of sufficient design quality to mitigate against the loss.
4. Following that dismissal, the appellants focused on the design of the new dwellings for the submission of a revised scheme. They sought to address specific comments made by the previous Inspector and took into account the details of a scheme for a new dwelling recently approved by the council on land to the south-west of the appeal building².
5. However, in its delegated report for this proposal, the Council states that even if the two new dwellings were of exceptional quality it would still not mitigate against the total loss of a heritage asset. The appellants have taken this as indicating that the Council's position against the loss of the existing building was entrenched and no mitigation under any circumstances would be possible. This, they state would contradict the views of the previous Inspector.
6. Although the Council's statement suggests that an acceptable scheme is not possible it goes on to assess the proposed development. Its decision is based on the effect of the demolition and proposed new dwellings on the non-designated heritage asset, the character and appearance of the area and the effect on the living conditions of the occupiers of The Haven and The Wash

¹ Appeal Ref: APP/T4210/W/22/3298500.

² Planning Application Ref: 68661.

House. The Council justify its reasoning based on adopted development plan policies.

7. Section 16 of the Framework does not suggest that mitigation is necessary for the loss of a non-designated heritage asset but requires a balanced judgement to be made about the scale of the harm to the significance of the asset. In this case the proposal would result in the total loss of the asset. It therefore follows that the acceptability of any new build or replacement is balanced against the harm caused by the loss.
8. I am satisfied that the Council has not behaved unreasonably. Its decision has not prevented development that otherwise should clearly have been permitted, having regard to the development plan, national policy and other material considerations and the appellants therefore have not incurred unnecessary or wasted expense in submitting this appeal.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J D Clark

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/T4210/W/23/3330029

Land adjacent to Kingston Close, Elton, Bury BL8 2EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Konrad Wilk against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69656.
 - The development proposed was originally described as erection of four dwellings and community facilities with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.
3. Furthermore, on 21 March 2024, after the appeal was submitted, the Council adopted the Development Plan Document "Places for Everyone" (DPD). The Council's submissions assess the proposal against the policies of the DPD and the appellant has had an opportunity to comment on this matter within the appeal timetable.

Main Issues

4. The main issues are:
 - the effect of the proposal upon open space provision, highway safety, main water supply, and the character and appearance of the area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to relevant standards for internal space, and accessible and adaptable dwellings;
 - whether the proposed development would provide acceptable arrangements for the storage and collection of refuse and recycling;
 - whether the proposed development would provide acceptable arrangements for digital connectivity; and
 - whether the proposed development would be net zero carbon.

Reasons

Open space provision

5. The Council states that the appeal site is an area of amenity greenspace originally provided as a developer contribution in conjunction with residential development at Kingston Close/Newham Drive. It was assessed as being of good quality in the Council's Green Space Audit and Strategy 2015 and serves as informal recreation space. It is located within the urban area of Bury West, which is identified as an area of quantitative deficit. Representations during determination stage and to the appeal indicate use by the community for informal recreation, open air events, dog walking and other activities.
6. There is no substantive evidence before me to demonstrate that the appeal site is surplus to open space requirements. Regardless of whether the area is grassed without any facilities, the loss of such open space arising from the proposal would not be replaced by an equivalent provision in terms of quantity elsewhere. The presence of any other informal recreation/amenity space within a certain distance from the appeal site does not justify its loss in the context of an established shortfall.
7. The submitted plans detail a proposed recreational area, without further annotation to indicate any equipped play area. The document prepared by Sovereign (the Sovereign document) appears to be a quotation for an equipped play area, with a proposed layout to include various equipment. However, the layout indicates equipment sited within areas annotated on the proposed landscape plan as existing and/or proposed soft landscaping. Consequently, there is conflicting information regarding the layout of the area. Furthermore, there is no proposed mechanism before me to secure the indicated layout, nor its management and maintenance.
8. There is no substantive evidence before me pertaining to the existing supply of equipped play space and whether the proposal would address any shortfall in quantitative or qualitative terms. It has therefore not been demonstrated that the proposal would result in better provision in terms of quantity or quality in a suitable location; nor that it would result in alternative recreational provision, whereby the benefits of which could clearly outweigh the loss of the amenity open space/informal recreational space.
9. I therefore conclude that the proposal would have an unacceptable effect upon open space provision. It conflicts with DPD Policies JP-G6 and JP-P7, and Policies EN1/2 and H2/2 of the Bury Unitary Development Plan 1997 (UDP). Taken together, these policies seek to ensure an appropriate scale, type, quality and distribution of accessible green space; to protect and enhance existing urban green spaces and the network of high quality and accessible recreation spaces; and to ensure that new residential development demonstrates an acceptable standard of layout, including that for open space provision. It also conflicts with paragraph 103 of the Framework, which seeks to protect existing open space.

Highway safety

10. Each dwelling would have its own driveway to accommodate tandem parking spaces, with three spaces for Plot 4 and two for the other three plots. The driveways would be in proximity to the junctions of Kingston Close/Sutton

Close and Kingston Close/Finchley Close, where Kingston Close also bends towards the south. Plots 2 and 3 would share a double footway crossing, while plots 1 and 4 would have single footway crossings. The crossing serving Plot 4 would be very close to the access serving Nos 1 and 3 Finchley Close.

11. There is no substantive evidence before me to demonstrate how vehicles could safely enter and egress each plot with tandem parking in such proximity to multiple junctions. In the absence of any evidence to demonstrate that adequate visibility splays and forward visibility envelopes could be provided, I cannot be certain that the proposal would not unacceptably impede the free flow of traffic, nor result in an unacceptable risk of conflict between various highway users, including other vehicles, cyclists and pedestrians, particularly children visiting the proposed equipped play area.
12. The appellant draws my attention to other nearby properties with direct access from driveways across the footway. However, many of the examples do not have tandem parking arrangements, and those that do are not in such proximity to multiple junctions.
13. At present, the appeal site is largely bounded by a simple post and rail fence of a low height near to the back of the footway and the adjacent car park serving Bolton Road Methodist Church. The indicative layout for the proposed play area within the Sovereign document indicates that the existing pedestrian access to the recreational area would be retained, which is close to the proposed driveway to serve Plot 1.
14. The proposed landscaping plan does not indicate any new fencing to the proposed recreational area, save for a 2m high fence running along most of the side boundary to Plot 1. The appellant suggests that the layout plan within the Sovereign document clearly states a fence was to be provided to the boundary, However, this shows a hashed line annotated as "fence" and it is not clear that it would replace that existing, nor is any proposed fence specified in terms of height or form, and no new fencing is detailed within the quotation.
15. In any event, the fact of the matter is that the proposal would result in the creation of an equipped play area likely to be of increased attraction to children compared to the existing situation. In this context, it is likely that children would be at risk in travelling to the site or exiting from it, potentially into the path of approaching vehicles. It has not been demonstrated that measures to prevent or mitigate such risks are not required.
16. The landscaping plan details permeable block paving to each driveway. In the absence of a specification and in order to prevent surface water discharge onto the highway, the Council considers that further measures may be necessary. However, such matters could be controlled by a suitable condition.
17. Overall, the proposal fails to demonstrate that it would not result in unacceptable risks to highway safety in terms of potential conflicts between road users and pedestrians, including children. Furthermore, the proposal fails to demonstrate that such risks could be minimised or effectively mitigated.
18. I therefore conclude that the proposal fails to demonstrate that it would not result in unacceptable harm to highway safety. It conflicts with UDP Policies H2/2, HT2/4 and HT6/2. Taken together, these policies seek to ensure a satisfactory layout for new residential development, with regard to pedestrian

and highway safety, car parking provision, access for vehicles and pedestrians, and open spaces including children's play areas.

Main water supply

19. A water main runs across the site with an easement. Due to the absence of an appropriate survey and/or site-specific investigations, the accurate location, line and depth of this main is unknown. The rear elevations of the proposed dwellings would be sited at the edge of the easement, with surface water drainage and patio areas extending into the area of easement.
20. Although the appellant has liaised with United Utilities (UU) on this matter, UU object to the proposal. If the Council had been minded to grant permission, I note that UU sought a pre-commencement condition to control this matter, along with the removal of permitted development rights for any extensions or buildings to the rear of the proposed dwellings, in order to ensure the safety of the water supply and in the interests of public health.
21. The results of a detailed survey could result in a substantial change to the proposal, for example in terms of the scale, siting and footprint of built form and the overall layout. Consequently, I cannot be certain that the proposal would be fundamentally the same as that before me, and therefore I am not content to leave this matter to a condition. Furthermore, I am not content to impose a condition to restrict permitted development rights in the absence of a clear and convincing justification.
22. I therefore conclude that the proposal fails to demonstrate that it would not unacceptably harm main water supply. It conflicts with UDP Policies H2/2 and EN1/2, which seek to ensure that new residential development demonstrates acceptable standards of layout, including the relationship of development to the surrounding area. It also conflicts with the objectives of the Framework to achieve well-designed places.

Character and appearance

23. The surrounding residential area is comprised of two storey properties, predominantly detached with hipped roofs, some with gabled front projections and roof canopies above entrance doors and integral garages. There are semi-detached forms along Finchley Close which have an asymmetrical appearance due to the use of front gables, which harmonise with the surrounding detached forms in the area. Further harmony is achieved through the use of consistent materials including brickwork, brick detailing, and window proportions.
24. The proposed dwellings would be 2.5 storeys, with wide box dormers set within the front roof plane of a shared pitched roof, to provide accommodation within the roof space. While the ridge height would be commensurate with nearby properties, the proposed roof pitch is such that it would be much steeper than the shallower pitch of roof forms within the wider area.
25. These factors would combine to result in a top-heavy and disproportionate appearance in comparison to properties within the surrounding area. Consequently, the proposed dwellings would appear incongruous and discordant to the wider character and appearance of the area, despite the use of similar materials.

26. The appellant suggests that existing properties in the surrounding area would be able to construct dormers under permitted development rights. However, there is no substantive evidence before me to demonstrate that such properties would meet the requirements of the GPDO¹. Although the GPDO permits alterations/additions to the roof of a dwellinghouse, such rights do not apply where works would extend beyond the plane of an existing roof slope to a principal elevation that fronts a highway.
27. I therefore conclude that the proposed development would harm the character and appearance of the area. It conflicts with UDP Policies H2/1 and EN1/2. Taken together, these policies seek to ensure that new residential development makes a positive contribution to the character of the surrounding environment, including through its design and roof type; and does not adversely harm the character and townscape of the borough.

Refuse and recycling facilities

28. The proposed plans do not indicate an area for the storage of bins for refuse and recycling. The appellant suggests that bin storage could be accommodated within the rear amenity area of the proposed dwellings. Given the relationship between the footprint of the proposed built form and the size of the plot, I am satisfied that bin storage could be accommodated within the curtilage of each dwelling, and therefore this matter could be controlled by a suitable condition.
29. My own observations indicate that nearby properties store bins within their frontage/rear amenity space. While the placement of bins along the footway outside of collection days could cause an obstruction on the footway, this would be no different to the prevailing situation in the surrounding area.
30. I therefore conclude that, subject to a suitable condition, the proposed development would provide acceptable arrangements for the storage and collection of refuse and recycling. It would accord with UDP Policies H2/2, HT2/4 and HT6/2 insofar as these policies relate to satisfactory arrangements for the servicing of new residential development.

Living Conditions

31. DPD Policy JP-H3 seeks to ensure that new dwellings comply with *Technical housing standards – nationally described space standard* (THS) and are built to 'accessible' and adaptable standard in Part 4(2) of Building Regulations. The appellant states that the proposed dwellings would comply with the THS, and there is no substantive evidence before me to indicate otherwise. In any event, these matters could be controlled by suitable conditions.
32. I therefore conclude that subject to suitable conditions, the proposed development would provide acceptable living conditions for future occupiers, with particular regard to relevant standards. It accords with DPD Policy JP-H3.

Digital connectivity

33. DPD Policy JP-C2 seeks to ensure that new development is equipped with electronic communication services and requires all new development to have full fibre to premises connections. The policy expects that internet connections will be operational and immediately accessible to network providers when

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

occupiers move into new properties. There is no substantive evidence before me to demonstrate that the proposal would comply with this policy.

34. However, as the policy allows an exception if it can be demonstrated that such connectivity is not practicable or financially viable, and the appeal site is within an established residential area in an urban location, I see no reason why the proposal could not comply with this policy. Therefore, this matter could be controlled by a suitable condition.
35. I therefore conclude that subject to a suitable condition, the proposed development would provide acceptable arrangements for digital connectivity. It accords with DPD Policy JP-C2.

Net Zero Carbon

36. DPD Policy JP-S2 expects all new development to be net zero carbon. The expectation from the adoption of the DPD is that net zero carbon should be achieved for regulated carbon emissions; from 2028 for all emissions in construction; and from 2025, development should also calculate and minimise carbon emissions from unregulated emissions. An energy statement should set out how this will be achieved, in accordance with an energy hierarchy. There is no energy statement before me, nor any substantive evidence to detail how the proposal would comply with this policy.
37. However, the policy allows an exception if it can be demonstrated that net zero carbon is not practicable or financially viable. I therefore see no reason why the proposal could not comply with this policy, and this matter could therefore be controlled by a suitable condition.
38. I therefore conclude that subject to a condition, the proposed development would accord with DPD Policy JP-S2, whose objectives I have set out above.

Other Matters

39. The fact that the proposal would provide acceptable separation distances to nearby properties is a neutral matter, attracting no weight either for or against the proposal.
40. The Council accepts that the proposal would result in the loss of a low ecological value habitat, and I find no reason to consider otherwise. The appellant suggests that the proposed tree/shrub planting would deliver a biodiversity net gain. However, this has not been robustly demonstrated, and the proposed landscape plan conflicts with the indicative layout for the equipped play area. This matter therefore attracts no weight in favour of the proposal.
41. A range of other matters of concern have been raised by interested parties. However, as I am dismissing the appeal on the main issues, and consideration of these matters will not alter my decision, it is not necessary for me to address them directly.
42. The appellant suggests that the majority of the Council's concerns could have been clarified and overcome during the determination phase. For the avoidance of doubt, the handling of a planning application by a local planning authority does not affect my consideration of the planning merits of the proposal.

Planning Balance and Conclusion

43. At the time of determination, the Council was unable to demonstrate a five-year supply of deliverable housing sites. Following the adoption of the DPD in March 2024, the Council states that it is now able to demonstrate a five-year supply of deliverable housing sites with a 20% buffer. Nonetheless, by virtue of the latest Housing Delivery Test, the Council accepts that paragraph 11 d ii) of the Framework is engaged. The appellant does not dispute this position.
44. There are no areas or assets of particular importance that provide a clear reason to refuse the proposed development. In these circumstances, the Framework sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
45. The policies with which the proposal conflicts are largely consistent with the objectives of the Framework to achieve well designed and beautiful places, to protect existing open spaces, to provide safe and suitable access for all users of proposed development, and to minimise the scope for conflicts between pedestrians and vehicles. As such, I apportion significant weight to these identified policy conflicts.
46. The proposal would provide four dwellings and therefore it would contribute to the supply of housing and support the government's objective to significantly boost the supply of homes. As a small site, it could be built out relatively quickly. However, these benefits would be limited by the scale of the development proposed. I therefore attach limited weight to these matters.
47. Further economic benefits would arise during the construction process, but these would be temporary. The proposal would deliver additional household expenditure into the economy, but this would be of a limited scale. Such benefits would attract limited weight.
48. I have found that the proposal would unacceptably harm the provision of open space and would also harm the character and appearance of the area. It also fails to demonstrate that it would not unacceptably harm highway safety and the main water supply.
49. Drawing all of the above together, it is clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.
50. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR



Appeal Decision

Site visit made on 2 May 2024

by **R Jones BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/T4210/W/23/3333657

Land adjacent to 1 Park Avenue, Ramsbottom, Bury BL0 0DA

- 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 Andrew Gaskill against the decision of Bury Council.
 - The application 69884, dated 11 July 2023, was refused by notice dated 3 November 2023.
 - The development proposed is new detached 3 storey house.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18th June 2024.

Decision

1. The appeal is allowed and planning permission is granted for new detached 3 storey house at land adjacent to 1 Park Avenue, Ramsbottom, Bury BL0 0DA in accordance with the terms of the application, 69884, dated 11 July 2023, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Andrew Gaskill against Bury Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Places for Everyone Joint Development Plan (PfE) was adopted in March 2024. It replaces some policies, or sections of policies, of the Bury Unitary Development Plan (1997) (UDP). Those UDP policies referred to in the Council's decision notice, namely Policy H2/1, H2/2, EN1/2 and HT2/4, have not been replaced but the Council advise that Policy H2/1 is now supported by PfE Policy JP-H3. The views of the main parties were sought on this matter.

Main Issues

4. The main issues in this case are the effect of the proposed dwelling on:
 - 1) the character and appearance of the streetscene;
 - 2) the living conditions of the neighbours at No.76 Bury New Road, with regards outlook and privacy;
 - 3) the integrity of the adjacent adopted highway of Bury New Road; and

4) the free flow of traffic and highway safety.

Reasons

Character and appearance

5. The appeal site comprises land formerly within the curtilage of No.1 Park Avenue (No.1), a semi-detached dwelling, situated on the corner of Park Avenue and Bury New Road. No.1 and its attached pair have recently been remodelled which has included converting the original hipped roof to a gable, new fenestration and a render and grey cladding finish. The semi-detached pair is orientated toward the corner of Park Avenue and Bury New Road and their very contemporary finish and detailing is distinctly different to other dwellings facing Park Avenue.
6. The proposed dwelling would be sited to the side of No.1, similarly facing the corner, but set slightly forward of the front building line of the semi-detached pair. I observed on my site visit that at either end of Park Avenue (on the corners of Bury New Road and Shipperbottom Lane) a semi-detached pair is orientated at an angle, providing a building line or frontage as the corner is returned. I did not, however, find this established layout to create a particularly distinctive sense of place, and the siting of the proposed dwelling would not cause any particular harm to the group of dwellings on the north side of Park Avenue.
7. Because of its corner location, the appeal site is prominent when travelling from the north-west on Bury New Road, including from the Public Right of Way over the motorway bridge. From the north-west, the large steep gable of No.76 Bury New Road is visible behind No.1 and No.3 Park Avenue. The proposed dwelling would be two-storey in height (with a bedroom in the roofspace) and, although offset from its boundaries, it would largely fill the gap between No.1 and the footway along Bury New Road. It would therefore obscure the view of No.76's gable, but the design of the proposed dwelling with a slate appearance pitched roof, simple porch detail and render finish, would complement the adjoining semi-detached pair. It would further have a similar ridge height and massing to its neighbours. Whilst I note that most existing dwellings on Park Avenue and Bury New Road are semi-detached and primarily red-brick with a hipped roof, the proposed dwelling would form part of a small group or composition with No.1 and 3 Park Avenue. Therefore, although prominent, it would not appear intrusive in, or starkly conflict with, the existing streetscene.
8. Consequently, there would be no conflict with saved policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan (1997) (UDP) of PfE Policy JP-H3 because the proposed dwelling is consistent with the principles of good design, has an acceptable standard of layout and makes a positive contribution to the form, quality and distinctiveness of the surrounding area. Further, there would be no conflict with the principles of good design in Section 12 of the National Planning Policy Framework (the Framework) or with paragraph 41 of the National Design Guide (2021) in so far as it advises that well-designed new development should respond positively to the surrounding context beyond the site boundary, including the layout, form, scale, appearance and materials of existing built development.

Living conditions

9. No.76 Bury New Road (No.76) is a semi-detached bungalow facing Bury New Road to the south-east of the appeal site. I observed on my site visit that because of the difference in ground level, the ground floor of No.76 broadly aligns with the first floor of No.1 Park Avenue and there is a significant retaining wall along the common boundary (which would be retained). There is a door on the gable of No.76 facing the appeal site, but the orientation of the windows are toward the front and rear of the bungalow.
10. The proposed dwelling would be sited forward of No.76 (closer to Bury New Road) and there is a difference in opinion between the parties about how far it would be offset from the shared boundary; the Council contend that the separation distance would be only 4.7m, compared to the appellant's 9.8m. Irrespective of this difference, from my observations on site, I am satisfied that the proposed distance from the boundary, and its siting at a lower level, means that the proposed dwelling would not appear uncomfortably close to No.76. Nor, despite being sited around 4m forward of No.76 (closer to Bury New Road), would it result in an undue sense of enclosure. The principal outlook from No.76 would remain to the front and rear of the bungalow, and whilst part of the first floor and roof of the proposed dwelling would be visible from the front windows of No.76, it would be at an oblique angle.
11. At first floor, the proposed dwelling would have a window to two bedrooms that would face the common boundary with No.76. However, the siting of the proposed dwelling forward of the front building line, and its offset from the boundary means that these windows would overlook only the front driveway of No.76. I do not therefore find that there would be overlooking such that there would be a material loss of privacy for these neighbours.
12. For these reasons, I conclude on the second main issue that there would be no harm to the living conditions of the neighbours at No.76. Consequently, there would be no conflict with UPD policies H2/1 and EN1/2 in so far as they require consideration of the relationship of the proposal to the surrounding area and the position and proximity of neighbouring properties. Nor would there be a conflict with paragraph 135 of the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Highway Integrity

13. The back of the footway along Bury New Road forms the northern boundary of the appeal site and between this and the site itself is a difference in levels, which increases from around 2m to 4m between the front and rear, and an existing retaining wall. The proposed site plan shows that part of this retaining wall (located broadly centrally within the site) would need to be removed to accommodate the proposed dwelling. The Council's concern is that insufficient information has been provided to demonstrate that this could be achieved without affecting the structural integrity of the footway and adopted highway.
14. The details submitted with the planning application show (in section) the rebuilding of the retaining wall in brick, with a traditional strip footing, and a reprofiled embankment behind (up to the footway). The appellant has further provided in their evidence a letter from a Civil Engineer that explains the detail shown in the section. It is not clear from the consultation response from the

Council's Head of Engineering why the submitted information is therefore considered insufficient.

15. The submitted Section Location drawing (dwg no. 21.004-008-A) shows that a limited section of the existing retaining wall would be removed, with the proposed dwelling offset a minimum 2m from the back of the footway and around 4m from the adopted highway. There is sufficient space within the appeal site for the retaining walls to be relocated and rebuilt and the land reprofiled. Subject to a condition controlling the details as submitted, I am not therefore persuaded that the proposals would cause any harm to the integrity of the footway, or highway beyond. Any works to the footway itself would in any event require the approval of the highways authority.
16. Consequently, there would be no conflict with UDP Policy H2/2 which requires new residential development to demonstrate acceptable standards of layout including access for pedestrians and design for safety. UDP Policy HT2/4 relates to car parking and servicing requirements and is not therefore relevant to this main issue.

Car parking

17. The proposed site plan (dwg. No. 21.004-003-A) shows sufficient driveway parking for 3no. cars, accessed from the corner of Park Avenue and Bury New Road (using the original access to No.1 Park Avenue). There is no dispute between the parties that the appeal site can accommodate the required number of car parking spaces, but the Council's concern is that there is insufficient space to leave the site in forward gear. I observed on my site visit that the existing retaining wall (shown as retained) limits the width of the driveway and consequently cars would need to reverse into, or from the site. The footway at the corner of Park Avenue and Bury New Road is relatively wide and the location of the existing dropped kerb means it would be possible to manoeuvre a car to and from Park Avenue (in reverse gear), which is a quiet residential road. There would, therefore, be no need to reverse to or from the busy Bury New Road and consequently no conflict with the free flow of traffic.
18. I note that the consultation response from the Council's Head of Engineering does not raise the parking arrangements for the proposed dwelling as a reason for refusal, rather the loss of parking and adequate access for No.1 Park Avenue. As No.1 does not itself fall within the appeal site, this issue is outside the scope of my consideration.
19. For the reasons given, on the final main issue I conclude that the car parking layout is sufficient to ensure the free flow of traffic and road safety. There would therefore be no conflict with UDP policies H2/2 and HT2/4 which together require new residential development to demonstrate acceptable car parking provision and access.

Other Matters

20. PfE Policy JP-S2 replaces policies EN4, EN4/1, EN4/2 of the UDP which relate to energy conservation. The aim of PfE Policy JP-S2 is to deliver a carbon neutral Greater Manchester no later than 2038, supported through a range of measures including an expectation that new development will, unless it can be demonstrated that it is not practically or financially viable, be net zero carbon, applicable to regulated operational carbon emissions. The Policy outlines that

new development proposals should set out how this can be achieved in an Energy Statement; the absence of which the Council now raise as an issue with this appeal. Whilst I recognise that the emphasis on reducing carbon emissions has increased, the relevant saved UDP policies nonetheless encouraged development which contributed to energy conservation, provision of renewable energy sources and energy efficiency. These UDP policies were not listed, or referred to, in the Council's Delegated Report as being relevant to the application, nor was an Energy Statement requested during determination of the planning application.

21. PfE Policy JP-H4 requires new housing to be delivered at a density appropriate to its location. The Council have referred to the policy seeking a minimum of 50 dwellings per hectare in locations between 400m and 800m of a defined centre, and that the onus is on an applicant to provide the site area for all application sites and how they accord with this policy. The site area (372sqm) for the appeal site was provided in the planning application form and whilst the density would be below the minimum sought, for the reasons given above in respect of the character and appearance, the layout and scale of the proposed development is appropriate to its location.
22. The Council have also alleged a conflict with both PfE Policy JP-G7 (Trees and Woodland) and Policy JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) and refer to clearance of the site, considered 'abundant with shrubs and trees.' Save the Street Scene images provided in the Council's evidence, which show shrubs beyond the boundary hedge (which would be retained) I have very limited information regarding the number of trees on site, or the baseline biodiversity value. The site had been cleared by the time of my site visit and no trees are identified on the Site Survey, or referred to in the planning application form. On the evidence before me, it is not therefore possible to determine whether there is a conflict with PfE Policy JP-G7 12) in so far as it requires each tree lost to be replaced by two new trees. Nor is it possible to determine whether there would be any harm to biodiversity and therefore a conflict with PfE Policy JP-G8. The mandatory requirement of providing a 10% minimum net gain to biodiversity is not applicable to this case.
23. For the reasons given above, none of these other matters raised by the Council, lead me to form a different conclusion to the one above.

Conditions

24. A set of suggested conditions was submitted by the Council which the appellant has seen and commented on. I have used these as the basis for those I have imposed, having regard to the advice on the use of conditions in the Framework and Planning Practice Guidance.
25. In addition to the standard implementation condition, I have imposed a condition that specifies the approved drawings in the interests of certainty. As the proposed materials are specified on these approved drawings, I do not find it necessary to require samples and further full details of all materials to be used on external surfaces to the submitted to and approved by the local planning authority. To ensure good design and the appearance of the site, I have, however, imposed a condition requiring the provision, and thereafter, retention of the bin store shown on the approved site plan.

26. In the interests of minimising risks from potentially contaminated land, I have imposed conditions requiring an assessment of the risk posed by any contamination to have been submitted to and approved in writing by the local planning authority before the commencement of any works; and if contamination is identified that no works should begin until submission and approval in writing of a detailed remediation scheme. In the interest of minimising flood risk, I have imposed a condition that the development must include provision of a potential SuDs option for surface water drainage.
27. For the reasons given in respect of the third main issue, I do not find it necessary to impose a condition requiring an 'Approval in Principle' for the proposed replacement retaining structure on the Bury New Road boundary. The details of these are controlled by the condition specifying the approved drawings. In the interests of highway safety, given the proximity to Bury New Road, I have however imposed a condition requiring the submission and approval of a Construction Management Plan which would also include a photographic dilapidation survey of the footway and carriageways abutting the site in the event remedial work is required.
28. The Council have suggested a condition which would remove Classes A to G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which includes the enlargement, improvement or other alterations of a dwellinghouse, additions and other alterations to the roof, porches and buildings incidental to the enjoyment of a dwellinghouse. The Council have provided no justification for such as extensive removal of national permitted development rights and consequently, having regard to paragraph 54 of the Framework, the suggested condition has not been imposed.
29. To ensure compliance with PfE Policy JP-H3 the Council have suggested a condition requiring the dwelling to be designed and built in accordance with optional Part M4(2) 'Accessible and adaptable dwellings' of Building Regulations. I agree that such a condition is necessary, but to reflect the requirement of PfE Policy JP-H3 I have amended the Council's suggested wording. The Council have also suggested a condition requiring the provision of 1 Electric Vehicle charge point. However, as Part S of the Building Regulations is now in effect this condition is not necessary.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

R Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: Drawing no. 003 Rev. A: Proposed Site Plan; Drawing no. 001 Rev. A: Proposed Plan and Location Plan; Drawing no. 002 Rev. A: Proposed Elevations; Drawing no. 005 Rev. A: Existing and Proposed Block Plan; Drawing no. 004 Rev. A: Proposed Street Scene – LPA NOTE: PARTIAL Street Scene Drawing no. 006 Rev. A: Existing and Proposed Street Scene (Black and White); Drawing no. 006 Rev. A: Existing and Proposed Street Scene (Coloured); Drawing no. 008 Rev. A: Existing and Proposed Section Location; Drawing no. 009 Rev. A: Existing and Proposed Site Section C-C; and, Drawing no. 011 Rev. A: Existing Topographical Survey.
- 3) The bin store facilities shown on the approved site plan (Drawing no. 003 Rev. A) shall be implemented and made available for use prior to the first occupation of the development hereby approved and thereafter maintained.
- 4) The dwelling hereby approved shall be designed and built in accordance with the accessible and adaptable standard in Part M4(2) (Accessible and adaptable dwellings) of the Building Regulations, unless it can be demonstrated to the satisfaction of the Local Planning Authority that specific site conditions make this impractical.
- 5) No development shall commence unless and until:-
 - i. 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;
 - ii. 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;
 - iii. Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. These works shall be undertaken in accordance with any approved details.
- 6) Following the provisions of Condition 5) of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
- 7) The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for

Sustainable Drainage Systems (March 2015). This must include provision of potential SuDS options for surface water drainage. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

- 8) No development shall commence until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall include the following:
- i. Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
 - ii. Access point for construction traffic from the adopted highway;
 - iii. Site hoardings (if proposed) clear of the adopted highway and the visibility splay;
 - iv. Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - v. 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. The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.



Appeal Decision

Site visit made on 16 July 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/T4210/W/24/3340518

Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, Bolton BL2 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Stuart Alderson against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70163.
 - The development proposed is agricultural building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. I have taken the address and the description of the proposed development from the Council's decision notice as it more succinctly describes the proposed location and development.
3. Amended plans were submitted during the course of the application, which repositioned the proposed agricultural building approximately 22m from the nearest residential property, The Bungalow, turning it through 90 degrees and reducing its width from 11m to 9m. I have determined the appeal on this basis.
4. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (2024 Amendment) came into force on 21 May 2024. However, the amendments to Class A do not apply in this instance and do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties.
5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. There is no dispute that the proposed development is reasonably necessary for the purposes of agriculture or that the site is part of an agricultural unit greater than 5 hectares. On the evidence before me, I see no reason to disagree with this.
6. Where it is determined that development falls within the scope of these provisions, and any limitations are met, sub-paragraph 2 of paragraph A.2

requires an application to be made to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. My determination of this appeal has been made on the same basis.

7. On March 21, 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (the PfE) as part of their Development Plan. Policies JP-G1 and JP-G9 of the PfE have superseded Policies EN9/1 and OL1 of the Bury Unitary Development Plan (1997) (UDP). The principle of development is established by the GPDO and the provisions of Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan or the National Planning Policy Framework (the Framework). I have had regard to the Framework, these policies and the policies referenced in the evidence before me in so far as they are material considerations relevant to matters of siting, design and external appearance.

Main Issue

8. The main issue is whether the proposal would satisfy the detailed prior approval matters including the effect of its siting, design and external appearance on the living conditions of nearby occupants, with regard to outlook, and noise and disturbance.

Reasons

9. The appeal proposal would be located in part of an agricultural field, to the east of an access road to the former Ainsworth Nursing Home, and south of a residential building known as The Bungalow. The former nursing home has been converted to residential use. There are currently three residential properties at the site, with two further dwellings approved and two more currently under consideration through the planning appeal process. To the south of the proposal, at some distance, lie a row of cottages. The surrounding area is largely open and agricultural.
10. The plans indicate that the proposed building would be 27.5m long and 9m wide, with a ridge height of 6.5m and eaves height of 5m. It would be constructed from concrete panels and green steel sheets, and would be of a single apex design with overhang on the proposed open side. Whilst the proposal would be visible from long range views and from a public right of way to the east, it would be a functional agricultural building, and would not be incongruous or uncharacteristic within the rural setting. It would be viewed against the backdrop of existing buildings and as such would not appear as isolated or conspicuous.
11. However, the proposal would be sited approximately 22m from the nearest elevation of The Bungalow. Whilst the proposed building would be parallel to the road, it would be sited directly to the south of The Bungalow. The proposal's 9m wide side elevation would face the residential property and extend for the majority of the width of the residential dwelling, which is itself approximately 10m in width.
12. I acknowledge that the proposal would be set slightly lower than The Bungalow, and that the main aspect of The Bungalow would not face the barn. However, the proposal would be located in proximity to the rear garden of the

- residential dwelling, which has windows in its elevation facing the proposed agricultural building.
13. Other neighbouring properties would be situated further away from the proposed agricultural building, and I do not consider that the living conditions of their occupiers would be harmed by the proposal with regards to outlook. However, the close proximity to The Bungalow caused by the siting of the proposed building would harm the living conditions that the occupiers of The Bungalow benefit from. In particular, their enjoyment of the rear garden would be diminished by its presence as an imposing building. Given the siting and scale of the proposal, it would impose a significant bulk of built development that would result in an overbearing and obtrusive impact on the users of The Bungalow's outside space and when viewed from the property's windows facing the proposal.
 14. Whilst planting along the boundary would screen the building to some degree, the building would still be visible from the residential property. I acknowledge that fencing and trees were originally in place along the boundary, which would have more effectively screened the proposal. However, I must determine the appeal on the situation before me. Further landscaping would take time to establish, and I am not persuaded that it could provide a fully effective screen, particularly in the winter months.
 15. The building would be used for the storage of livestock fodder and agricultural equipment. As the field is already in agricultural use, it is likely that neighbouring dwellings would already be subject to some level of noise from tractors and agricultural machinery. Furthermore, in rural areas such as this, farming activities and associated noise and disturbance are commonplace. The appellant has indicated that during the summer there would be no increase on the approximately 120 journeys already undertaken both ways from the fields to the farmyard. During the winter hay bales would be moved from the barn, which would involve a tractor and pick-up trailer and would take approximately 60 minutes per week. Neighbouring residents would themselves undertake vehicular journeys, which would lead to some level of noise and disturbance to other neighbours. Consequently, I consider that the proposal would not unacceptably harm the living conditions of neighbouring occupiers with regard to noise and disturbance.
 16. As such, whilst I conclude that the effect of the proposal's siting, design and external appearance proposal would not be unacceptable as regards noise and disturbance, it would have an unacceptable effect on the living conditions of nearby occupiers with regard to outlook. As a result, it would be contrary, as far as they are material considerations, to paragraph 135 of the Framework and OL4/5 of the UDP which seek to ensure, amongst other matters, that development does not harm the amenity of nearby residents.
 17. Whilst the Council have referenced Policies JP-G1 and JP-G9 of PfE and Policies OL1/2 and OL7/2 of the UDP and Supplementary Planning Document 8 – New Buildings in the Green Belt, these relate to Green Belt and landscape designations. I do not consider that they are directly relevant to the siting, design and appearance of the proposal in relation to the living conditions of neighbouring occupiers, and as such I have not regarded them as material considerations in my decision.

Other Matters

18. I note that the site is in Green Belt and designated under the UDP as a Special Landscape Area, and is located within the West Pennine Moors. However, these are not matters for consideration under Schedule 2, Part 6, Class A of the GPDO.
19. From the evidence before me, the former Ainsworth Nursing Home is considered to be a non-designated heritage asset (NDHA). The original buildings date from the early twentieth century and were built to create a smallpox isolation hospital. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The council has not raised concerns regarding the impact of the proposal on the NDHA. The site's remaining heritage buildings are well screened by trees, which have a group tree preservation order. Furthermore, the proposal would be viewed in relation to The Bungalow, which is a more modern addition to the site. For these reasons, I also find that the siting, design and external appearance of the proposed development would not be harmful to the NDHA.
21. I recognise that there are UDP policies which may support the proposal. However, as mentioned earlier, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to policies only in so far as they are material considerations relevant to matters of siting, design and external appearance.
22. I acknowledge that there is some support for the proposal and that it is needed for an agricultural use. The appellant's farming business has grown, and the appellant wants to evolve the business in a sustainable manner. Furthermore, the proposal would also help to guard against the theft of farm machinery and equipment. I recognise that decisions should be consistent and language unambiguous. I also appreciate the efforts that the appellant has made to address concerns, such as reducing the footprint of the proposal, reorientating it and moving it further from The Bungalow. Despite all these matters, I am required to assess the proposal on its own merits having regard to its siting, design and external appearance. Having done so in this case, I have found that the proposal would be unacceptable for the reasons set out.

Conclusion

23. For the reasons given above, the appeal should be dismissed.

L C Hughes

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/T4210/D/24/3340383

1 Pitt Street, Radcliffe, Bury M26 3TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ray Ellis against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70189.
 - The proposed development was originally described as balcony on roof of extension with a toughened obscure glazed balustrade with stainless steel post and top rail at 1100mm high.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates the development was completed, and I was able to see this during my site visit. I have determined the appeal on that basis, as did the Council. Further to a request made by the Council I undertook an 'Access Required Site Visit' to a neighbouring property 23 Crossfield Drive.
3. On 21 March 2024, after the appeal was submitted, the Council adopted the Development Plan Document "Places for Everyone" (DPD). In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I offered an opportunity for the main parties to comment on this matter. No further comments were made.

Main Issues

4. The main issues are the effect upon the living conditions of neighbouring occupiers, with particular regard to privacy, noise and disturbance; and if any harm arises, whether there are material considerations, including personal circumstances, that outweigh such harm.

Reasons

5. The appeal site is within a residential area. The appeal property (No 1) and its semi-detached neighbour at No 3 are dormer bungalows. Due to the development pattern of the area, the rear elevations and/or gardens of properties along Crossfield Drive (odd numbers) face towards the flank and/or rear elevation of No 1.
6. The balcony is accessed from patio doors serving a bedroom in the rear dormer and occupies the flat roof of an existing single storey rear extension (the extension). Although the extension does not occupy the full width of the rear

- elevation, it projects to a significant depth, such that it forms an area of about 20m², with a modest lantern window in the centre serving the extension below.
7. Due to its siting, sheer scale, depth and width, the balcony enables an extremely wide angle of view towards the rear of properties along Crossfield Drive. Such views include those of rear gardens at an elevated position, and also through windows within rear elevations serving bedrooms. Direct views are also available into the rear garden of the adjoining neighbour at No 3.
 8. The most direct views are available towards No 23 Crossfield Drive, which has a modest rear garden with a boundary just 3m from the balcony. During my visit I was able to see the reciprocal view from within the two rear bedrooms serving No 23, which confirmed that views from the balcony were uncomfortably close.
 9. Consequently, the degree of overlooking from the balcony to neighbouring properties is significant. This is not adequately mitigated by the use of an obscurely glazed panel balustrade of 1.1m height, creating an unacceptable reduction in privacy for neighbouring occupiers.
 10. The appellant suggests that issues of overlooking are irrelevant as the appeal property with its extension pre-dates the construction of nearby properties along Crossfield Drive, and at the time those properties were first occupied, only a post and rail fence was in place at the rear boundary. Furthermore, the appellant claims that views of the adjoining neighbour's rear garden were always available from the bedroom window within the rear dormer of the appeal property. As such, the appellant maintains that there has always been an overlooking relationship to nearby properties.
 11. However, this position fails to take account of the fact that it is the subsequent use of the flat roof of the extension as a balcony that has fundamentally altered the relationship with neighbouring properties. Moreover, the reciprocal angle of view from a window within the first floor of properties is markedly more restricted compared to views from a balcony, even more so in comparison to a balcony of such a scale as that before me.
 12. The appellant claims that the obscure screen would obstruct reciprocal views between the rear dormer windows of the appeal property and those directly opposite, compared to the view without it. In this regard, I agree, but this does not justify the adverse harm that arises from the use of the roof of the rear extension as a balcony, nor has it been demonstrated that this is the only way to achieve any further desired levels of privacy.
 13. The fact of the matter is that the use of the roof above the rear extension as a balcony significantly changes the privacy relationship with neighbouring properties, such that the scope for overlooking is considerably increased to the extent that the privacy of neighbouring occupiers is unacceptably diminished.
 14. Due to its sheer size, the balcony is capable of accommodating a large number of people. The appellant's submissions state that no lighting is installed on the balcony. However, during my visit I saw that the balcony included power supply points and some very limited solar lighting around various ornamental displays. Consequently, the proposed development could give rise to noise and disturbance from activities on the balcony, as well as disturbance from external lighting.

15. The appellant states that the intended use of the balcony is a tranquil and peaceful space for existing occupiers and is willing to accept conditions to control such matters, although no proposed condition is before me. While a breach of such a condition would not be impossible to detect, it would be unreasonably onerous to do so.
16. I therefore conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers, with particular regard to privacy, and noise and disturbance. It conflicts with Saved Policies H2/3 and EN7/2 of the Bury Unitary Development Plan 1997, and the guidance within Supplementary Planning Document 6: Alterations and Extensions to Residential Properties. Taken together, these policies and guidance seek to ensure that house extensions and alterations do not unacceptably harm the amenities of neighbouring occupiers.

Other material considerations

17. The appellant's appeal submissions refer to personal health circumstances of the appellant, and the need to access fresh air in the event of a need to isolate from others, including members of his family.
18. I have therefore had regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age and disability are relevant protected characteristics to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. However, these are qualified rights whereby interference may be justified in the wider public interest.
19. The purpose of the proposal would be a positive consideration, in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons, and fostering good relations between them and others.
20. Although I am sympathetic to the appellant's personal health circumstances, it has not been demonstrated that the proposed development is the only way of meeting the personal health needs of the appellant, nor that it would represent the least harmful option.
21. I am therefore satisfied that the PSED considerations and appellant's personal circumstances do not outweigh the unacceptable harm that I have identified and that if I were to dismiss the appeal, it would be a necessary and proportionate approach to the legitimate aim of protecting the living conditions of neighbouring occupiers and their families, in the wider public interest.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR



Appeal Decisions

Site visit made on 24 July 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal A Ref: APP/T4210/W/24/3343988 Pavement o/s 46 Haymarket, Bury BL9 0BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by In Focus Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70422.
 - The development proposed is the installation of a multifunctional communication hub including a defibrillator and advertisement display, as illustrated in the attached documentation.
-

Appeal B Ref: APP/T4210/H/24/3343989 Pavement o/s 46 Haymarket, Bury BL9 0BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against a refusal to grant express consent .
 - The appeal is made by In Focus Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70423.
 - The development proposed is the installation of a multifunctional communication hub including a defibrillator and advertisement display, as illustrated in the attached documentation.
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Decision

1. Appeal A and B are dismissed.

Preliminary Matters

2. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to install a multi-functional communication hub. Appeal B concerns the refusal of express consent to display advertisements, integrated into the 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.
3. The Places for Everyone Joint Development Plan (PfE) was adopted in March 2024 by nine greater Manchester authorities, including Bury Metropolitan Borough Council. PfE policies JP-P1 and JP-P2 replace policies EN1/1 and EN2 respectively of the Bury Unitary Development Plan (1997) (UDP) referred to in the Council's decision in respect of Appeal A. The Council's Statement of Case confirmed that the adoption of the PfE would not alter their decision, and the appellant has had an opportunity to comment on this change in policy.

4. The Council has drawn my attention to UDP Policy EN1/9 in the reasons for refusal for 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) and the National Planning Policy Framework (the Framework) makes it clear that control of advertisements may only be exercised in the interest of amenity and public safety. Consequently, UDP Policy EN1/9 has not itself been decisive in my determination of Appeal B.
5. The proposal relates to the setting of nearby listed buildings and the appeal site is within the Bury Town Centre Conservation Area. Accordingly, in relation to Appeal A, I have had regard to the statutory duties set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

6. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the streetscene and the Bury Town Centre Conservation Area.
 - the setting of nearby Listed Buildings, and on non-designated heritage assets.
 - pedestrian safety, and the active travel aspirations of the Council.
 - the wider strategy for the need for, and provision of, defibrillators throughout the Borough.
7. The main issue in respect of Appeal B is the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character and appearance – both appeals

8. The appeal site is an area of pavement, outside No.46 Haymarket, located to the north of the western entrance of the Mill Gate Shopping Centre and within the Bury Town Centre Conservation Area (the CA). Market Street (and Haymarket) are single carriageway at this point, which restricted vehicular access between 10am and 4pm, with wide pavements giving pedestrian priority. Both sides of the road are characterised by long parades of commercial premises with a mix of predominantly restaurant, café and leisure uses.
9. It is proposed to install a freestanding multi-functional communication hub measuring around 2.6m in height and 1.3m wide. The hub would provide a touch screen and defibrillator on one side and an LCD advertisement screen on the other side. The proposed hub would be sited around 3.3m from the road, broadly in line with a bollard (one of three) adjacent a pedestrian crossing. Although the appellant describes the siting of the proposed hub as within a 9.3m wide section of highway (pavement) I observed on my site visit that there is an external seating area for No.46 Haymarket (No.46) (Bap sandwich shop, and the adjoining units) which extends the depth of the canopy of the Mill Gate Shopping Centre. The width of the pavement is therefore much narrower in this location than suggested.

10. The CA covers the historic core of central Bury focusing around the junction of Market Place, Bolton Street, Silver Street and The Rock. The special interest and significance of the CA is derived, in part, from its development as a medieval market town and its groupings of Victorian and Edwardian civic and commercial buildings, arranged around, and linked by, public spaces.
11. Taken on its own, by reason of its nature and extent, the appeal site makes only a limited contribution to the character and appearance of the CA and thereby to its significance as a designated heritage asset. Nonetheless, the wider public realm in this location, notably the generous pavements, provides a sense of spaciousness which allows the surrounding townscape and large street and pavement trees to be better appreciated. This contributes positively to the character and appearance of the CA as a whole and thus to its significance as a designated heritage asset.
12. Within the immediate vicinity of the appeal site, I observed various existing street furniture, including the columns and bollards/fencing associated with the pedestrian crossing, a bin and bicycle stands. The canopy and entrance feature (within supporting columns) of the Mill Gate Shopping Centre overhangs a length of the pavement in this location, and a lighting column adjacent No.46 and information board with fingerpost sign are sited to the south of the appeal site; neither identified on the Proposed Site Plan. The proposed hub would be relatively tall and wide with a projecting canopy formed of a solid rectangular design and would markedly increase the visual presence of street furniture within the pavement; as described, already a busy space.
13. Furthermore, given its proposed siting across the pavement, so perpendicular to the road, it would reduce both visual permeability up and down Market Street and the characteristic sense of spaciousness I have described. Although it would be partially obscured by an existing pavement tree when viewed from the north, I nonetheless find the proposed hub would appear unduly prominent and incongruous in the streetscene to the detriment of the character and appearance of the CA.
14. I have identified harm to the CA as a result of the proposal. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale of the proposals relative to the CA, I find that the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. I recognise that the proposed communications hub would offer a range of benefits, including a defibrillator, free phone calls to landlines and charities, community messaging and rapid connection to emergency services. The hub would also be powered by green electricity and lit using high-capacity batteries, powered by solar energy. I also recognise that advertising plays an important role in a diverse and vibrant market economic, and that reliable communications is essential for economic growth and social well-being. I do not question the need for such communication systems, or that they provide a public benefit, but I am not persuaded that the delivery of these is dependent on the scheme before me. Therefore, overall, the weight that I ascribe to the

public benefits that would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.

16. I therefore conclude on the first main issue that, in respect of Appeal A, the proposal would fail to preserve or enhance the character and appearance of the CA, contrary to the requirements of Section 72(1) of the Act and the relevant provisions of the Framework, PfE policies JP-P1 and JP-P2 and UDP policies EN1/2, EN1/4 and EN1/10. These policies, amongst other things, seek to ensure that new development, including street furniture, is suitably located and well-designed, respects and would not have an unacceptable adverse effect on the particular character and townscape, and conserves the historic environment.
17. With regards to Appeal B, the proposal would have an unacceptable effect on the amenity of the area. The policies of the development plan have been considered as far as they are material, and in this respect, the proposal would also conflict with the above identified policies and UDP Policy EN1/9 which requires advertisements to have regard to the characteristics of the local neighbourhood.

Listed Building – Appeal A

18. The Kay monument is Grade II listed and is sited within landscaped gardens, around 70m to the south of the appeal site. Derby Hall, 18-20 Market Street and 12-16 Market Street are Grade II listed buildings, located to the north, either side of Market Street.
19. Although acknowledging the location of the listed buildings, the planning application submission did not identify the significance of these buildings and I have no evidence before me on this matter. In that they are statutorily listed, the special interest and significance will be derived, at least in part, by their historic and architectural interest as well as from their setting. I observed on my site visit that the immediate surrounding areas of public realm – notably the wide paved areas and landscaped gardens – has a visual connection to these heritage assets, as it is from that position where they are best appreciated.
20. Beyond this, I observed that the surrounding area is made up of built form and public realm of varying age, form and quality. This includes the appeal site. In this particular case, the surrounding development has altered how the various assets would have been experienced and thus has moderated the contribution the wider setting makes to its special interest and significance. There is some limited intervisibility along Market Street between the appeal site, Kay monument and those listed buildings on Market Street to the north. However, these views are filtered by trees along the pavement and the position, scale and nature of the proposed communication hub, means that the visual, function and physical relationship between the appeal site and designated heritage assets would be maintained. The historic and architectural interest of these assets would also remain unaffected.
21. For the same reason, the proposal would not affect the setting of the non-designated heritage assets identified by the Council, namely the Former George Hotel and 28-30 Haymarket.

22. I therefore conclude that, despite the absence of a Heritage Assessment in support of the proposals, the proposed communication hub would preserve the setting of the nearby designated and non-designated heritage assets, causing no harm to significance. Consequently, the proposal would accord with the requirements of Section 66(1) of the Act, the relevant provisions of PfE Policy JP-P2 and UDP Policy EN1/2. Together these seek to ensure development does not have an unacceptable adverse effect on townscape, conserves heritage assets and their setting. It would further comply with the guidance at Section 16 of the Framework in respect of conserving and enhancing the historic environment.

Public safety – both appeals

23. The proposed communication hub would be sited in a currently open area of pavement, close to the entrance of the Mill Gate Shopping Centre. Because of this siting and its size, around 2.6m high and 1.3m wide, it would obstruct some lines of sight along the pavement in an area busy with pedestrians using both the pedestrian crossing on Market Street and the entrance to the shopping centre. The proposed hub would also be sited in an area of the pavement which, as a result of external seating associated with No.46 Haymarket, is narrower and more constrained than suggested by the appellant.

24. However, I observed that the pavement would remain wide enough in this location so that, in practice, pedestrians could see adequately in either direction along Market Street, and there would be sufficient room to easily and safely pass the proposed hub. Even in the event of pedestrians congregating to use the proposed hub, I am therefore satisfied it would not present an obstruction to pedestrian flow or movement, including those with mobility impairment, such that it would be to the detriment of safety.

25. I note the consultation response from the Council's Head of Engineering raised concerns that the proposal would be without agreement of the Highways Authority for the placement of such equipment, and that there would be a conflict with the active travel aspirations of the Council. The appellant's evidence is that they are statutory undertakers on the unregistered adopted highway and I have no evidence to the contrary. In any event, in respect of Appeal B, a standard condition of the Regulations is that no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site. I have been provided with no information regarding the active travel aspirations of the Council, so I am unable to conclude on this point.

26. I therefore conclude on the third main issue that, in respect of both Appeal A and B, there would be no harm to public safety. Consequently, in respect of Appeal A, there would be no conflict with UDP policies HT6/1, HT5/1 and EN1/4 which together seek to ensure that development, including street furniture, does not interrupt main pedestrian flows and that pedestrians are able to move safely, and encourages satisfactory access to pedestrian areas for those with special needs. I do not find the provisions of UDP Policy EN1/10 relevant to this issue.

27. Finally, the proposal would not conflict with the guidance at paragraph 114 of the Framework that developments ensure that safe and suitable access can be achieved for all users.

Strategy for defibrillators – Appeal A

28. The Council raise an issue that the application and submitted plans contained insufficient information to properly assess the proposal in relation to a wider strategy for the need and provision of defibrillators throughout the Borough. I have been provided no information in respect of the Council's wider strategy, but I note that the appellant is working in partnership with Community Heartbeat Trust, a registered charity that promotes greater access to defibrillators in public spaces.
29. Further, irrespective of the absence of an assessment against a strategy for provision, the benefits of early use of a defibrillator in respect of increasing the chances of surviving a heart attack, are well known. In isolation, I do not therefore find any planning harm in providing an additional defibrillator in this location; to the contrary it is a benefit of the proposal. Consequently, in itself, the proposed defibrillator does not conflict with the objectives of UDP Policy CF1/1 which supports the provision of new and improved community facilities in appropriate locations.

Conclusion

Appeal A

30. The proposal would have an acceptable effect on the setting of nearby designated and non-designated heritage assets, pedestrian safety and defibrillator provision. However, this does not outweigh the harm to character and appearance that has been identified to the streetscene and Bury Town Centre Conservation Area. The appeal is therefore dismissed.

Appeal B

31. The proposal would be acceptable in terms of public safety but this does not outweigh the harmful effect it would have on visual amenity. The appeal is therefore dismissed.

R. Jones

INSPECTOR



Appeal Decisions

Site visit made on 24 July 2024

by **R Jones BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal A Ref: APP/T4210/W/24/3343994

Pavement o/s Mill Gate Shopping Centre, Union Street, Bury BL9 0NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by In Focus Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70427.
 - The development proposed is the installation of a multifunctional communication hub including a defibrillator and advertisement display, as illustrated in the attached documentation.
-

Appeal B Ref: APP/T4210/H/24/3343995

Pavement o/s Mill Gate Shopping Centre, Union Street, Bury BL9 0NY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by In Focus Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70444.
 - The development proposed is the installation of a multifunctional communication hub including a defibrillator and advertisement display, as illustrated in the attached documentation.
-

Decision

1. Appeal A and B are dismissed.

Preliminary Matters

2. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to install a multi-functional communication hub. Appeal B concerns the refusal of express consent to display advertisements, integrated into the 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.
3. The Places for Everyone Joint Development Plan (PfE) was adopted in March 2024 by nine greater Manchester authorities, including Bury Metropolitan Borough Council. PfE policies JP-P1 and JP-P2 replace policies EN1/1 and EN2 respectively of the Bury Unitary Development Plan (1997) (UDP) referred to in the Council's decision in respect of Appeal A. The appeal was submitted after the adoption of the PfE and therefore the appellant has had an opportunity to comment on this change in policy.

4. The Council has drawn my attention to UDP Policy EN1/9 in the reasons for refusal for 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) and the National Planning Policy Framework (the Framework) makes it clear that control of advertisements may only be exercised in the interest of amenity and public safety. Consequently, UDP Policy EN1/9 has not itself been decisive in my determination of Appeal B.

Main Issues

5. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the streetscene, the Bury Town Centre Conservation Area and No.40 The Rock, a non-designated heritage asset.
 - pedestrian safety, and the active travel aspirations of the Council.
 - the wider strategy for the need for and provision of defibrillators throughout the Borough.
6. The main issue in respect of Appeal B is the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character and appearance – both appeals

7. The appeal site is a relatively wide pedestrianised area located on a short length of Union Street between the northern entrance of the Mill Gate Shopping Centre and The Rock. It falls just outside the Bury Town Centre Conservation Area (the CA); the boundary running the length of the south west side of Union Street. Union Street is characterised by commercial units on either side and I observed that save a refuse bin and two bollards (at the junction with The Rock), this part of Union Street is free of street furniture, resulting in a spacious and welcoming pedestrian environment.
8. It is proposed to relocate the existing refuse bin closer to the entrance of the shopping centre and to install a freestanding multi-functional communication hub, providing a touch screen and defibrillator on one side and an LCD advertisement screen on the other side. The hub would measure around 2.6m in height and 1.3m wide and would be set back around 12.8m from the front building line of commercial premises fronting The Rock. It would be located in a broadly central position off a busy section of The Rock which accommodates significantly more street furniture than Union Street, including a line of digital advertisement panels, and an information panel with finger post signage. Given its proposed location in a welcome, open and currently uncluttered area, the proposed hub would appear an isolated and visually dominant feature in the streetscene.
9. Furthermore, the width and height of the proposed communication hub, combined with its siting across the pedestrian area, means it would partially block the clear sight lines and intervisibility between the Mill Gate Shopping Centre and The Rock to the detriment of the visual amenity of the streetscene.

10. As described above, the appeal site falls outside the CA, which is broadly located to the west, covering the historic core of central Bury focusing around the junction of Market Place, Bolton Street, Silver Street and The Rock, and includes No.30 The Rock (the RBS building) on the south-west side of Union Street. The special interest and significance of the CA is derived, in part, from its development as a medieval market town and its groupings of Victorian and Edwardian civic and commercial buildings, arranged around, and linked by, public spaces.
11. The CA is best appreciated in this location when viewed from the junction of Union Street and The Rock, looking west toward Gutter End. In this busy pedestrian location, there is a proliferation of street furniture, including telephone kiosks, bike stands, refuse bins, the information panel and an existing digital advertisement panel (offset slightly from the junction). The proposed communication hub would be visible from this location but would be viewed in the context of the existing street furniture and would not have a marked contemporising effect. Despite the absence of a full Heritage Assessment, I find it would not substantially affect the setting of the CA, thereby preserving its character and appearance.
12. The RBS building, which returns the corner of Union Street and The Rock, is a large, prominent three-storey building built in yellow sandstone ashlar and red brick, with a set back blue slate mansard. It has been identified by the Council as a non-designated heritage asset and forms the eastern boundary of the CA. The RBS building is however experienced in the context of adjoining more contemporary buildings, notably the entrance feature of the Mill Gate Shopping Centre and the Tim Horton building opposite, and existing street furniture on The Rock. I do not therefore find that the proposed communication hub would affect the setting of this non-designated heritage asset, to such a degree to result in harm.
13. Despite my conclusions on its effect on the CA and non-designated heritage asset, I nonetheless conclude on the first main issue that the proposal would cause significant harm to the character and appearance of the streetscene and visual amenity. In respect of Appeal A, it would therefore be contrary to PFE policy JP-P1 and UDP policies EN1/2, EN1/4 and EN1/10. These policies, amongst other things, seek to ensure that new development, including street furniture, is suitably located and well-designed, respects and would not have an unacceptable adverse effect on the particular character and townscape.
14. With regards to Appeal B, the proposal would have an unacceptable effect on the amenity of the area. The policies of the development plan have been considered as far as they are material, and in this respect, the proposal would also conflict with the above identified policies and UDP Policy EN1/9 which requires advertisements to have regard to the characteristics of the local neighbourhood.

Public safety – both appeals

15. Whilst the proposed communication hub would be sited broadly centrally within a busy pedestrianised area, its limited width (only around 1.3m) means that ample space would be retained either side. This would enable pedestrians to pass around the hub without significantly deviating from their route, thereby maintaining existing desire lines. Even in the event of pedestrians congregating to use the proposed hub, I am satisfied that it would not present a particular

obstruction to pedestrian flow or movement, including those with mobility impairment, such that it would be to the detriment of safety.

16. I note the consultation response from the Council's Head of Engineering raised concerns that the proposal would be without agreement of the Highways Authority for the placement of such equipment, and that there would be a conflict with the active travel aspirations of the Council. The appellant's evidence is that they are statutory undertakers on the unregistered adopted highway and I have no evidence to the contrary. In any event, in respect of Appeal B, a standard condition of the Regulations is that no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site. I have been provided with no information regarding the active travel aspirations of the Council, so I am unable to conclude on this point.
17. I therefore conclude on the second main issue that, in respect of both Appeal A and B, there would be no harm to public safety. Consequently, in respect of Appeal A, there would be no conflict with UDP policies HT6/1, HT5/1 and EN1/4 which together seek to ensure that development, including street furniture, does not interrupt main pedestrian flows and that pedestrians are able to move safely, and encourages satisfactory access to pedestrian areas for those with special needs. I do not find the provisions of UDP Policy EN1/10 relevant to this issue.
18. Finally, the proposal would not conflict with the guidance at paragraph 114 of the Framework that developments ensure that safe and suitable access can be achieved for all users.

Strategy for defibrillators – Appeal A

19. The Council raise an issue that the application and submitted plans contained insufficient information to properly assess the proposal in relation to a wider strategy for the need and provision of defibrillators throughout the Borough. I have been provided no information in respect of the Council's wider strategy, but I note that the appellant is working in partnership with Community Heartbeat Trust, a registered charity that promotes greater access to defibrillators in public spaces.
20. Further, irrespective of the absence of an assessment against a strategy for provision, the benefits of early use of a defibrillator in respect of increasing the chances of surviving a heart attack, are well known. In isolation, I do not therefore find any planning harm in providing an additional defibrillator in this location; to the contrary it is a benefit of the proposal. Consequently, in itself, the proposed defibrillator does not conflict with the objectives of UDP Policy CF1/1 which supports the provision of new and improved community facilities in appropriate locations.

Other Matters

21. I have had regard to the public benefits of the proposed communication hub, which in addition to a defibrillator, includes free phone calls to landlines and charities, community messaging and rapid connection to emergency services. The hub would also be powered by green electricity and lit using high-capacity batteries, powered by solar energy.

22. I also note that advertising plays an important role in a diverse and vibrant market economic, and that reliable communications is essential for economic growth and social well-being. I do not question the need for such communication systems, but I am not persuaded that the delivery of these is dependent on the scheme before me. Consequently, the public benefits identified only weigh moderately in favour of the proposals and do not outweigh the harm that I have identified.

Conclusion

Appeal A

23. The proposal would have an acceptable effect on pedestrian safety and defibrillator provision, but this does not outweigh the harm to character and appearance that has been identified to the streetscene. The appeal is therefore dismissed.

Appeal B

24. The proposal would be acceptable in terms of public safety but this does not outweigh the harmful effect it would have on visual amenity. The appeal is therefore dismissed.

R. Jones

INSPECTOR

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Classification	Item No. 7
Open	

Meeting:	Planning Control Committee
Meeting date:	27 August 2024
Title of report:	VALIDATION CHECKLISTS
Report by:	DAVID MARNO – Head of Development Management
Decision Type:	Key Decision
Ward(s) to which report relates	ALL

Executive Summary:

The Council is required to maintain a planning application validation checklist and there is a need to update Bury's further following the adoption of the Places for Everyone Joint Development Plan (PfE).

Recommendation(s)

1. **That:** The Committee Approve the checklist attached to this report at Appendix 1.

Key considerations

1.0 Background

- 1.1 There are national requirements setting out what information is required to make a valid application for planning permission but a local planning authority may also publish a local validation checklist specifying its own local requirements for the supporting information required to make a valid application for planning permission. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.
- 1.2 Information included on local validation checklists must be:-

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

- 1.3 The Council's Planning Application local validation checklist criteria was updated on 19th March 2024, in line with the statutory requirement for it to be updated on a two yearly basis.
- 1.4 Since the adoption of PfE with effect from 21st March 2024, there are a number of additional policies within that document that require planning applications to contain additional information in order to determine whether or not the proposals are compliant with the respective policies.
- 1.5 Officers have been seeking this information from applicants in line with the policies since adoption of PfE. However, seeking the additional information has had to take place post submission.
- 1.6 This report sets out an update to the local validation checklist so that the Council is able to request this information as part of the validation of a planning application. .

2.0 The Proposal

- 2.1 In total, there are 7 new 'frequently used' policies that require additional information on planning applications. These are set out in Appendix 1, together with the thresholds and development types that apply to each policy.
- 2.2 The topic matters include
- Carbon and Energy Statement
 - Heat and Energy Statement
 - Nationally Designed Space Standards Table
 - Density Statement
 - Health Impact Assessment
 - Digital Connectivity Statement
 - Transport Assessment
- 2.3 The introduction of a validation checklist ensures consistency in submissions, that it is open and transparent and clarity on expectations. Additionally, it also expedites the planning application process itself by having the information upfront. This also reflects a Greater Manchester wide approach to standardisation of information for planning application submissions.

3.0 Other alternative options considered

- 3.1 Given that the Council already is complying with the regulations by having an up to date checklist criteria for the submission of planning applications, it follows that where new adopted policies are introduced, the validation checklists are equally updated. Failure to not have an upto date checklist would mean that application processing would be slower as information would have to be sought through the determination process. It is not impossible to

do this, but NPPG guidance encourages that Council's maintain and keep checklists upto date.

- 3.2 The information sought will form part of the consideration of the planning application and also is likely to feature within the decision-making process through the imposition of planning conditions.

4.0 Conclusion

- 4.1 The Council, like all others, has an upto date planning application validation checklist and there is a need to update Bury's further through the adoption of the PfE Development Plan.
- 4.2 It is therefore requested that the Committee accept and approve the additions to the pre-existing Validation Checklist Criteria.

Community impact/links with Community Strategy

The adoption of the checklist enables development to meet higher standards of policy compliance in the consideration of development proposals.

Equality Impact and considerations:

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

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

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

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

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
Validation criteria that is adopted and published ensures that there is an equal playing field in terms of information required to make a planning application valid. It ensures that	

all relative policies for development proposals are making full attempt to make development compliant across the various themes of the planning system.

No policies adopted preclude any protected characteristics and the adoption of policies and the respective requirement for applications to be submitted with information relating to them ensure inclusion is at the heart of the process.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
As discussed in the report	.

Consultation:

As the PfE policies themselves have been through independent public examination and significant consultation, no further consultation on the addition of these matters to the validation checklists is considered necessary.

Legal Implications:

Where the Council requires that local information is submitted with a planning application, its requirements must be specified on a formally adopted 'local list' which is published on its website. Any information requested must be reasonable and proportionate and about a matter which it is reasonable to think will be a material consideration in the determination of the planning application. These are statutory tests as set out in [section 62 \(4A\) of the Town and Country Planning Act 1990](#) (inserted by the Growth and Infrastructure Act) and [article 11\(3\)\(c\) of the Town and Country Planning \(Development Management Procedure\) \(England\) \(Order\) 2015](#).

Financial Implications:

To be completed by the Council's Section 151 Officer

Report Author and Contact Details:

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Background papers:

NPPF
NPPG
Places for Everyone DPD
SI. 2015 - No. 595 - Town & Country Planning (Development Management Procedure)(England) Order 2015

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

Term	Meaning
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PFE	Places for Everyone
DPD	Development Plan Document

APPENDIX 1

PLACES FOR EVERYONE LOCAL REQUIREMENTS

Following the adoption of the Places for Everyone Joint Development Plan in March 2024 the additional local provisions apply:

1. Carbon and Energy Statement - To explain how the proposal relates in policy terms to Policy JP-S2: Carbon and Energy and as they emerge, the Local Plan and Supplementary Planning Documents.

Threshold:

- All “major” developments
- All new buildings – minor developments excluding householder development.
- Change of use applications
- And other developments if specified in pre-application advice.

2. Heat and Energy Statement - To explain how the proposal relates in policy terms to Policy JP-S3: Heat and Energy Networks within the identified Heat and Energy network Opportunity Areas and as they emerge, the Local Plan and Supplementary Planning Documents.

Threshold:

- Residential developments of 10 dwellings or more in Heat and Energy Network Opportunity Areas
- New industrial development in Heat and Energy Network Opportunity Areas.

3. Nationally Designed Space Standards Table - To explain how the proposal relates in policy terms to Policy JP-H3: Type, Size and Design of New Housing and to show compliance with nationally described space standards.

Threshold:

- All new residential dwellings.

4. Density Statement - To explain how the proposal relates in policy terms to Policy JP-H4: Density of New Houses which requires a density appropriate to the location, and as they emerge the Local Plan and Supplementary Planning Documents.

Threshold:

- All new residential dwellings.

5. Health Impact Assessment - To explain how the proposal relates in policy terms to Policy JP-P6: Health, and as they emerge the Local Plan and Supplementary Planning Documents.

Threshold:

- All developments required to be screened for an EIA.
- New developments that provide new or improved health facilities.
- Proposals which, due to their location, nature or proximity to sensitive locations, are likely to have a notable impact on health and wellbeing.
- And other developments if specified in pre-application advice.

6. Digital Connectivity Statement - To explain how the proposal relates in policy terms to Policy JP-C2: Digital Connectivity, and as they emerge the Local Plan and Supplementary Planning Documents.

Thresh hold:

- All new buildings minor and major developments
- All change of use – minor and major developments.

7. Transport Assessment – In addition to the requirements listed within the existing local requirements, all applications that require a Transport Assessment will need to consider the impact of the proposal on Holcroft Moss in relation to Policy JP-C8: Transport Requirements for New Developments and as they emerge the Local Plan and Supplementary Planning Documents.

Thresh hold:

- All development subject to a Transport Impact Assessment (TIA)

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