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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, 17 December 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 26TH SEPTEMBER 2024 *(Pages 3 - 6)*

The Minutes of the meeting held on Thursday the 26th September 2024 are attached.

4 PLANNING APPLICATIONS *(Pages 7 - 48)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 49 - 70)*

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 71 - 94)*

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 TREE PRESERVATION ORDER CONFIRMATION *(Pages 95 - 106)*

A report from the Head of Development Management is attached detailing the issues relating upon the current temporary tree preservation order, Tree Preservation Order (No. 363) 2024 at land adjacent to St Paul's Close, Radcliffe.

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: 26th September 2024

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

Public Attendance: 11 members of the public were present at the meeting along with 1 member of the press.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors S Arif and U Farooq. There were no substitute representatives.

PCC.2 DECLARATIONS OF INTEREST

Councillor G Staples-Jones declared an interest in relation to planning application 70979, Installation of temporary car park at Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD. This was due to him being a Local Authority Governor for Northern Care Alliance NHS Trust.

Councillor Staples-Jones left the meeting during deliberation of this application and took no part in the determination or voting.

The Chair placed on record that he lived in the Fairfield General Hospital area and had also been involved in communications over the years in relation to the application, 70565, Former Bury Police Office HQ, Irwell Street, Bury, BL9 0HE. He had not commented or predetermined a decision for both the applications and had an open mind.

PCC.3 MINUTES OF THE MEETING HELD ON THE 27TH AUGUST 2024

Delegated decision:

That the Minutes of the meeting held on the 27th August 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 numbers 71084, 70565, 70805, 70979 and 70666.

The Committee heard representations from an objector and applicants in respect of applications submitted. This was limited to three minutes for the speaker. A short statement was also read out by a Council Officer on behalf of Ward Councillor Nikki Frith who was unable to be present at the meeting.

Delegated decisions:

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

Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD

Installation of temporary car park

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: -

Land off Fletcher Fold Road, Bury, BL9 9RX

Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision

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

Former Bury Police Office HQ, Irwell Street, Bury, BL9 0HE

Hybrid application comprising Full application for specialist care home (Class C2) with associated parking, landscaping and infrastructure and Outline application for care home (Class C2) with all matters reserved.

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

Geoffrey Kershaw Centre, Deal Street, Bury, BL9 7PZ

Temporary (4 years) modular extension of an existing Pupil Referral Unit to form 3 additional classrooms with ancillary facilities; relocation of fencing and bin store to segregate parking and formation of pupil play areas and safe access into the school for pupils, parents and visitors

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

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

Demolition of existing garages/stables and erection of 1 no. dwelling (renewal of extant planning permission 66444)

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 TREE PRESERVATION ORDER CONFIRMATION

This item of business had been withdrawn from the agenda.

PCC.8 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 8.10pm)

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Title	Planning Applications
To:	Planning Control Committee
On:	17 December 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.

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Ward: Tottington

Item 01

Applicant: Mr Gunn

Location: Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PL

Proposal: Two storey front extension; Render to front & side elevations

Application Ref: 71251/Full

Target Date: 17/12/2024

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 related to a member of staff.

Description

The application relates to a dwelling house located on Bradshaw Road. The dwelling has been previously extended at two storey to the side, and single storey to the rear and has a detached garage to the north of the site. The site is accessed along Footpath 80TOT.

The site is located within the Green Belt and is located within a cluster of 3no. dwellings and associated outbuildings with open land located to the north and east of the site.

Planning permission is sought for the construction of a two storey front extension. The proposed extension would project approximately 4 metres to the front of the existing two storey side extension and 2.5 metres to the side of the original dwelling. Render is also proposed to the front and side elevations of proposed extension, and existing dwelling.

Relevant Planning History

14606/83 - Single storey side extension - 26/05/1983

36481 - Single storey extension at rear and first floor extension with dormer windows to front and rear at Sheepgate Farm Cottage, Bradshaw Road, Tottington. Approved with conditions - 7 June 2000

59402 - Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage - Refused 14/12/2015

69581 - Modifications to roof/first floor roof extension to accommodate additional living space to first floor; Porch to front elevation; Reduction in size of existing garage; External alterations to include solar panels to front/rear roof slopes, new stone/render finish to external elevations and alterations to doors/windows/glazing with 2 no. juliet balconies to rear elevation - Refused 01/11/2023 Appeal Dismissed 09/07/2024.

Publicity

Letters sent to neighbouring properties 23/10/2024

Site Notice posted 11/11/2024

No responses received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-G9	The Green Belt
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations
JP-G1	Landscape Character
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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.

Green Belt (Principle)

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

Paragraphs 152 and 153 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would - not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need with in the area of the local planning authority.

UDP Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on it's own merits.

Original Dwelling

In order to make an initial assessment in relation to whether the proposal is a disproportionate addition, the extent of and the volume of the original building/dwelling needs to be understood. Paragraph 154c states that " extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building. "The term "original building" is referred to in paragraph 145(c) of the NPPF and is defined in the Glossary to the Framework as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". It is this original volume therefore that forms the baseline against which subsequent extensions and alterations should be measured.

A previous appeal at the site, reference APP/T4210/D/24/3337341 found that the original building is the smaller part of Sheepgate Farm Cottage which is modest in terms of its size and appearance. The original dwelling has been significantly extended to the side and rear as set out within the site history above and it is considered that the applicants have already utilised their 33% increase in volume as set out within SPD 8. Any further extensions that would lead to an increase in built form would therefore require a case for Very Special Circumstances (VSC).

Impact on Green Belt and Layout and Design

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents." The visual impact of the proposed alterations will therefore be discussed below.

In addition to the Green Belt Policies set out above for householder extensions 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 fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics are their openness and permanence. The openness of the Green Belt has a spatial as well as a visual aspect, so the physical and visual presence of built forms may affect openness.

The applicants have set out a case for VSC as set out below:

- The proposal is a simple and unobtrusive way of providing the linkage of the first floor rooms which is essential to the family's needs.
- The proposed extension has an area of only 10 square metres on each floor and a volume of only 90 cubic metres. A dormer will be removed.
- The existing house is L-shaped and the extension is tucked into the angle of the L. It will be set back behind the front elevation to further reduce any visual impact.
- The size, shape and massing of the existing house does not change. The extension will be barely noticeable, with the pitched roof of the original cottage carried over the extension.
- The extension and existing brickwork will be rendered with stone detailing, materials that are appropriate to the house's rural, Green Belt location.
- Unlike the previous proposal there will be no change to the fenestration of the rear elevation and consequently no overlooking of the neighbouring land.

The dwelling is located in a row of properties along Bradshaw Road that are visible at a distance from the rear of the properties at Sheep Gate Drive across an open field. It is accepted that the site already forms a wider ribbon of Green Belt Development. This ribbon of development is depicted by a line of detached properties along this limited access road.

It is also accepted that the current internal layout of the property is awkward. The existing dwelling has been extended in such a manner that the bedrooms are currently split between the original cottage and the later side extension and this limits the use of the property for a young family. The proposal would facilitate a linkage between the two existing first floor areas, rationalising the internal layout without creating large extensions, or significant demolition and remodelling of the existing property.

In terms of design, it is considered that additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling.

The proposed extension is located to the side of the original cottage and would be set back from the main frontage creating the impression of subservience and allowing the original cottage to still be read. The extension is located in a similar location, to where a porch addition may be added to the property and would infill an existing corner within the "L" shaped building. The proposed extension would be read in relation to the existing built form rather than requiring additions to the rear, side or roof and as such the ribbon of development along Bradshaw Road would not be altered in terms of height and width maintaining the openness of the Green Belt when viewed from all sides of the existing dwelling.

The use of quoin detailing, and render would mirror that of neighbouring property. It is unclear from the plans submitted whether the natural stone of the original cottage is to be retained as the description of development includes render to front and side elevations as such a condition will be attached to clarify that the original cottage should be retained as natural stone.

Whilst the proposal would lead to an addition above one third of the dwellings original volume due to the existing extensions at the site, it is considered that the limited extension and the retention of the original simple stone cottage form to the front would still allow the original structure to be read. The proposed extension would not result in any increases in height or project forward or to the side of the existing staggered building line and as such the openness of the Green Belt would be retained. Given the above matters and the case presented, it is considered that these points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in-principle harm to Green Belt.

The proposed site is an established residential property within a ribbon of residential properties. As such, the proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policy OL1/2, SPD8, PFE Policy JP-G9 and the NPPF.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed extension would not project any further forward than the existing principal front elevation of the dwelling. Any windows proposed would relate to non-habitable rooms. As such it is considered that the proposal would not lead to a detrimental impact on the residential amenity of the neighbouring properties.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 is exempt from the statutory condition.

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

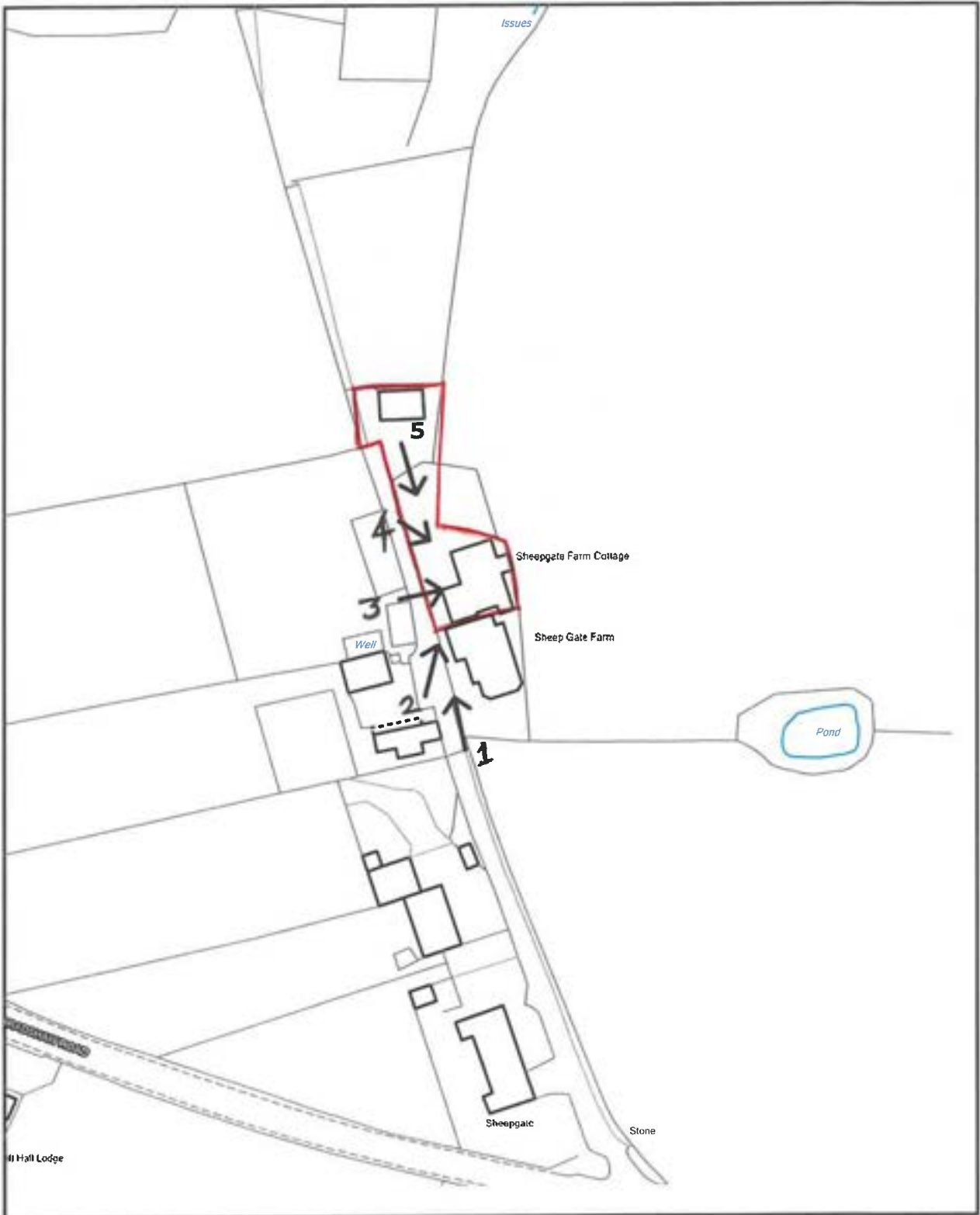
Conditions/ Reasons

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 numbered Existing Site Plan, Proposed Site Plan, 24/791/01A, 24/791/02A, 24/791/03A 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 and Places for Everyone Joint Development Plan listed.
3. Notwithstanding details shown on the approved plans, the natural stone elevations of the original cottage shall be maintained as existing and not rendered.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

For further information on the application please contact **Helen Pressley** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 71251

ADDRESS: Sheepgate Farm Cottage, Bradshaw Road
Walshaw Bury

Planning, Environmental and Regulatory Services

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Bury
Council

71251

Photo 1



Photo 2



71251

Photo 3



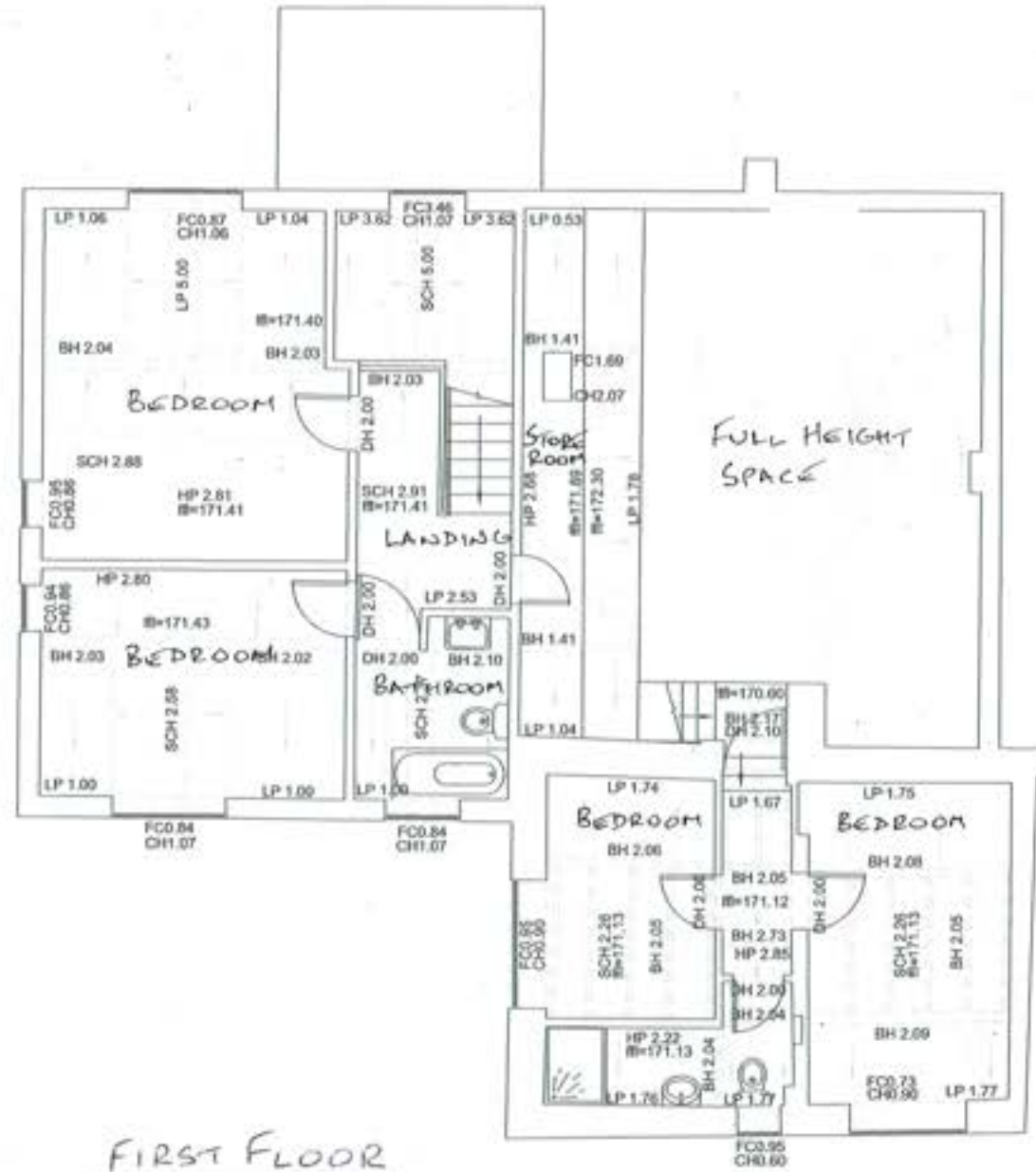
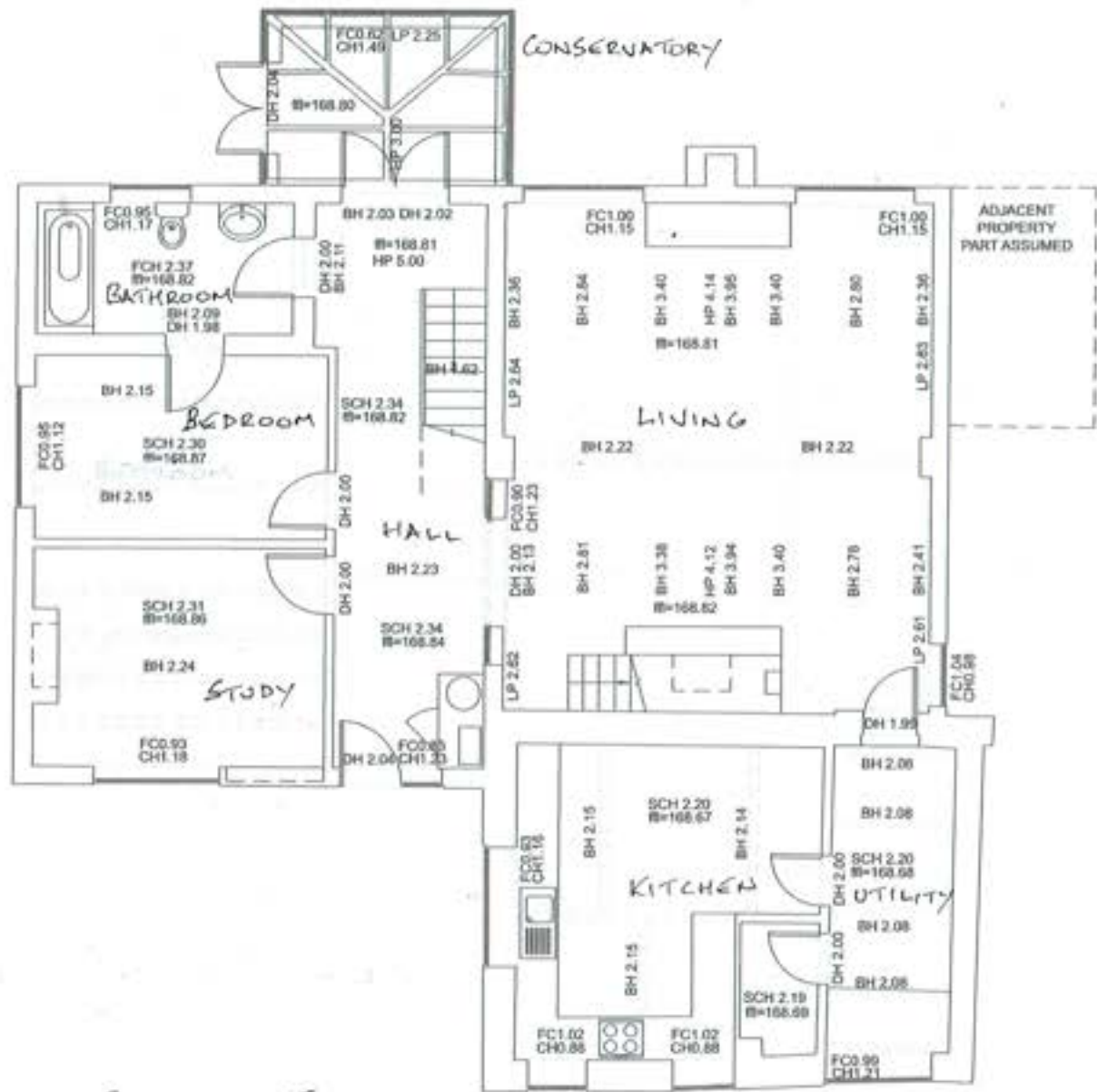
Photo 4



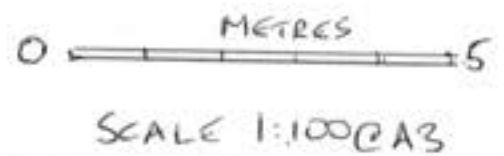
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Photo 5





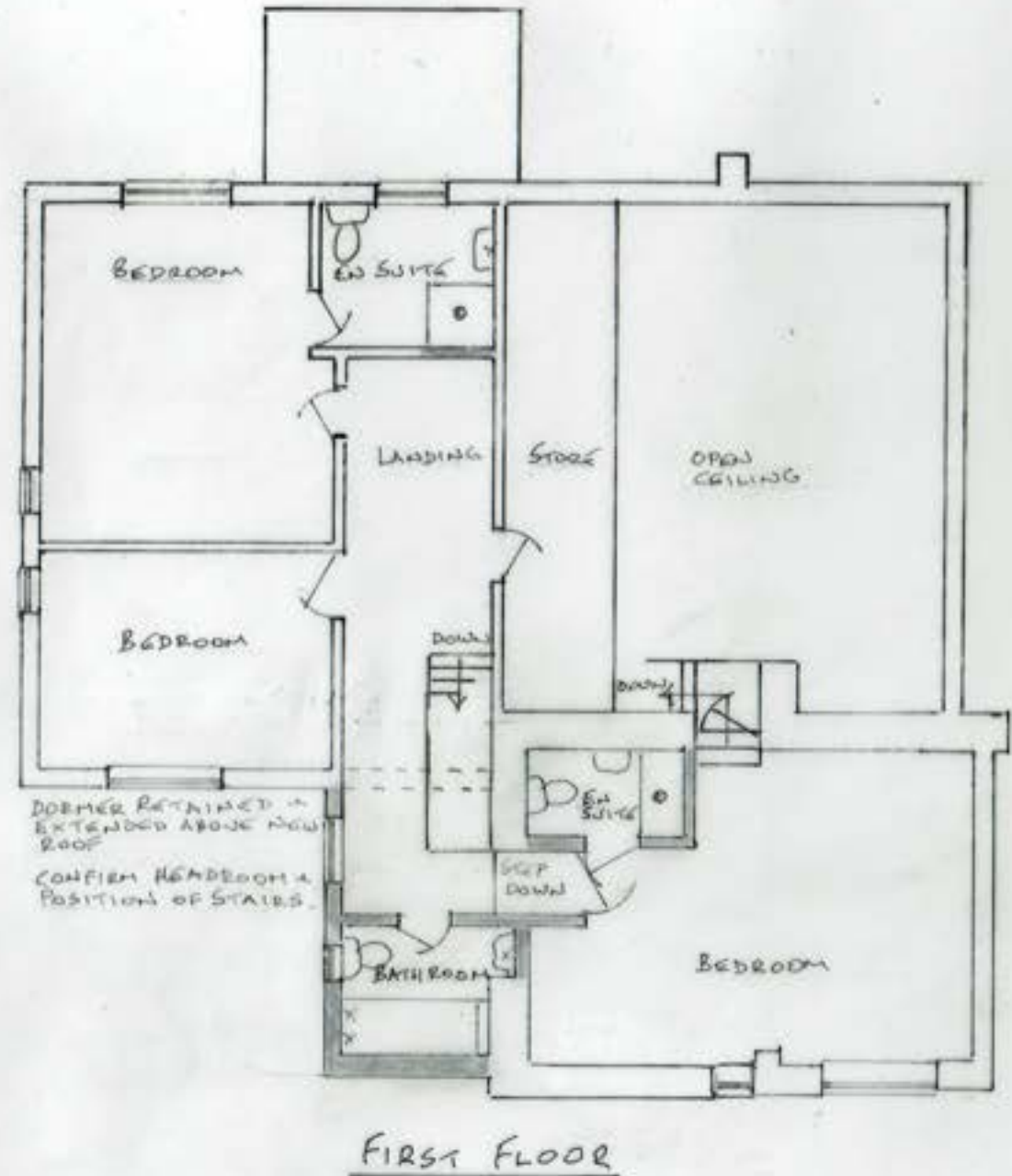
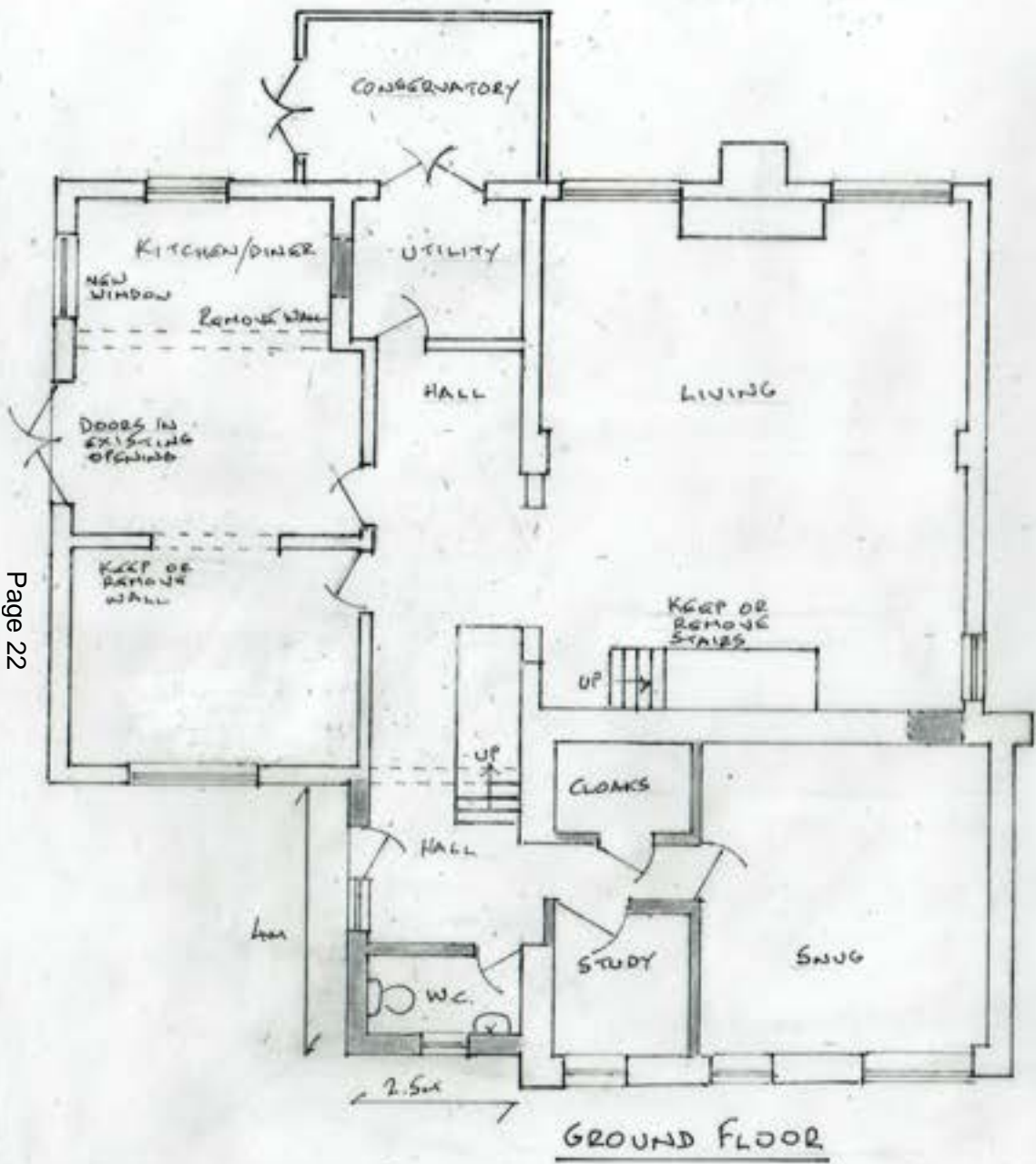
IA EXISTING PLANS



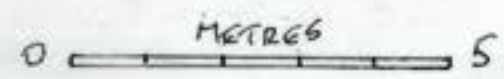
22/10/2024 - USE OF ROOMS ADDED
11/10/2024

24/791/01A

TWO STOREY EXTENSION
SHEEPGATE FARM COTTAGE, BRADSHAW ROAD BLB 3PL



2A PROPOSED PLANS

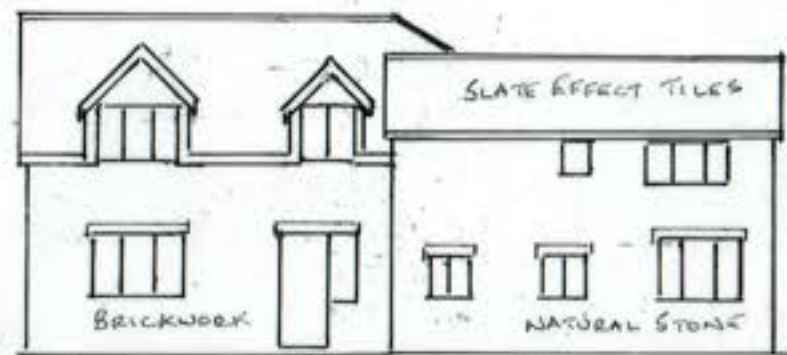


SCALE 1:1000A3

12/11/2024 - DORMER RETAINED & EXTENDED
11/10/2024

24/191/02A

TWO STOREY EXTENSION
SHEEPGATE FARM COTTAGE, BRADSHAW ROAD BLB 3PL



EXISTING FRONT ELEVATION



SIDE

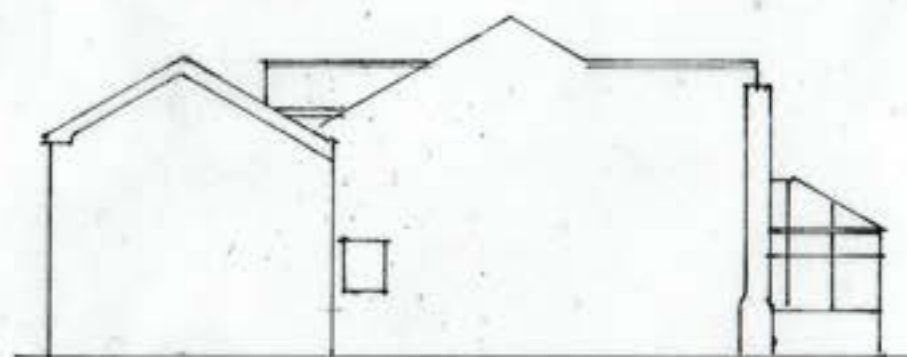
EAST ELEVATION UNAFFECTED



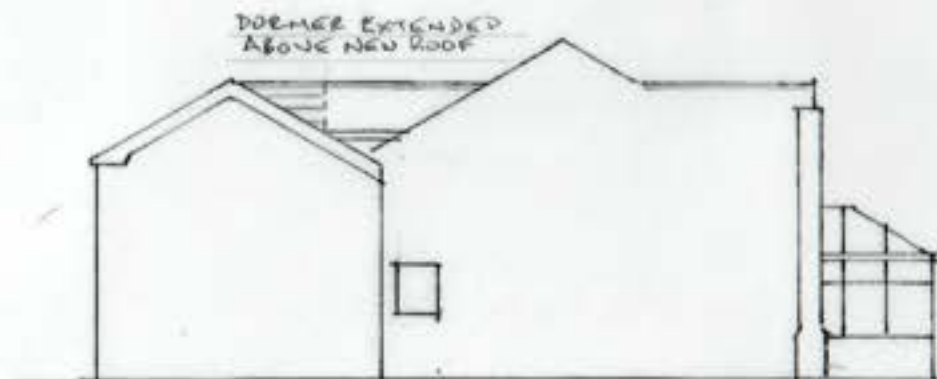
PROPOSED FRONT ELEVATION



SIDE



EXISTING SIDE (SOUTH) ELEVATION

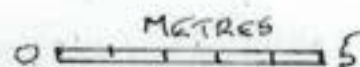


PROPOSED



LOCATION PLAN (1:1250)

3A ELEVATIONS

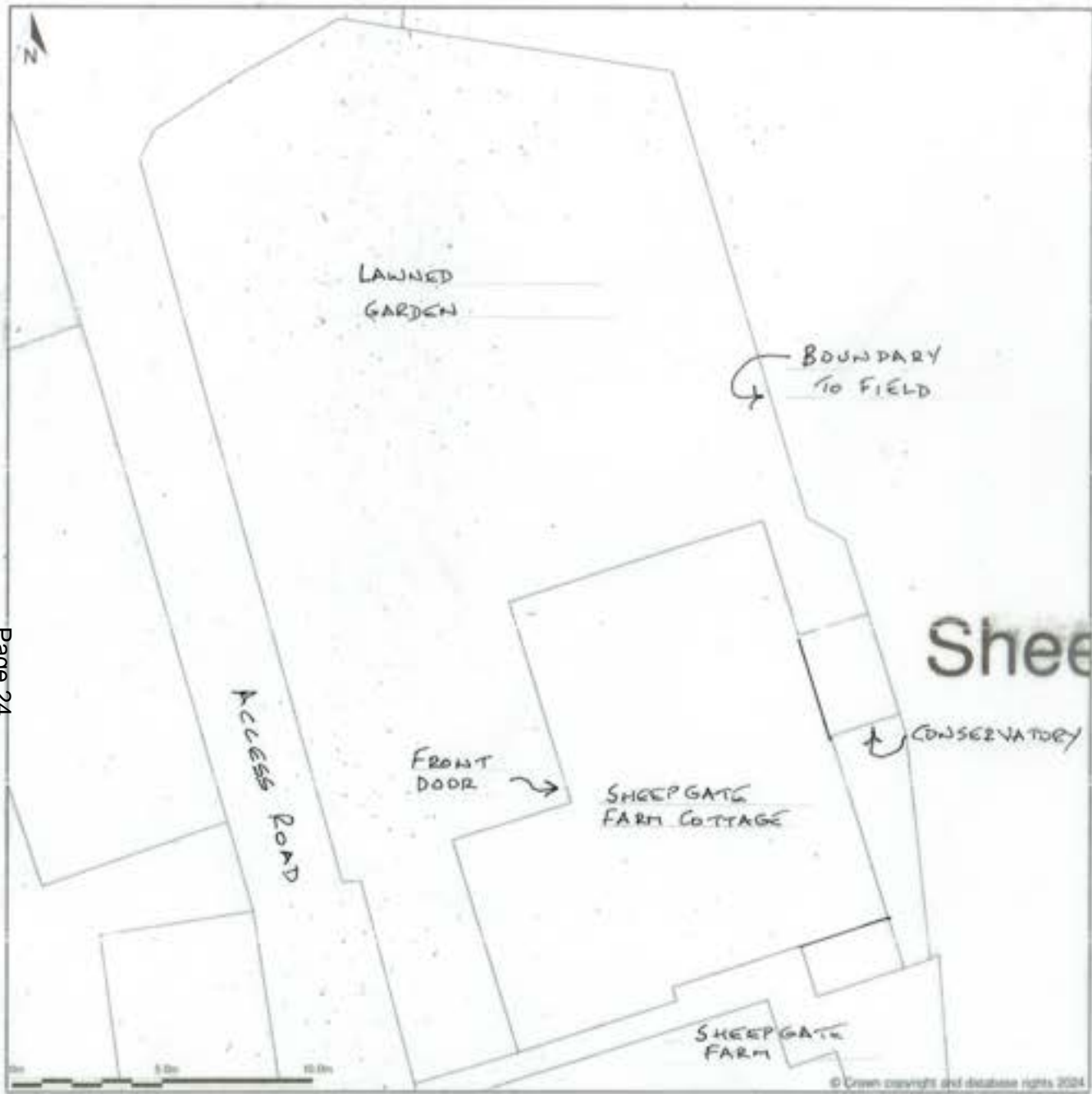


12/11/2024 - DORMER RETAINED & EXTENDED
11/10/2024

24/191/03A

TWO STOREY EXTENSION
SHEEPGATE FARM COTTAGE, BRADSHAW ROAD BL8 3PL

Sheepgate Farm Cottage, Bradshaw Road, Tottington, Bury, BL8 3PL



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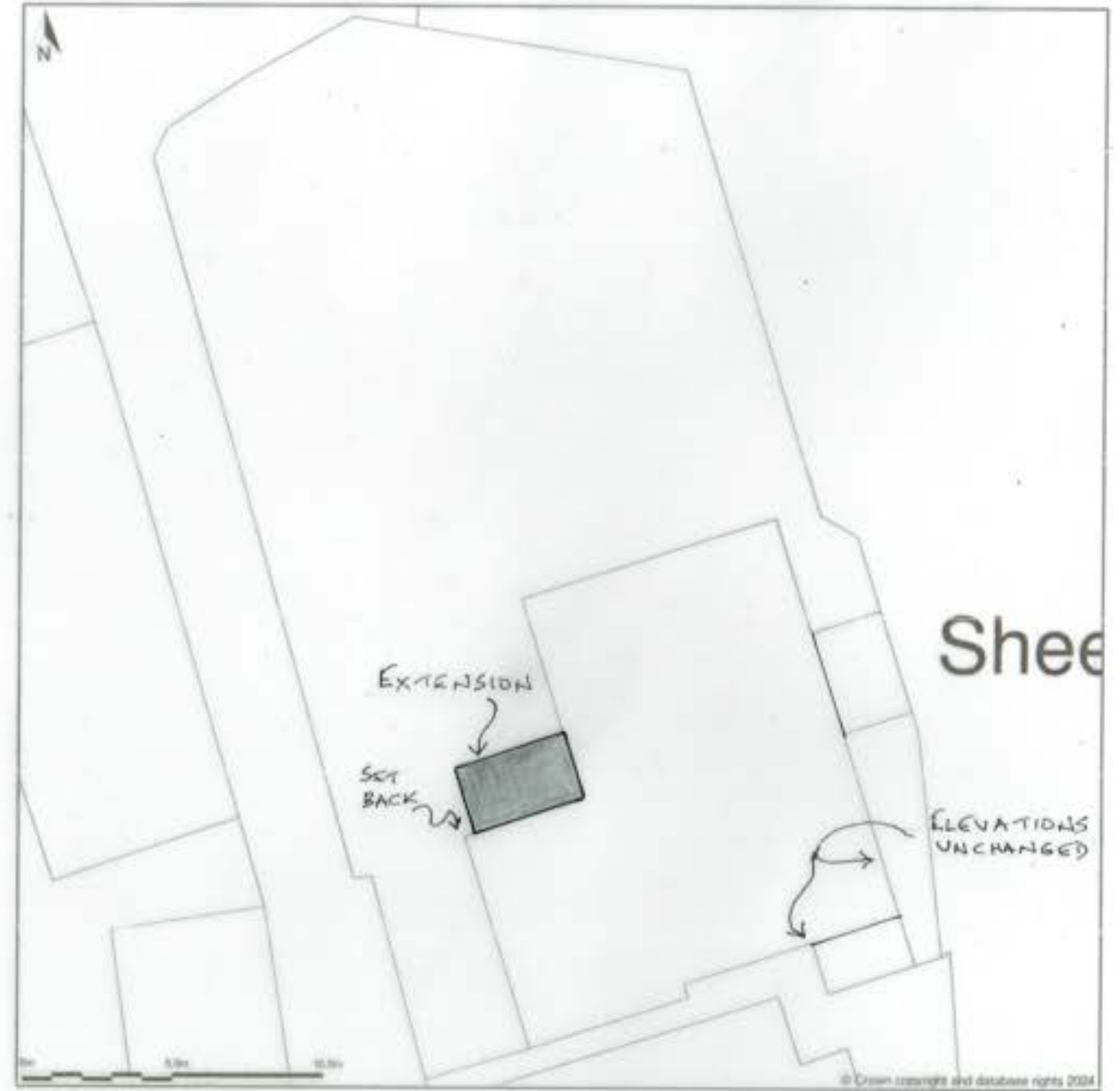
This Plan (also called a Block Plan) shows area bounded by: 377206.74, 412248.87, 377242.74, 412284.87 (at a scale of 1:200), OSGridRef: SD77221226. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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EXISTING SITE PLAN (1:200)

Sheepgate Farm Cottage, Bradshaw Road, Tottington, Bury, BL8 3PL



This Plan (also called a Block Plan) shows area bounded by: 377206.74, 412248.87, 377242.74, 412284.87 (at a scale of 1:200), OSGridRef: SD77221226. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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PROPOSED SITE PLAN (1:200)

Ward: Bury East

Item 02

Applicant: Bury Council

Location: Land at Pyramid Park, Market Street, Bury, BL9 0BG

Proposal: Land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works

Application Ref: 70903/Full

Target Date: 01/10/2024

Recommendation: Approve with Conditions

Description

The proposal relates to land east and west of Market Street, located within the defined boundary of Bury town centre. The 3 hectare site, which is at a lower level than surrounding land, is bridged by Market Street, and was formerly a railway station and sidings before being reclaimed as a public open space in the 1970's. Three distinctive grass pyramids were formed at the western end, close to the boundary with the Metrolink line, and the remainder is interspersed with pockets of shrub/low trees, informal walking routes with an area of hardstanding, previously used as a pond (but subsequently drained).

The site is allocated as an Opportunity Site suitable for either business or office (Policy EC1/2/6) or for the expansion of Bury College (Policy CF2/1/2) in the Unitary Development Plan (UDP). The central and eastern part of the site is designated as a Grade B Site of Biological Importance (SBI), which is a non-statutory local wildlife designation, and a Wildlife Corridor is routed east to west to the south of the site following the East Lancashire Railway line (but not relating to the site).

At the southern and northern boundaries of the site, embankments rise to the north (to Bury College) and south (to the East Lancashire Railway line). East-west connectivity (of the site) is enabled by three brick bridge arches (some arches were previously infilled). The residential development at Town Fields Close provides pedestrian access into the site at the eastern boundary (formed with motorcycle barriers). There is vehicular access into the site from the west of Market Street via a gated ramp. Pedestrian access from the west has previously been blocked off.

The proposal is for land remediation works, construction of vehicular access road and footway from Market Street with associated infrastructure and structural works, which would comprise the following:

- Site remediation (as set out in the Site Remediation Plan);
- Construction of a new vehicular access road (including footways and turning head) with access improvements onto Market Street;
- Associated retaining structures (give details of materials).

There is no requirement to make alterations to the bridge structure.

The supporting Planning Statement sets out the planning strategy for the site, which will ultimately seek to secure planning permission for a scheme of a minimum of 148 residential units (the principle of residential development does not form a part of this application).

The application follows the award of £1.73 million from the Brownfield Land Release Fund to remediate the former park site and to provide a new access road to enable residential redevelopment.

Since the application was submitted, the proposal has been amended to reduce the extent of the remediation area (now excluding the area to the east of Market Street) and to increase the biodiversity enhancement planting. As a result, the supporting biodiversity and ecological information has been amended accordingly.

Most recently, a further Technical Note relating to the SBI has been submitted that sets out its nature and condition and the proposed translocation and enhancement of the retained eastern part of the SBI.

Relevant Planning History

None relevant

Publicity

Direct neighbour notification letters sent 08/07/2024 to 34 properties.

1 comment has been received, raising the following issues:

- At peak times the volume of pedestrian traffic at the junction of the access road / Market Street can be high. Visibility for both vehicles and pedestrians at this junction is substandard, so measures should be taken to ensure a safe pedestrian crossing?

The representor has been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Highway Authority: No objection in principle. Recommended conditions to be reported in the Supplementary Report.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No objection, subject to a condition requiring verification of the proposed mitigation.

Strategic Planning and Infrastructure: No objection.

The funding secured to deliver the proposed works are contingent on this facilitating housing development at the site and this should be considered as part of the planning balance.

The delivery of new housing in a sustainable, town centre location is fully consistent with Government aspirations to significantly boost the delivery of new homes and the Strategic Objectives and Spatial Strategy of PfE.

The development would result in the loss of a significant amount of the Townside Grade B SBI that lies to the west of the Market Street bridge. However, due to biodiversity net gain (BNG) requirements, the proposal would include the upgrade of the remaining area of the SBI to the east of the Market Street bridge and would require off-site improvements. This would mean that the loss of the SBI would be fully compensated for with an overall 10% uplift in biodiversity value.

On balance, it is considered that the loss of part of the Grade B SBI on this site is outweighed by the regeneration benefits that this proposal would bring in terms of enabling the subsequent delivery of much needed new housing in a highly sustainable, town centre location.

United Utilities (Water and waste): No comments received.

Transport for Greater Manchester: No objection.

The safeguarded area indicated appears to reflect what has been agreed in relation to current and future Metrolink requirements.

Greater Manchester Ecology Unit (GMEU): Advise against the development, due to the loss of a significant part of the SBI. However, the GMEU advise that should planning permission be approved, then precautionary/avoidance conditions relating to badgers, nesting birds, mammals/amphibians and invasive species should be attached. The wording of the conditions will be detailed in the Supplementary Report.

Should any further comments be forthcoming (in relation to the latest SBI Technical Note), these will be reported in the Supplementary Report.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B): No comments received

Environment Agency: No objection in principle.

Pre-start Conditions - To be confirmed.

Development Plan and Policies

JP-Strat1 Main Town Centres

2

JP-S1 Sustainable Development

JP-S4 Flood Risk and the Water Environment

JP-G7 Trees and Woodland

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

JP-P1 Sustainable Places

JP-C5 Streets For All

JP-C6 Walking and Cycling

JP-C8 Transport Requirements of New Development

EC1/2 Land Suitable for Business (B1)

EN1/2 Townscape and Built Design

EN6/2 Sites of Nature Conservation Interest LNR's

EN7/3 Water Pollution

EN7/4 Groundwater Protection

HT6/1 Pedestrian and Cyclist Movement

CF2/1 Bury College

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.

ASSESSMENT

Principle of the development

The proposal relates only to the remediation of the site and provision of an improved vehicular, cycle and pedestrian access.

The allocation of the site in the UDP is noted at the description above. Residential use is not one of the uses specified for the site.

However, since the UDP was adopted in 1997, the site has not been developed for any of the uses specified and paragraph 126 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

(a) It should, as part of plan updates reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped): and

(b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.'

Although this application is for enabling works only, these would be to facilitate the subsequent redevelopment of the site for housing, which the Council would be obliged to deliver as a requirement of the Brownfield Land Release Fund secured to remediate the site. Although housing is inconsistent with the site's UDP allocation, as the site has not come forward for any of the allocated uses in 27 years and the UDP is yet to be fully replaced, criterion (b) of paragraph 126 is applicable.

In addition, with regard to housing, the NPPF supports the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Since its adoption in March 2024, the Places for Everyone Joint Development Plan (PfE) is a key part of Bury's statutory development plan. Meeting our housing needs and creating neighbourhoods of choice by focusing new homes in town centres; within 800m of public transport hubs; and prioritising sustainable modes of transport are key strategic objectives for the plan.

PfE also recognises that investment in the town centres of the northern districts (including Bury) will be vital to support the plan's spatial strategy to boost northern competitiveness. A key element of PfE's spatial strategy is to focus growth on main town centres and Policy JP-Strat12 (Main Town Centres) states that opportunities to further increase the population catchments of these centres will be taken, including significantly increasing the resident population of the main town centres by providing a mix of type and size of dwellings supported by the necessary infrastructure and amenities.

The site is in a highly sustainable town centre location with excellent access to the public transport interchange and town centre shops and services. Enabling works to facilitate the regeneration of the site and its future development for housing is, therefore, consistent with

the PfE's strategic objectives and its spatial strategy to boost northern competitiveness and to increase the resident population within main town centres.

The proposed development would facilitate the delivery of a significant number of new homes in line with Government objectives.

Furthermore, the Bury Town Centre Masterplan was adopted 2022 and is therefore a material consideration. The site falls within Character Zone H - Southern Gateway, which is to accommodate high quality residential development, including family housing, apartments, housing for older people and affordable housing.

In light of the above, despite the site's allocation in the UDP, enabling works to support a residential scheme would be acceptable in principle.

Ecology, Impact on the SBI and Biodiversity Net Gain

UDP Policy EN6/2 specifically relates to Grade B and C Sites of Biological Importance, stating that planning permission will not be granted for development which would damage either directly or indirectly, the nature conservation interests of sites, unless conditions can be imposed that would acceptably mitigate those impacts.

Paragraph 225 of the NPPF states that, for the purposes of decision-making, 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). UDP Policy EN6/2 is not fully consistent with the NPPF, given that it does not allow for an option to compensate for any significant harm to biodiversity. Consequently, it is considered that this limits the weight that can be attached to UDP Policy EN6/2.

Paragraph 186 (a) of the NPPF is relevant to the consideration of the impact of proposed development on SBI sites, stating that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Criterion (a) of PfE Policy JP-G8 does, however, fully reflect the approach set out in the NPPF and states that development will be expected to follow the mitigation hierarchy of:

- i) Avoiding significant harm to biodiversity, then
- ii) Adequately mitigating any harm to biodiversity, then
- iii) Adequately compensating for any remaining harm to biodiversity, avoid fragmenting or severing connectivity between habitats, achieve a measurable net gain, and make appropriate provisions for the long-term management of habitats connected to the development.

Policy JP-G8 is wholly reflective of national planning policy and should, therefore, be the primary policy against which biodiversity matters associated with this application are considered.

In addition, Biodiversity Net Gain (BNG) became mandatory in February 2024. Developments must deliver a BNG of 10% post implementation, which makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

GMEU position on relation to the Townside SBI

Original comments of 29/07/2024

The development will result in the loss of an SBI. Whilst accepting that this site has changed significantly since its original designation, with the lake having dried out, the SBI re-designated for its swamp and marsh habitats, which now are undergoing succession to scrub it is currently still designated as an SBI. The GMEU are also aware that the site was allocated for development, prior to the SBI being designated and that therefore, there are conflicting local plan policies associated with this site.

It is the GMEU's role to remind the Local Planning Authority (LPA) and Council of its statutory duty under the Natural Environment and Rural Communities (NERC) Act 2006, Section 40 to conserve and enhance biodiversity, which needs to be weighed, along with the site's ecological value, against any economic or housing needs of the Council. GMEU's view is that whilst restoration of the lake is now unlikely to be reasonable, given its artificial nature and the cost that would be involved, that it is feasible for the Council to restore, create and enhance the current habitats and maintain the SBI designation.

Given the current local plan is under review, this would be an opportunity to remove the current policy to develop the site, which has proven financially unfeasible for over 20 years, and develop instead as an accessible natural greenspace at the heart of the town centre. GMEU understand however the dilemma of conflicting planning policies and therefore, whilst advising against development, accept that economic/housing requirements may outweigh the ecological value/potential of the site, which is for the LPA to decide. The GMEU consider that the site is of between local and district importance. Whilst currently designated a grade B site (i.e. district importance), it is accepted that it is currently declining in value. Therefore, if the development is of equivalent or higher weight GMEU would understand the Council's decision.

Latest comments of 20/11/2024

A revised proposal has been provided which now retains and enhances the Site of Biological Importance (SBI) wetland to the east of Market Street and includes habitat enhancements on the embankment to the north of the SBI. The revised metric now shows a shortfall of 4.75 units to achieve 10% biodiversity net gain.

This is clearly an improvement (to the originally submitted scheme), but still a loss of a significant part of the SBI. The original GMEU comments re. loss of an SBI, now part of an SBI dated 29th July 2024, therefore still applies i.e. the GMEU preference is for the retention of the SBI, whilst acknowledging the conflicting local plan policies for this site and long history of development proposals. The GMEU is also concerned that if the site is remediated, based on the previous history of development proposals and permission, the SBI could be lost and then the site not developed. The Local Planning Authority should therefore carefully weigh the material considerations on both sides prior to determination.

Notwithstanding our recommendation not to develop, the following minor issues with the metric primarily relating to strategic significance remain.

- Under habitat creation, some of the proposed modified grassland is down as strategically significant. This will no longer be the case, as it will have lost its ecological value. This area should have no strategic significance,
- Under habitat enhancements the submitted metric has identified an area of fen outside the SBI for enhancement. This is an error on our part for not realising the fen had extended beyond the original lake boundary and as a result not extending the SBI. The strategic significance for this area is therefore medium distinctiveness (baseline and post remediation) as continuous with the SBI fen,
- Finally good condition is proposed for the fen and woodland habitats. These have

relatively high risk of failure, particularly for the woodland. The fen is potentially achievable, but reliant on the hydrology being appropriate, which is unknown for this site and likely very difficult to control and remediate if any future development effects it.

None of the above issues are however reasons to delay a decision any further, though changes to the strategic significance can be done now, with no delay, with finalised metric, biodiversity gain plan and HMMP for on-site proposals provided in order to discharge the statutory general biodiversity gain condition. Off-site credits will also need to be purchased. The shortfall is small enough that the applicant could secure the units, for wetland creation/enhancement elsewhere, preferably in the borough, but given the shortage of registered habitat banks, likely elsewhere.

With regards to the actual landscape and biodiversity enhancement proposals, the planting proposal is acceptable, though it is noted that the proposed wetland introduction, whilst appearing appropriate, may be unnecessary with enhancement of the existing habitats and translocation of existing fen vegetation from the area proposed for loss preferable. It is also suggested that the proposed woodland and scrub planting, whilst appropriate in terms of habitat, look at the opportunities to enhance for foraging bats.

It is also noted that the Habitat Management and Monitoring Plan (which would be a mandatory BNG requirement) for the fen will need to identify what the target lowland fen habitat will be and will need to provide a hydrological assessment, monitoring and management plan.

Evaluation of ecological issues

A significant part of the application site is designated as the Townside Grade B Site of Biological Importance (SBI) based on its swamp and marshland habitat. Grade B SBIs are considered to be of district-wide importance. The enabling works that are subject to this application would result in the loss of the majority of the SBI (all that on the west side of Market Street), although it is proposed that the area of the SBI to the east of the Market Street bridge would be retained and enhanced.

Evidence submitted by the applicant suggests that the area does not represent a high-quality example of swamp and marsh habitats, for which the SBI is designated and that this has degraded, as evidenced by identified successional scrub encroachment, which has the effect of downgrading the quality of the SBI. The supporting SBI Technical Note suggests that this would ultimately result in the site drying out with scrub and woodland succession (i.e. loss of the SBI designation qualifying features).

This has not been corroborated by the Greater Manchester Ecology Unit, who maintain that the site warrants Grade B SBI status and that whilst it currently declining, it would be (technically) feasible for the Council to restore, create and enhance the current habitats and maintain the SBI designation.

The presence of the Grade B SBI is reflected in the calculation of the existing biodiversity value of the site. The application is supported by a Biodiversity Net Gain statutory metric and a BNG Assessment Report, which considers the ecological value of the site and takes cognizance of the value of the SBI. The Assessment Report outlines how the 10% BNG would be achieved and the post-development habitats that will be retained and enhanced. This includes translocation from the affected part of the SBI and enhancement of the remaining part to the east of Market Street to create higher quality fenland. Native scrub and woodland planting would take place elsewhere in the site and thereafter would be managed for a 30-year period (a mandatory requirement of BNG). The remediated part of the site would be seeded with grassland.

The noted biodiversity proposals would not be sufficient to attain 10% gain on site, as there would be a 4.57 biodiversity unit shortfall. As such, this shortfall would need to be met through off-site compensation measures, likely to be in the form biodiversity units at a local habitat bank. The mandatory requirement to submit and have approved a Biodiversity Gain Plan prior to the commencement of development would secure the noted gain, which would ensure that the off-site compensation is appropriately delivered.

In terms of the mitigation hierarchy set out in the NPPF and PfE Policy JP-G8, it is not considered to be possible to avoid adversely affecting the SBI by locating on an alternative site with less harmful impacts.

The GMEU do acknowledge that if the proposed development is of equivalent or higher weight, then they would understand the Council's decision (to approve the development).

The site is in a highly sustainable town centre location and the funding that has been secured for the enabling works is specific to the site. The application does include proposals to mitigate against the loss of part of the SBI through on-site enhancement works to the remaining part of the SBI to the east of the Market Street bridge and, whilst this is not sufficient to achieve 10% BNG, the shortfall would be addressed through off-site compensation measures.

As such, it is considered that the proposal accords with the mitigation hierarchy set out under PfE Policy JP-G8 and the NPPF.

Access and Highway Safety

UDP Policy EN1/2 requires consideration of the design and appearance of access, parking and service provision. Policy HT6/1 seeks to ensure that pedestrians and cyclists are able to move safely and conveniently.

PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposed improved access would entail the widening and increasing visibility at the junction with Market Street and thereafter the provision of a two lane carriageway and 2m wide footway via a 1 in 20m gradient ramp with turning head (the first 13.7m west from the junction with Market Street would be horizontal).

The representation notes that the volume of pedestrian traffic at the junction of the proposed access road / Market Street can be high, stating that visibility for both vehicles and pedestrians at this junction is substandard and that measures should be taken to ensure a safe pedestrian crossing.

The Highway Authority confirm that the development is acceptable in principle, that the proposed access improvements would assimilate appropriately with the existing highway network and the proposed active travel scheme and that recommended conditions will be detailed in the Supplementary Report.

Ground Conditions

Section 15 of the NPPF requires development to be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, including any proposals for mitigation, such as land remediation (as well as potential impacts on the natural environment arising from that remediation).

The principal purpose of the proposal is to remediate the site and provide suitable access to facilitate future residential development of the site (which would be subject to further planning applications).

The Council's Contaminated Land Section notes that numerous reports have been submitted with the application and therefore is satisfied that sufficient assessment has been undertaken for the proposed development and that an appropriate Remedial Strategy has been put forward. As such, only verification of the remediation needs to be secured by condition.

In such circumstances, the proposal would be acceptable and would be compliant with the NPPF.

Design and Visual Amenity

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

Impacts on visual amenity would be limited to the removal of existing ground features due to the remediation measures (e.g. removal of the pyramids/cut and fill) and the creation of the ramped access (facilitated partially on new embankments at the higher level and supported by retaining walls at the lower down).

The existing site topography and features result from previous interventions, including the formation of the railway and then post railway ground works to create the pyramid forms (as part of previous, but abandoned recreational use of the site). The site is crossed by the bridged Market Street. As such, the site has been and is currently heavily modified by previous activities and the form reflected the function.

The remediation would remove the pyramids and the new access road from Market Street would ramp down into the site upon engineered supporting structures. Materials for the retaining walls would be agreed by condition.

Given the history of the site and the significant previous physical interventions, subject to agreement of suitable finishing materials, the proposed development would appropriately assimilate in the context, which would be further enhanced by the proposed biodiversity enhancement scheme.

The proposal would not therefore have any unacceptable impacts on visual amenity or the street scene.

Conclusion

The delivery of new housing in a sustainable, town centre location is fully consistent with Government aspirations to significantly boost the delivery of new homes and the Strategic Objectives and Spatial Strategy of PfE.

As discussed above, the proposal would result in the significant loss of an existing Grade B SBI, that is however acknowledged as being in a state of degradation. Submitted evidence suggests that this would ultimately result in the site drying out with scrub and woodland succession (i.e. loss of the SBI designation qualifying features).

As is mandatory, the proposal would deliver BNG in accordance with statutory requirements, and this would include the translocation to and the enhancement of the eastern part of the SBI along with other biodiversity interventions elsewhere on the site, with further mitigation off-site to result in a 10% net gain in biodiversity.

As noted elsewhere in the report, further material benefits of the proposal would accrue which would include the remediation of contaminated land that would be secured via Brownfield Land Regeneration Funding (noting that this is deemed to be critical for site viability), the facilitation of residential development at the site, which would boost the delivery of new homes in a sustainable, town centre location, with opportunities for improved active travel linkages and facilitation of the Active Travel network. Furthermore, the proposed development would not have any unacceptable impacts on highway safety or visual amenity.

Therefore, on balance, it is considered that the loss of part of the Grade B SBI on this site would be demonstrably outweighed by the regeneration benefits that this proposal would deliver. In accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 and documents
Site Location Plan (Dwg No. 4000 P1)
General Arrangement (Dwg No. 5002 P01)
Biodiversity Enhancement Planting Plan (Dwg No. D9302.02.001A)
Contour Plan & Sections (Dwg no. 5012 P3)
Preliminary Earthworks Cut and Fill (Dwg no. 5013 P3)
Site Remediation Plan (Dwg no. 4001 P4)
Remediation Strategy (Doc. Ref. 14111-CRH-XX-XX-RP-LQ-0001 P02)
and the development shall not be carried out except in accordance with the drawings and documents 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 and Places for Everyone Joint Development Plan listed.
3. Details of the materials to be used in the retaining structure 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

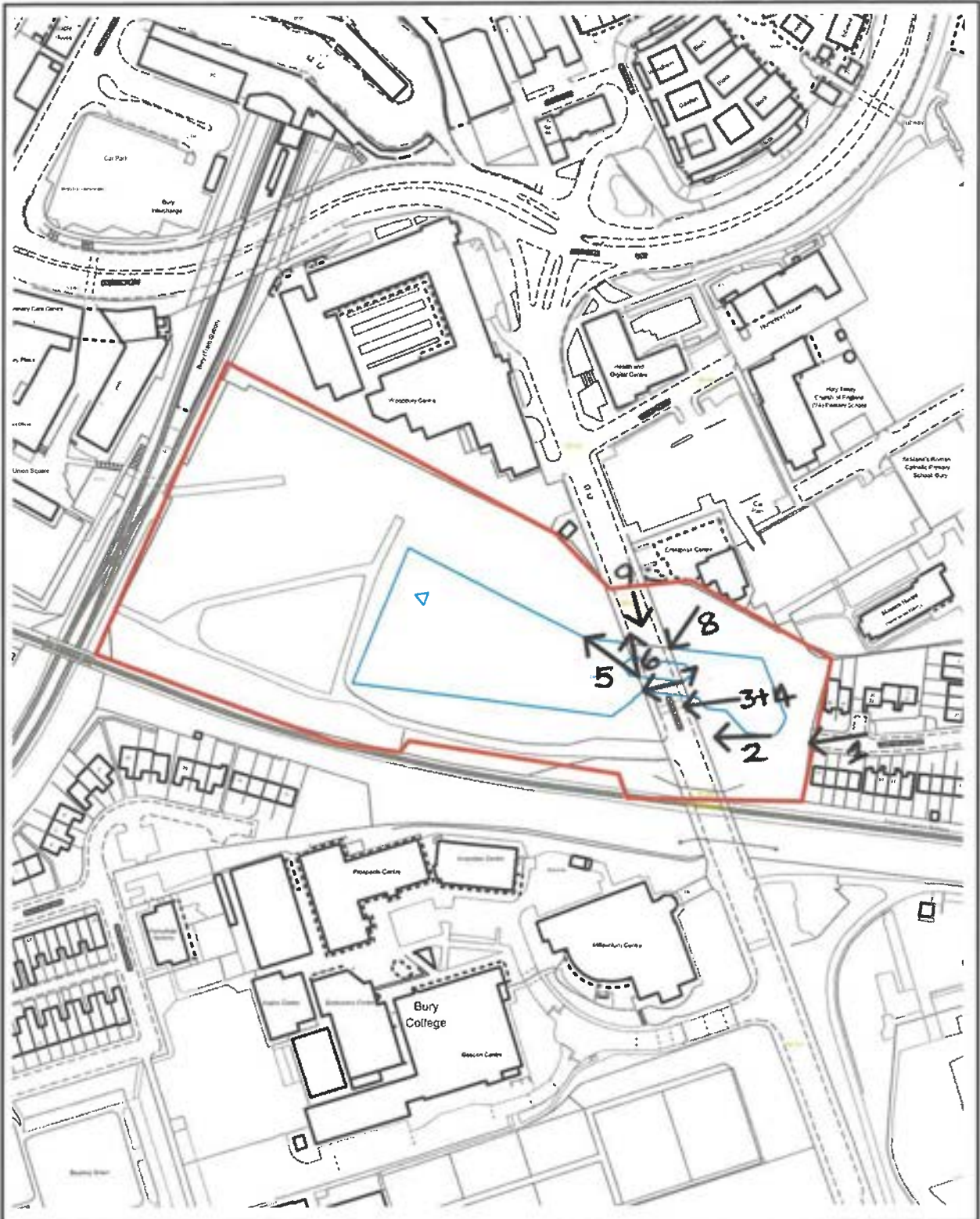
4. The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:

Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy (Doc. Ref. 14111-CRH-XX-XX-RP-LQ-0001 P02). A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 180(f), 189 and 190 of the National Planning Policy Framework (December 2023).

For further information on the application please contact **Dean Clapworthy** on **0161 253 5317**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70903

ADDRESS: Land at Pyramid Park, Market Street
Bury

Planning, Environmental and Regulatory Services

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Bury
Council

70903

Photo 1 – Aerial from the east



Photo 2 – Aerial from the east zoomed out



70903

Photo 3 – Aerial from the south



Photo 4 – Aerial from the north



70903

Photo 5 – Aerial from the west



70903

Photo 1



Photo 2



70903

Photo 3



Photo 4



70903

Photo 5



Photo 6



70903

Photo 7



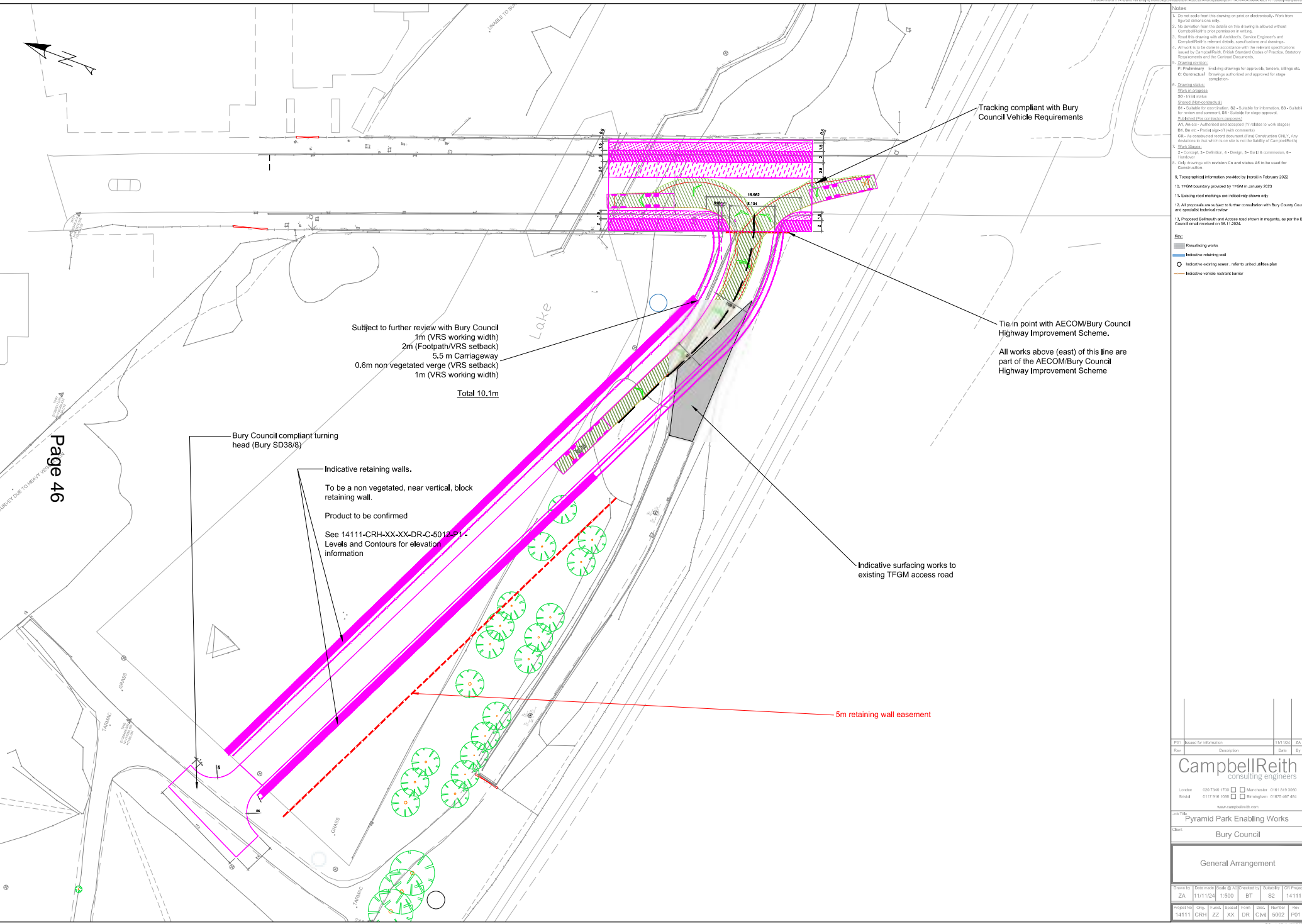
Photo 8



70903

Photo 9





Subject to further review with Bury Council
 1m (VRS working width)
 2m (Footpath/VRS setback)
 5.5m Carriageway
 0.6m non vegetated verge (VRS setback)
 1m (VRS working width)
Total 10.1m

Bury Council compliant turning head (Bury SD38/8)

Indicative retaining walls.
 To be a non vegetated, near vertical, block retaining wall.
 Product to be confirmed
 See 14111-CRH-XX-XX-DR-C-5012-P1 - Levels and Contours for elevation information

Indicative surfacing works to existing TFGM access road

5m retaining wall easement

Tracking compliant with Bury Council Vehicle Requirements

Tie in point with AECOM/Bury Council Highway Improvement Scheme.
 All works above (east) of this line are part of the AECOM/Bury Council Highway Improvement Scheme

- Notes
- Do not scale from this drawing or print or electronically, when from a hard copy.
 - No deviation from the details on this drawing is allowed without CampbellReith's prior permission in writing.
 - Read this drawing with all documents, Survey Engineers and CampbellReith's relevant details, specifications and drawings.
 - All work is to be done in accordance with the relevant specifications issued by Camptocrell, British Standard Codes of Practice, Statutory Requirements and the Contract Documents.
 - Drawing status:**
 A - Preliminary - For calling drawings for approval, tenders, billings etc.
 B - Contractual - Drawings authorized and approved for stage completion.
 - Drawing status:**
 B1 - For information
 B2 - Suitable for coordination
 B3 - Suitable for information
 B4 - Suitable for review and comment
 B5 - Suitable for stage approval
 - Drawings for construction purposes:**
 A1 - As Issued - Authorized and accepted for release to work stages
 B1 - As Issued - Foring against such comments
 CR - As coordinated record document (final Construction Only), any deviations from this which are on site are the liability of CampbellReith
 - Work Status:**
 1 - Concept, 2 - Design, 3 - Detail, 4 - Design, 5 - Build, 6 - Commission, 6 - Handover
 - DWG drawings with revision Cx and status A5 to be used for Construction.
 - Topographical information provided by Inroad in February 2022
 - TFGM boundary provided by TFGM in January 2023
 - Existing road markings are indicatively shown only
 - All proposals are subject to further consultation with Bury County Council and associated technical teams
 - Proposed Bedfords and Access Road shown in images, as per the Bury Council email received on 05.11.2024.

- Key:
- Retaining walls
 - Indicative retaining wall
 - Indicative existing sewer - refer to utility utility plan
 - Indicative vehicle access barrier

Rev	Description	Date	By
01	Issued for information	11/11/24	ZA

CampbellReith
consulting engineers

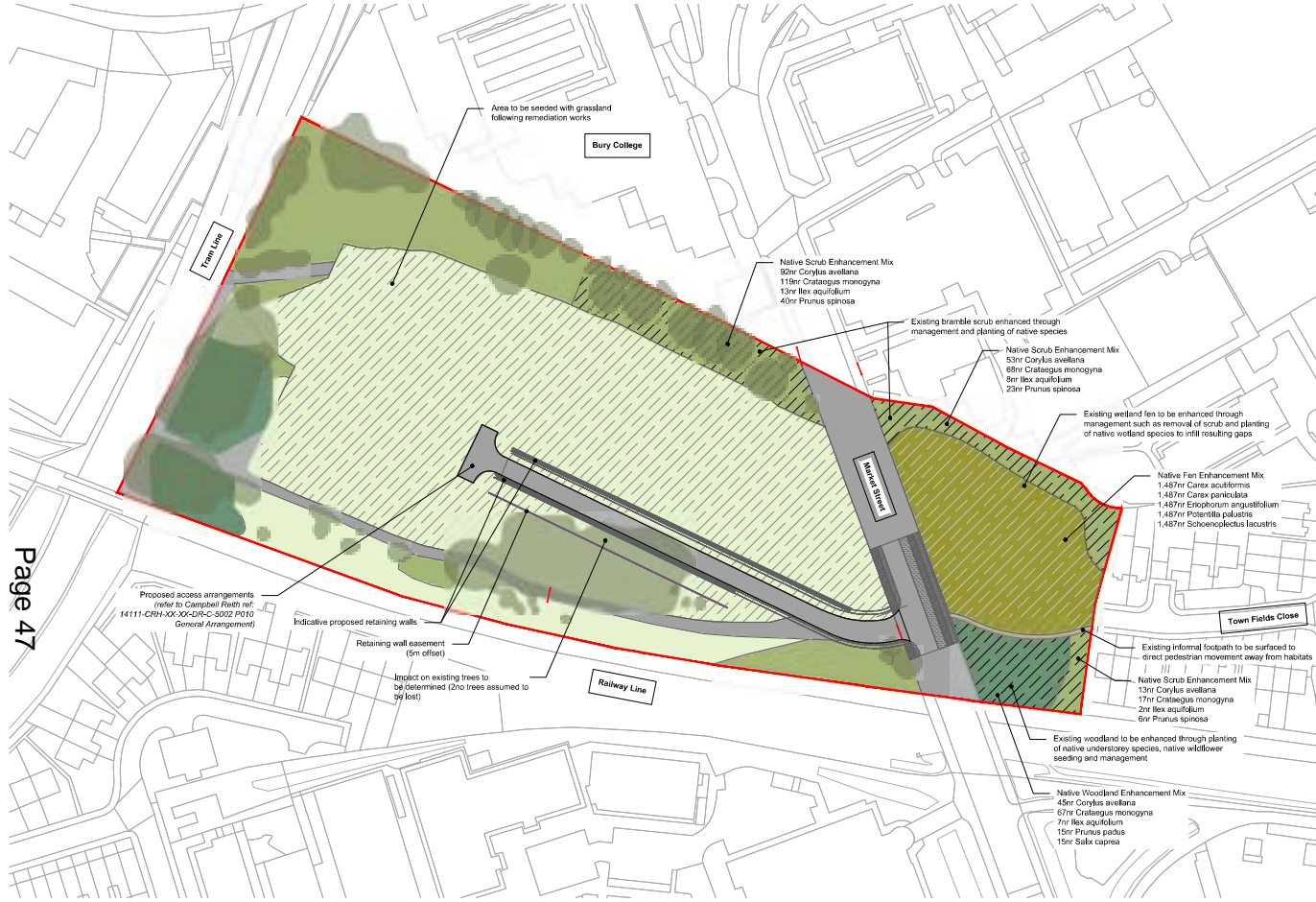
London 020 7340 1700 Manchester 0161 819 3500
 Bristol 0117 916 1066 Birmingham 0121 755 4674

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Client: Pyramid Park Enabling Works
 Bury Council

General Arrangement

Drawn by	Date made	Scale	Disc No	Disc No	Disc No	Disc No	Disc No
ZA	11/11/24	1:500	BT	S2	14111		
Project No	Client	Phase	Disc	Form	Disc	Number	Rev
14111	CRH	ZZ	XX	DR	CRH	5002	001



Key

- Red line boundary
- Retained existing**
 - Hard surfacing
 - Urban tree (Condition: Good) - indicative
 - Other woodland; broadleaved (Condition: Moderate)
 - Bramble scrub (Condition: N/A)
 - Modified grassland (Condition: Poor)
- Proposals and enhancements**
 - Other woodland; broadleaved (Condition: Good)
 - Fen (upland and lowland) (Condition: Good)
 - Mixed scrub (Condition: Moderate)
 - Modified grassland (Condition: Poor)
 - Proposed crushed stone footpath with geotextile underlay and timber edging

- Notes**
- Soil preparation:** Ground to be prepared in accordance with the specification. Soil management, handling and placement shall be undertaken in accordance with 'Code of Practice for the Sustainable use of Soils on Construction Sites' (Defra, 2011).
 - Soil amelioration:** Soil amelioration to be incorporated into planting areas in accordance with the specification.
 - Planting positions generally:** Planting positions generally to remain flexible to allow for minor alterations to positions to reflect site conditions and findings on site (eg. underground utilities, etc). Any changes should be agreed in advance with the Project Landscape Architect.
 - Woodland and scrub planting:** Transplants/whips (60-80cm, bareroot/container) will be planted at 1.5m centres in single species groups of 5-25nr.
 - Mulching:** All plants shall have a min 80x800mm individual mulch mats (min 450gsm/m2) installed with 5nr pegs per mat (min). Native wildflower seeding to be sown between mats.
 - Rabbit Protection:** Suitable rabbit-proof guards/shelters to be installed to all transplants/whip planting.
 - Irrigation:** All planting shall should be thoroughly watered following planting.
 - Root barriers:** Root barriers (GreenBlue Urban Reroot1000 or similar approved) to be installed when tree and shrub planting is proposed within 3mtrs of underground utilities and hard surfacing.
 - Fen planting:** Plugs will be planted in single species groups of 5-25nr.
 - Seeding:** Grass seed sowing: April to June or August to October, during suitable periods of sufficient warmth and moisture. Wildflower seed sowing: March to May or August to October, during suitable periods of sufficient warmth and moisture.
 - Aftercare:** Plants that have died or failed to thrive to be replaced in accordance with the specification.

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Plant Schedule

Qty	Name	Age	Height	Form	Bins	Root	Ctr	Centres	Mix%
Native Fen Enhancement Mix									
1487	Carex acutiformis			PG	0.300			20.00%	
1487	Carex paniculata			PG	0.300			20.00%	
1487	Eriophorum angustifolium			PG	0.300			20.00%	
1487	Potentilla palustris			PG	0.300			20.00%	
1487	Schoenoplectus lacustris			PG	0.300			20.00%	
7435									
Native Scrub Enhancement Mix									
150	Corylus avellana	1/2	60-80cm	Transplant	3	B		1,500	35.00%
204	Crataegus monogyna	1/1	60-80cm	Transplant	B			1,500	45.00%
23	Ilex aquifolium		60-80cm		C	3L		1,500	5.00%
69	Prunus spinosa	1/1	60-80cm	Transplant	2	B		1,500	15.00%
454									
Native Woodland Enhancement Mix									
45	Corylus avellana	1/2	60-80cm	Transplant	3	B		1,500	30.00%
67	Crataegus monogyna	1/1	60-80cm	Transplant	B			1,500	45.00%
17	Ilex aquifolium		60-80cm		C	3L		1,500	5.00%
15	Prunus padus	1/1	60-80cm	Transplant	B			1,500	10.00%
15	Salix caprea	0/1	60-80cm	Cutting	2	B		1,500	10.00%
149									

Native Seed Mixes:

Woodland Seeding
 Supplier: Emongate Seeds
 Mix: EW1F Wild Flowers for Woodland
 Sowing rate: 1.5 g/m²

Fen Seeding
 Supplier: Emongate Seeds
 Mix: EMBF Wild Flowers for Wetlands
 Sowing rate: 1.5 g/m²

Modified Grassland Seeding
 Supplier: Emongate Seeds
 Mix: EG22 Strong Lawn Grass Mixture
 Sowing rate: 25 g/m²

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Rev	Description	Drawn	Approved	Date
A	Addition of access arrangements	AL	GDA	16.11.24

THE ENVIRONMENT PARTNERSHIP
 401 Faraday Street, Birchwood Park, Warrington WA3 9GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project:
Pyramid Park, Bury

Title:
Biodiversity Enhancement Planting Plan

Drawing Number:
D9302.02.001A

Scale	Date	
1:750 @ A1	06/11/2024	
Drawn	Checked	Approved
AL	EH	KD

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REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	17 December 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

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Email: d.marno@bury.gov.uk

Planning applications decided using Delegated Powers

Between 16/09/2024 and 06/12/2024



Ward:

Application No.: 70918 **App. Type:** REG5 01/11/2024 Raise No Objection
Location: Polefields/Bury Old Road, Prestwich, Manchester, M25 1WJ
Proposal: Regulation 5 Notice of Intention to remove 1no. 14.5m monopole and 2no. cabinets to relocate and install 1no. 18m monopole with wraparound and 2no. cabinets, along with associated equipment works.

Application No.: 71036 **App. Type:** FUL 24/10/2024 Approve with Conditions
Location: Lilac House, 2A Lilac Grove, Prestwich, Manchester, M25 3DT
Proposal: First floor rear extension and alteration and conversion of detached garage.

Application No.: 71059 **App. Type:** REG5 03/10/2024 Raise No Objection
Location: Pavement adj 214 Bury New Road, Whitefield, Manchester, M45 6GG
Proposal: Regulation 5 Notice of intention to install 1 no. telecommunications cabinet and feeder pillar (Bury/1/FPC/26/1)

Application No.: 71192 **App. Type:** REG5 07/10/2024 Raise Objections
Location: Rear of 238 Whalley Road, Shuttleworth, Ramsbottom
Proposal: Regulation 5 Notice - installation of 8m high wooden pole

Application No.: 71194 **App. Type:** REG5 21/10/2024 Prior Approval Not required
Location: O/S 454a Whalley Road, Ramsbottom
Proposal: Regulation 5 Notice - installation of 9m high wooden pole

Application No.: 71196 **App. Type:** REG5 17/10/2024 Enquiry completed
Location: Pavement outside 152 Hollins Lane, Bury, BL9 8AW
Proposal: Regulation 5 Notice of intention to install 1no. cabinet

Application No.: 71197 **App. Type:** REG5 21/10/2024 Raise Objections
Location: Pavement outside 111 Alfred Street, Bury, BL9 9EQ
Proposal: Regulation 5 Notice of intention to install 1no. cabinet

Application No.: 71200 **App. Type:** REG5 23/10/2024 Raise No Objection
Location: Pavement outside 2 Alnick Drive, Bury, BL9 8BZ
Proposal: Regulation 5 Notice of intention to install 1no. cabinet

Application No.: 71203 **App. Type:** REG5 25/10/2024 Raise No Objection
Location: OPPOSITE LOWER LEA FARM, BURY OLD RD, RAMSBOTTOM, BL0 0RX
Proposal: Regulation 5 Notice of intention to install 1 no 8 m medium wooden pole - OPP LOWER LEA FARM, BURY OLD RD

Application No.: 71204 **App. Type:** REG5 07/11/2024 Raise No Objection
Location: Pavement outside 6 Cheshire Court, Ramsbottom, Bury, BL0 0BL
Proposal: Regulation 5 Notice of intention to install 1 no 9m wooden pole

Application No.: 71323 **App. Type:** REG5 02/12/2024 Raise No Objection
Location: Pavement at the side of 59 Hillside Road, Ramsbottom, Bury, BL0 9NJ
Proposal: Regulation 5 Notice of intention to install 1 no. 10m light wooden pole

Application No.: 71338 **App. Type:** REG5 05/12/2024 Raise No Objection
Location: Rear of 2 Wilds Place, Ramsbottom, Bury, BL0 9JU
Proposal: Regulation 5 Notice of intention to install 1 no. 13m light wooden pole

Application No.: 71340 **App. Type:** REG5 02/12/2024 Raise No Objection
Location: Pavement side of 12C Ribble Drive, Whitefield, Manchester, M45 8WJ
Proposal: Regulation 5 Notice of intention to install 1 no 10m light wooden pole

Ward: **Bury East**

Application No.: 70819 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: Land between 69-97 Rochdale Road & York Street, Bury, BL9 7AX
Proposal: Creation of a car park with 40 no. parking spaces on vacant land

Application No.: 70977 **App. Type:** FUL 28/10/2024 Approve with Conditions
Location: Performance House, Heywood Street, Bury, BL9 7DZ
Proposal: Change of use of part car showroom (Sui Generis) to retail (Class E(a))and office (Class E(g)(i)) single storey extension and external alterations

Application No.: 71017 **App. Type:** FUL 20/11/2024 Approve with Conditions
Location: 85 Goldfinch Drive, Bury, BL9 6JT
Proposal: Single storey extension at side / rear; raised patio at rear and ramped access of the extension

Application No.: 71111 **App. Type:** FUL 18/10/2024 Approve with Conditions
Location: 4 Nuttall Street, Pimhole, Bury, BL9 7EW
Proposal: Single storey rear and side extension

Application No.: 71158 **App. Type:** ADV 14/11/2024 Refused
Location: 12 Bolton Street, Bury, BL9 0LQ
Proposal: Internally illuminated fascia sign

Application No.: 71167 **App. Type:** ADV 15/11/2024 Approve with Conditions
Location: 15 Rock Place, Bury, BL9 0JX
Proposal: 2 no. internally illuminated logos, 1 no. internally illuminated projecting sign and 1 no. internally illuminated menu board

Application No.: 71205 **App. Type:** FUL 02/12/2024 Approve with Conditions

Location: 165 Rochdale Road, Pimhole, Bury, BL9 7BB

Proposal: Change of use of first floor from office/retail storage to 1no. apartment (Class C3)

Ward: **Bury East - Moorside**

Application No.: 70516 **App. Type:** FUL 06/11/2024 Approve with Conditions

Location: Bradshaw Hill Stables, Castle Hill Road, Bury, BL9 6UN

Proposal: Conversion of 2 no. existing buildings (units A & B) into 1 no dwelling with single storey porch and external alterations which will link the two; Material modifications to the elevations on the existing barns/stables (Units C & D) including associated landscaping and changes to levels

Application No.: 70551 **App. Type:** FUL 17/10/2024 Approve with Conditions

Location: Land adjacent to 6 Richard Burch Street, Bury, BL9 6DU

Proposal: Erection of 2no. dwellings

Application No.: 70715 **App. Type:** FUL 01/11/2024 Approve with Conditions

Location: Land off Parkinson Street, Bury, BL9 6NY

Proposal: Variation of conditions 3 & 10 following approval of planning permission 69079 : Plot 20 has been handed; Plots 56-57 have been handed; Parking provisions for plots 62 - 67 have been amended; Footpath in front of plots 47-51 has been removed and additional hard standing added for refuse (Condition 3); no trees have been removed but tree locations have been updated and additional hedging added (Condition 10)

Application No.: 70862 **App. Type:** FUL 29/10/2024 Approve with Conditions

Location: 85 Walmersley Road, Bury, BL9 5AN

Proposal: Metal ramp to the front for disabled access, 1m high front boundary wall, and 5 no. air conditioning external units on the ground of front garden

Application No.: 70985 **App. Type:** FUL 20/09/2024 Approve with Conditions

Location: Harry Whitehead Court, Lowes Road, Bury, BL9 6QN

Proposal: Conversion of existing two storey wardens house into 2no. 1 bedroom flats

Application No.: 70998 **App. Type:** FUL 30/09/2024 Approve with Conditions

Location: 42 Fairlands Road, Bury, BL9 6QB

Proposal: Part single/part two storey rear extension and two storey side extension

Application No.: 71018 **App. Type:** PIAPA 08/10/2024 Prior Approval Required and Granted

Location: 429-433 Walmersley Road, Bury, BL9 5EU

Proposal: Prior approval for proposed change of use of first floor from associated retail (Class E) to 2 no. flats (Class C3)

Application No.: 71023 **App. Type:** FUL 07/10/2024 Refused

Location: 1-5 Porter Street, Bury, BL9 5DZ

Proposal: Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations

Application No.: 71034 **App. Type:** FUL 01/11/2024 Refused
Location: 309 Walmersley Road, Bury, BL9 5EZ
Proposal: Change of use of existing 6 no. bedroom House in Multiple Occupation (HMO) (Class C4) to 9 no. bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis) with erection of single storey outbuilding extension at rear (to be used as bedroom no. 9)

Application No.: 71125 **App. Type:** FUL 08/11/2024 Approve with Conditions
Location: 14 Northfield Road, Bury, BL9 6QD
Proposal: Single storey / two storey extension at rear

Application No.: 71185 **App. Type:** FUL 13/11/2024 Approve with Conditions
Location: 229 Walmersley Road, Bury, BL9 5DJ
Proposal: Double garage to the rear.

Application No.: 71225 **App. Type:** FUL 20/11/2024 Approve with Conditions
Location: 2 Beech Grove Close, Bury, BL9 6ES
Proposal: Single storey rear conservatory and front porch

Ward: **Bury East - Redvales**

Application No.: 70602 **App. Type:** FUL 04/10/2024 Approve with Conditions
Location: Former Bury FC Ticket & Retail Sales Unit, Gigg Lane, Bury, BL9 9HU
Proposal: Temporary change of use (for 5 years) of former ticket sales office to web-based car sales office (Sui Generis) with associated car parking and 2m high open mesh fence

Application No.: 70911 **App. Type:** FUL 24/09/2024 Approve with Conditions
Location: 2 Kent Drive, Bury, BL9 9DL
Proposal: Single Storey Front /Side Extension; Relocation of driveway to the front.

Application No.: 70940 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 54 Wordsworth Avenue, Bury, BL9 9QX
Proposal: Single storey front and side extension; part single/two storey rear extension; loft conversion with rear dormer

Application No.: 70959 **App. Type:** FUL 28/10/2024 Refused
Location: 253 Market Street, Bury, BL9 9JW
Proposal: Demolition of existing dwelling and erection of replacement attached dwelling

Application No.: 71026 **App. Type:** FUL 16/10/2024 Approve with Conditions
Location: 12 Rhiwlas Drive, Bury, BL9 9DD
Proposal: Two storey side/rear extension; Single storey rear extension with steps into rear garden; Single storey front extension

Application No.: 71027 **App. Type:** FUL 26/09/2024 Approve with Conditions
Location: Land south of Pimhole Business Park (adj River Roch), Alfred Street, Bury
Proposal: Construction of a new outfall headwall to the River Roch, incorporating access footpath, access steps and safety handrails

Application No.: 71069 **App. Type:** FUL 02/10/2024 Approve with Conditions
Location: 64 Rutland Drive, Bury, BL9 9DR
Proposal: Demolition of existing conservatory; Single storey rear extension

Application No.: 71089 **App. Type:** FUL 29/10/2024 Approve with Conditions
Location: 35 Bronte Avenue, Bury, BL9 9RW
Proposal: Single storey extensions at front and rear

Application No.: 71091 **App. Type:** FUL 08/11/2024 Refused
Location: 20 Birch Lea Close, Bury, BL9 9RZ
Proposal: Demolition of existing garage and erection of two storey extension at front side and rear; single storey front extension; first floor rear extensions; first floor front extension and full height window to first floor front elevation

Application No.: 71103 **App. Type:** GPDE 23/10/2024 Prior Approval Required & Granted - Ext
Location: 59 Rutland Drive, Bury, BL9 9DR
Proposal: Prior approval for proposed single storey rear extension

Application No.: 71104 **App. Type:** PIAPA 23/10/2024 Prior Approval Required and Granted
Location: Kungs Mini Market, 167 Radcliffe Road, Bury, BL9 9LN
Proposal: Prior approval for change of use of ground floor room from shop (Class E) to residential (Class C3)

Application No.: 71156 **App. Type:** FUL 29/11/2024 Refused
Location: 17 Belle Vue Terrace, Bury, BL9 0SY
Proposal: Change of use from a 6 bed House in Multiple Occupation (HMO) to a 9 bed (single occupancy) House in Multiple Occupation (HMO)

Application No.: 71179 **App. Type:** GPDE 23/10/2024 Prior Approval Not Required - Extension
Location: 38 Dorset Drive, Bury, BL9 9DW
Proposal: Prior approval for proposed single storey rear extension

Application No.: 71180 **App. Type:** FUL 31/10/2024 Approve with Conditions
Location: 31 Derwent Drive, Bury, BL9 9LS
Proposal: Erection of front porch

Application No.: 71182 **App. Type:** FUL 08/11/2024 Approve with Conditions
Location: 31 Ribchester Drive, Bury, BL9 9JT
Proposal: Single storey side/rear extension

Ward: **Bury West**

Application No.: 71042 **App. Type:** LDPC 20/09/2024 Lawful Development
Location: 43 Bourneville Drive, Bury, BL8 2UF
Proposal: Lawful development certificate for proposed single storey rear extension to domestic dwelling

Application No.: 71083 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 17 Newington Drive, Bury, BL8 2NE
Proposal: Single storey side extension

Application No.: 71093 **App. Type:** DEM 14/10/2024 Prior Approval Required and Refused
Location: Cygnet Hospital Bury, Excel And Exceed Centre, High Bank, Bury, BL8 2BS
Proposal: Prior approval for proposed demolition of existing building

Application No.: 71114 **App. Type:** FUL 02/10/2024 Approve with Conditions
Location: 49 Grange Road, Bury, BL8 2PE
Proposal: Single storey rear/side extension

Application No.: 71126 **App. Type:** FUL 24/10/2024 Approve with Conditions
Location: 51 Stephen Street, Bury, BL8 2PU
Proposal: Single storey rear extension

Application No.: 71130 **App. Type:** GPDE 01/10/2024 Prior Approval Not Required - Extension
Location: 47 Buller Street, Bury, BL8 2BQ
Proposal: Prior approval for proposed single storey rear extension

Application No.: 71154 **App. Type:** FUL 04/11/2024 Approve with Conditions
Location: 28 Euxton Close, Bury, BL8 2HY
Proposal: Single storey rear extension and front porch

Application No.: 71209 **App. Type:** ADV 19/11/2024 Refused
Location: 115 Bolton Road, Bury, BL8 2NW
Proposal: Installation of 1no. internally illuminated digital LED advertisement

Application No.: 71289 **App. Type:** LDGP 20/11/2024 Lawful Development
Location: 11 Chatton Close, Bury, BL8 2UE
Proposal: Lawful development certificate for proposed garden room in domestic property garden

Ward: **Bury West - Church (Historic)**

Application No.: 71123 **App. Type:** FUL 25/10/2024 Refused
Location: 301 Bolton Road, Bury, BL8 2NZ
Proposal: Dropped kerb

Ward: **Bury West - Elton**

Application No.: 71033 **App. Type:** FUL 18/10/2024 Approve with Conditions
Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS
Proposal: Continuation of the use of 3 no. containers associated with the retail sale and manufacturing of ice cream (Classes E(b) & B2) for a temporary period of three years

Application No.: 71118 **App. Type:** FUL 14/11/2024 Approve with Conditions
Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS
Proposal: Change of use and extension of agricultural building to a cafe, class rooms, animal pens, kiosk and outdoor seating area with associated parking

Application No.: 71127 **App. Type:** FUL 03/10/2024 Approve with Conditions
Location: 32 Whitehead Crescent, Bury, BL8 1HU
Proposal: Single storey rear extension

Application No.: 71216 **App. Type:** FUL 08/11/2024 Approve with Conditions
Location: 53 Bankhouse Road, Bury, BL8 1DS
Proposal: First floor side extension; Single storey rear extension

Ward: **North Manor**

Application No.: 70787 **App. Type:** FUL 04/10/2024 Approve with Conditions
Location: The Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY
Proposal: Change of use from light industrial to restaurant (Use Class E) to include a mezzanine floor, 2 no. extractor fans; replacement and refurbishment of windows and doors; reduce height of part retaining wall and erection of bin store with associated car parking

Application No.: 70788 **App. Type:** LBC 04/10/2024 Approve with Conditions
Location: The Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY
Proposal: Listed building consent for change of use from light industrial to restaurant (Use Class E) to include a mezzanine floor, 2 no. extractor fans; replacement and refurbishment of windows and doors; reduce height of part retaining wall and erection of bin store with associated car parking

Application No.: 70983 **App. Type:** FUL 17/10/2024 Approve with Conditions
Location: 399 Bass Lane, Summerseat, Ramsbottom, Bury, BL9 5NR
Proposal: Replacement two storey garage; rear dormer and PV panels to roof and create new vehicular access

Application No.: 71043 **App. Type:** FUL 19/11/2024 Approve with Conditions
Location: Holcombe Brook Sports Club, Hazel Hall Lane, Tottington, Bury, BL0 9FS
Proposal: Alterations to existing tennis court to create 2 no. padel courts

Application No.: 71044 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 16 Newton Drive, Tottington, Bury, BL8 4DH
Proposal: Hipped/duo-pitched roof over original flat roof over garage; white render to original areas of stone and cladding on front/side elevations

Application No.: 71106 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 5 Hillstone Close, Tottington, Bury, BL8 4EZ
Proposal: Front porch; single/two storey extension at rear; first floor extensions at front; raising height of roof; 1 no. loft window to front/side elevations and external alterations including white render to all elevations

Application No.: 71108 **App. Type:** FUL 10/10/2024 Approve with Conditions
Location: 23 Hillstone Close, Tottington, Bury, BL8 4EZ
Proposal: Single storey front and rear extensions; loft conversion with rear dormer and juliet balcony; ridge height increase of 300mm

Application No.: 71134 **App. Type:** FUL 31/10/2024 Approve with Conditions
Location: 14 Ramsbottom Road, Tottington, Bury, BL8 4JS
Proposal: Demolition of garage and shed and erection of single storey side and rear extensions with white render; new glazed entrance; first floor balcony at rear with balustrade at sides / rear; privacy screen at side and first floor window to side elevation

Application No.: 71175 **App. Type:** FUL 11/11/2024 Approve with Conditions
Location: 8A Hillstone Close, Tottington, Bury, BL8 4EZ
Proposal: Single storey rear extension

Application No.: 71234 **App. Type:** LDPC 29/11/2024 Lawful Development
Location: 68 Palatine Drive, Bury, BL9 6RR
Proposal: Proposed lawful development for single storey rear extension

Ward: **Prestwich - Holyrood**

Application No.: 70908 **App. Type:** FUL 11/11/2024 Approve with Conditions
Location: 74 Milton Road, Prestwich, Manchester, M25 1PT
Proposal: Change of use from hot food takeaway (Sui Generis) to residential dwelling (Class C3); front porch and single storey extension at rear

Application No.: 70958 **App. Type:** FUL 11/11/2024 Approve with Conditions
Location: 94 Heys Road, Prestwich, Manchester, M25 1LA
Proposal: Front Porch

Application No.: 71057 **App. Type:** FUL 19/11/2024 Approve with Conditions
Location: 38 Heys Road, Prestwich, Manchester, M25 1JY
Proposal: Single storey side and rear extensions

Application No.: 71085 **App. Type:** FUL 24/10/2024 Approve with Conditions
Location: 6 Pine Grove, Prestwich, Manchester, M25 3DR
Proposal: Single storey rear and side extensions

Application No.:	71086	App. Type:	GPDE	20/09/2024	Prior Approval Not Required - Extension
Location:	24 Willingdon Drive, Prestwich, Manchester, M25 1PA				
Proposal:	Prior approval for proposed single storey rear extension				
Application No.:	71087	App. Type:	P3JPA	15/10/2024	Prior Approval Not Required
Location:	Malcolm Roussak & Co, 52 Bury Old Road, Whitefield, Manchester, M45 6TL				
Proposal:	Prior approval for proposed change of use of first floor from office (Class E) to 1 no. flat (Class E)				
Application No.:	71090	App. Type:	FUL	28/10/2024	Approve with Conditions
Location:	8 Pine Grove, Prestwich, Manchester, M25 3DR				
Proposal:	Single storey extension at side / rear				
Application No.:	71092	App. Type:	FUL	29/10/2024	Approve with Conditions
Location:	28 Kenilworth Avenue, Whitefield, Manchester, M45 6TG				
Proposal:	Part single/part two storey side extension and replacement front porch.				
Application No.:	71155	App. Type:	FUL	04/12/2024	Approve with Conditions
Location:	43 Heywood Old Road, Rochdale, Manchester, M24 4QS				
Proposal:	Loft conversion with rear dormer				
Application No.:	71162	App. Type:	LDCP	24/10/2024	Lawful Development
Location:	108 Heys Road, Prestwich, Manchester, M25 1LA				
Proposal:	Lawful Development Certificate for proposed use of a (C3a) dwelling as a residential home for a maximum of two children with two carers who would sleep overnight on a rota basis (C2).				
Application No.:	71188	App. Type:	FUL	31/10/2024	Approve with Conditions
Location:	15 Hampden Road, Prestwich, Manchester, M25 1LQ				
Proposal:	Single storey wraparound extension.				
Application No.:	71213	App. Type:	FUL	19/11/2024	Refused
Location:	164 Heywood Road, Prestwich, Manchester, M25 1LD				
Proposal:	Two storey/single storey rear/side extension; Single storey front extension				
Application No.:	71215	App. Type:	FUL	05/12/2024	Approve with Conditions
Location:	1 Derby Road, Whitefield, Manchester, M45 6TW				
Proposal:	Demolition of existing garage; Single storey rear extension with raised decking; Loft conversion with rear dormer and juliette balcony and basement level extension at rear with steps to garden				
Ward:	Prestwich - Sedgley				

Application No.: 70619 **App. Type:** FUL 26/09/2024 Approve with Conditions
Location: Manchester Maccabi Community And Sports Club, Bury Old Road, Prestwich, Manchester, M25 0EG
Proposal: Erection of 4 no, covered padel courts, ancillary kiosk; revised car parking layout and installation of a cycling store

Application No.: 70930 **App. Type:** FUL 08/10/2024 Approve with Conditions
Location: Nazareth House, Scholes Lane, Prestwich, Manchester, M25 0NU
Proposal: Erection of 5 no. huts/stalls with canopies to include seating area with retractable canopy

Application No.: 70948 **App. Type:** FUL 07/10/2024 Approve with Conditions
Location: 6 Meade Hill Road, Prestwich, Manchester, M25 0DJ
Proposal: Two storey side extension and first floor rear extension

Application No.: 70949 **App. Type:** FUL 14/10/2024 Approve with Conditions
Location: 6 Holmfield Avenue, Prestwich, Manchester, M25 0BH
Proposal: Two storey rear extension; Front porch

Application No.: 70962 **App. Type:** FUL 15/10/2024 Approve with Conditions
Location: 12 Meadfoot Avenue, Prestwich, Manchester, M25 0AR
Proposal: Two storey side and rear extension and loft conversion with front and rear dormers

Application No.: 70992 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 57 Bishops Road, Prestwich, Manchester, M25 0HS
Proposal: First floor rear/side extension; Single storey rear extension; Loft conversion with front & rear dormers

Application No.: 70999 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 38 Sheepfoot Lane, Prestwich, Manchester, M25 0DL
Proposal: Two storey side extension; single/two storey extension at rear with veranda; single storey extension at front; hip to gable loft conversion with rear dormer

Application No.: 71003 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 9 Woodhill Drive, Prestwich, Manchester, M25 0BF
Proposal: Erection of a garage, new wall to connect the existing boundary wall

Application No.: 71021 **App. Type:** FUL 04/10/2024 Approve with Conditions
Location: 10 Windsor Road, Prestwich, Manchester, M25 0DZ
Proposal: Two storey extension at rear; installation first floor window to side elevation

Application No.: 71073 **App. Type:** FUL 23/10/2024 Approve with Conditions
Location: 1 Castle Hill Road, Prestwich, Manchester, M25 0FR
Proposal: Two storey front extension

Application No.:	71094	App. Type:	GPDE	20/09/2024	Prior Approval Not Required - Extension
Location:	34 Richmond Avenue, Prestwich, Manchester, M25 0LZ				
Proposal:	Prior approval for proposed single storey rear extension				
Application No.:	71117	App. Type:	GPDE	01/10/2024	Prior Approval Not Required - Extension
Location:	6 Stobart Avenue, Prestwich, Manchester, M25 0AJ				
Proposal:	Prior approval for proposed single storey rear extension				
Application No.:	71122	App. Type:	FUL	22/11/2024	Approve with Conditions
Location:	2 Wilton Avenue, Prestwich, Manchester, M25 0HD				
Proposal:	Hip to gable loft conversion with front and rear dormers; Demoition of garage.				
Application No.:	71135	App. Type:	FUL	18/10/2024	Approve with Conditions
Location:	41 Windsor Crescent, Prestwich, Manchester, M25 0DD				
Proposal:	Single storey rear extension and first floor rear infill extension				
Application No.:	71148	App. Type:	FUL	20/11/2024	Refused
Location:	106 Kings Road, Prestwich, Manchester, M25 0FY				
Proposal:	Single storey extension at rear and rebuilding of external wall of existing side extension				
Application No.:	71157	App. Type:	FUL	15/11/2024	Approve with Conditions
Location:	20 Winchester Avenue, Prestwich, Manchester, M25 0LJ				
Proposal:	First floor bay window to match existing at ground floor				
Application No.:	71184	App. Type:	FUL	05/11/2024	Approve with Conditions
Location:	1 East Meade, Prestwich, Manchester, M25 0JJ				
Proposal:	First floor side extension				
Application No.:	71224	App. Type:	FUL	20/11/2024	Approve with Conditions
Location:	14 Woodhill Grove, Prestwich, Manchester, M25 0AE				
Proposal:	Two storey side and rear extension with juliet balcony and single storey rear extension				
Application No.:	71227	App. Type:	DEM	02/12/2024	Prior Approval Required and Granted
Location:	2 Windsor Road, Prestwich, Manchester, M25 0DZ				
Proposal:	Prior approval for proposed demolition of existing detached dwelling				
Application No.:	71237	App. Type:	GPDE	19/11/2024	Prior Approval Not Required - Extension
Location:	43 Richmond Avenue, Prestwich, Manchester, M25 0LW				
Proposal:	Prior approval for proposed single storey rear extension				

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

Application No.: 70897 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 99 Rectory Lane, Prestwich, Manchester, M25 1EN
Proposal: First floor/single storey extension at side; Hip to gable roof extension at side with loft conversion and rear dormer

Application No.: 70898 **App. Type:** FUL 04/11/2024 Approve with Conditions
Location: Unit 1, 371 Bury New Road, Prestwich, Manchester, M25 1AW
Proposal: Change of use to Holistic Therapy centre (Class E(e))

Application No.: 70914 **App. Type:** FUL 10/10/2024 Refused
Location: Land adjacent to 49 Rainsough Brow, Prestwich, Manchester, M25 9XW
Proposal: Erection of a two storey mixed-use development consisting of 1 no. shop (Class E) on the ground floor, 2 no. three-bedroom apartments (Class C3a) on the first floor with rear roof dormer and associated car parking, landscaping and boundary treatment.

Application No.: 70961 **App. Type:** FUL 07/11/2024 Approve with Conditions
Location: 391 Bury New Road, Prestwich, Manchester, M25 1AW
Proposal: Installation of a commercial kitchen flue to rear elevation

Application No.: 71028 **App. Type:** FUL 26/09/2024 Approve with Conditions
Location: 66 Agecroft Road West, Prestwich, Manchester, M25 9RH
Proposal: Variation of condition no. 2 (approved plans) and no. 3 (materials) planning permission 69121: Alter the roof from gable to hipped and change material from cladding to brick on front porch and side extensions.

Application No.: 71039 **App. Type:** FUL 20/11/2024 Refused
Location: Land to rear of 69 Sandy Lane/Lowther Court, Prestwich, Manchester, M25 9PS
Proposal: Demolition of existing garages and erection of 2 no. dwellings

Application No.: 71063 **App. Type:** FUL 15/10/2024 Approve with Conditions
Location: 26 Butt Hill Road, Prestwich, Manchester, M25 9NJ
Proposal: Single storey rear and side extension

Application No.: 71132 **App. Type:** FUL 29/10/2024 Approve with Conditions
Location: 14 The Downs, Prestwich, Manchester, M25 9RB
Proposal: Two storey side extension with dormer window at front and rear

Application No.: 71190 **App. Type:** FUL 05/12/2024 Approve with Conditions
Location: 3 Buckley Lane, Prestwich, Manchester, M45 7JZ
Proposal: Two storey rear extension and loft conversion with dormer at side

Ward: Radcliffe - East

Application No.: 70726 **App. Type:** FUL 10/10/2024 Approve with Conditions
Location: 2 Withins Lane, Radcliffe, Manchester, M26 2RU
Proposal: Single storey front and rear extension; Reduce existing boundary wall to front and side to 1m high.

Application No.: 70921 **App. Type:** FUL 17/10/2024 Approve with Conditions
Location: Sheet Metal Works, 49 Bury Road, Radcliffe, Manchester, M26 2UG
Proposal: Demolition of part of engineering workshop building (Class E) and erection of workshop building for classic car restoration (E1) in association with existing garage

Application No.: 70994 **App. Type:** LDCP 24/09/2024 Lawful Development
Location: 58 Church Street West, Radcliffe, Manchester, M26 2SQ
Proposal: Lawful development certificate for proposed change of use from solicitors (Class E(c)(ii)) to general shop/store selling groceries, alcohol & tobacco (Class E(a))

Application No.: 71004 **App. Type:** FUL 24/09/2024 Approve with Conditions
Location: 36 Farcroft Avenue, Radcliffe, Manchester, M26 2XJ
Proposal: Single storey pitched roof rear extension

Application No.: 71032 **App. Type:** FUL 11/10/2024 Approve with Conditions
Location: 3 Warth Fold Road, Radcliffe, Manchester, M26 2XL
Proposal: Single storey rear extension with alterations to side roof; Raised decking

Application No.: 71066 **App. Type:** FUL 02/10/2024 Approve with Conditions
Location: 23 Dumers Chase, Radcliffe, M26 2TH
Proposal: Erection of carport

Application No.: 71070 **App. Type:** LDCE 18/10/2024 Lawful Development
Location: 84 & 86 Church Street West, Radcliffe, Manchester, M26 2SY
Proposal: Certificate of Lawful Existing Use for existing amalgamation of 4no. self contained flats to 2no. single dwelling houses

Application No.: 71076 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 34 Bury Road, Radcliffe, Manchester, M26 2UU
Proposal: Single storey rear extension

Application No.: 71113 **App. Type:** LDCP 10/10/2024 Lawful Development
Location: 32 Withins Lane, Radcliffe, Manchester, M26 2RU
Proposal: Lawful development certificate for proposed change of use of dwelling (Class C3a) to a residential home (Class C2) for a maximum of three children with up to two carers who would work overnight on a rota basis and one manager working business hours (Mon-Fri)

Application No.: 71136 **App. Type:** LDCP 23/10/2024 Lawful Development
Location: 2 Park Avenue, Radcliffe, Manchester, M26 2GR
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 71144 **App. Type:** FUL 24/10/2024 Approve with Conditions
Location: 12 Irwell Street, Radcliffe, Manchester, M26 1LR
Proposal: Two storey rear extension and front porch

Application No.: 71146 **App. Type:** FUL 22/11/2024 Approve with Conditions
Location: 39 Great Hall Close, Radcliffe, Manchester, M26 4DA
Proposal: Two storey rear extension and single storey front extension

Ward: **Radcliffe - North and Ainsworth**

Application No.: 70846 **App. Type:** FUL 19/09/2024 Approve with Conditions
Location: 227 Ainsworth Road, Radcliffe, Manchester, M26 4EE
Proposal: Variation of condition no. 3 (external finishing materials) of P/P 69852: Render the front and side elevations from the stone base at ground level up to the underside of the brick band course

Application No.: 70880 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: Old Wash House, 2 Knowsley View, Ainsworth, Bolton, BL2 5PT
Proposal: Erection of 1.85m high electric gates at front and 1.85m high gates / fencing to garage driveway

Application No.: 70951 **App. Type:** FUL 14/11/2024 Approve with Conditions
Location: Land adjacent to 41 Bury Old Road, Ainsworth, Bolton, BL2 5PF
Proposal: Demolition of existing garage/store to be replaced with 1 no. dwelling with attached garage

Application No.: 71038 **App. Type:** ADV 22/11/2024 Approve with Conditions
Location: Elf Service Station, Turks Road, Radcliffe, Manchester, M26 3NW
Proposal: 1 No. freestanding D6 digital display (internally illuminated)

Application No.: 71128 **App. Type:** LDGP 23/10/2024 Lawful Development
Location: 165 Turks Road, Radcliffe, Manchester, M26 3WW
Proposal: Lawful development certificate for proposed rear extension

Application No.: 71189 **App. Type:** FUL 02/12/2024 Approve with Conditions
Location: 249 Bury And Bolton Road, Radcliffe, M26 4FP
Proposal: First floor side extension with juliet balcony above existing garage and loft extension

Application No.: 71210 **App. Type:** LDGP 15/11/2024 Lawful Development
Location: 12 Singleton Street, Radcliffe, Manchester, M26 3WG
Proposal: Lawful Development Certificate: for a proposed single storey extension attached to the rear

Ward: **Radcliffe - West**

Application No.: 70957 **App. Type:** FUL 25/09/2024 Approve with Conditions
Location: 29 Normandy Crescent, Radcliffe, Manchester, M26 3TD
Proposal: Single storey front/side extension

Application No.: 71065 **App. Type:** FUL 28/10/2024 Refused
Location: Mount Sion Stables, Mount Sion Road, Radcliffe, M26 3SJ
Proposal: Change of use of agricultural building to machinery store

Application No.: 71119 **App. Type:** FUL 21/10/2024 Approve with Conditions
Location: 60 Greendale Drive, Radcliffe, Manchester, M26 1UQ
Proposal: Single storey rear extension with balustrade balcony

Application No.: 71150 **App. Type:** LDPC 23/10/2024 Lawful Development
Location: 205 Stand Lane, Radcliffe, Manchester, M26 1JJ
Proposal: Lawful development certificate for proposed single storey rear extension and loft conversion with rear dormer, front roof slope windows and flank wall windows

Ward: **Ramsbottom**

Application No.: 71058 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 32 Butler Street, Ramsbottom, Bury, BL0 9PG
Proposal: Single storey rear extension

Application No.: 71062 **App. Type:** FUL 07/10/2024 Refused
Location: Eagle And Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL
Proposal: Retrospective application for the retention of external bar, tipi, toilet block and pergola and the laying of paving and associated works

Application No.: 71064 **App. Type:** FUL 23/10/2024 Approve with Conditions
Location: 36 Albert Street, Ramsbottom, Bury, BL0 9EL
Proposal: Balcony over storage building at rear (part retrospective)

Application No.: 71080 **App. Type:** FUL 22/11/2024 Approve with Conditions
Location: The Flat, 84 Bridge Street, Ramsbottom, Bury, BL0 9AG
Proposal: Installation of three roof lights to rear elevation

Application No.: 71151 **App. Type:** FUL 20/11/2024 Approve with Conditions
Location: 14 Lumb Carr Road, Ramsbottom, Bury, BL8 4NW
Proposal: Demolition of conservatory and erection of single storey extension at rear; replacement roof, windows, doors and rainwater goods to main dwelling; conversion of outbuilding into summer studio including replacement roof, windows and doors and new car port to replace existing

Application No.: 71160 **App. Type:** LDCP 06/11/2024 Lawful Development
Location: Woodhey High School, Bolton Road West, Ramsbottom, Bury, BL0 9QZ
Proposal: Lawful development certificate for proposed erection of a Shipping Container to be used as a Uniform Shop at Woodhey High School

Application No.: 71270 **App. Type:** GPDE 19/11/2024 Prior Approval Not Required - Extension
Location: 329 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ER
Proposal: Prior approval for proposed single storey rear extension

Application No.: 71283 **App. Type:** FUL 20/11/2024 Prior Approval Not Required - Extension
Location: 12 Sims Close, Ramsbottom, Bury, BL0 9NT
Proposal: Prior approval for proposed single storey rear extension

Ward: **Tottington**

Application No.: 70933 **App. Type:** FUL 25/09/2024 Approve with Conditions
Location: 1A Royds Street, Tottington, Bury, BL8 3NH
Proposal: Raise roof of existing lower roof to be level with existing upper roof; Loft conversion with front dormer & 2 no. front velux windows; Elevational changes to window and door openings; Stone effect brick slip system and boards to all elevations

Application No.: 70976 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: Burnt House Farm, Turton Road, Tottington, Bury, BL8 3QF
Proposal: Erection of 1 no. detached dwelling to replace existing

Application No.: 70997 **App. Type:** FUL 08/11/2024 Refused
Location: Baxter Head Farm, Watling Street, Tottington, Bury, BL8 3QL
Proposal: Formation of access road to Watling Street to serve existing agricultural units and grounds to the rear of Baxter Head Farm

Application No.: 71022 **App. Type:** FUL 31/10/2024 Approve with Conditions
Location: Height Barn Cottage, Harwood Road, Tottington, Bury, BL8 3PR
Proposal: Single storey / two storey side extensions with 2 no. first floor balconies; alterations to fenestration including 4 no. loft windows at front and 1 no. loft window at rear and formation of additional basement area

Application No.: 71061 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: Christ Church Church of England Primary School, Church Street, Tottington, Bury, BL8 3AX
Proposal: Retention of single storey Portakabin building for a period of 5 years from the date of expiry on planning application, ref. no. 69110

Application No.: 71116 **App. Type:** FUL 16/10/2024 Approve with Conditions
Location: 16 Hall Street, Walshaw, Tottington, Bury, BL8 3BD
Proposal: Change of use from office to residential (Class C3)

Application No.: 71174 **App. Type:** FUL 28/10/2024 Approve with Conditions
Location: 4 Hazel Avenue, Tottington, Bury, BL8 3EQ
Proposal: Single storey rear extension

Application No.: 71211 **App. Type:** FUL 31/10/2024 Approve with Conditions
Location: 10 Rosewood Avenue, Tottington, Bury, BL8 3HG
Proposal: Single storey extension to garage and roof

Application No.: 71219 **App. Type:** FUL 11/11/2024 Approve with Conditions
Location: 349 Bury Road, Tottington, Bury, BL8 3DS
Proposal: Single storey rear extension and alterations to existing rear extension

Ward: **Whitefield + Unsworth - Besses**

Application No.: 70934 **App. Type:** FUL 29/10/2024 Approve with Conditions
Location: 87 Kenmore Road, Whitefield, Manchester, M45 8ES
Proposal: Single storey rear extension

Application No.: 71025 **App. Type:** FUL 20/09/2024 Approve with Conditions
Location: 8 Dartmouth Road, Whitefield, Manchester, M45 6AS
Proposal: Two storey extension at side

Application No.: 71074 **App. Type:** LDCP 20/09/2024 Lawful Development
Location: 1 Parkside Mews, Whitefield, Manchester, M45 8QD
Proposal: Lawful development certificate for proposed ground floor rear extension to domestic dwelling

Application No.: 71082 **App. Type:** FUL 25/10/2024 Approve with Conditions
Location: 52 Oak Lane, Whitefield, Manchester, M45 8ET
Proposal: Erection of a rear outbuilding

Application No.: 71137 **App. Type:** LDCP 08/11/2024 Lawful Development
Location: 1 Kenmore Way, Whitefield, Manchester, M45 8JY
Proposal: Lawful development certificate for proposed single storey pitched roof rear extension

Application No.: 71163 **App. Type:** FUL 08/11/2024 Approve with Conditions
Location: 50 Westminster Avenue, Whitefield, Manchester, M45 6DR
Proposal: Single storey rear extension

Application No.: 71170 **App. Type:** FUL 08/11/2024 Approve with Conditions
Location: 32 Lancaster Avenue, Whitefield, Manchester, M45 6DE
Proposal: Two storey side and rear extension and loft conversion

Application No.: 71317 **App. Type:** LDCP 20/11/2024 Lawful Development
Location: 4 Kenmore Close, Whitefield, Manchester, M45 8EP
Proposal: Lawful development certificate for proposed single storey side extension

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

Application No.: 70847 **App. Type:** FUL 25/10/2024 Approve with Conditions
Location: Sedgley Park RUFC Park Lane, Whitefield, Manchester, M25 7PA
Proposal: Two storey side extension on west facing elevation; Balcony to eastern side; Front extension to ground floor under existing balcony; Amendments to front fenestration

Application No.: 70973 **App. Type:** FUL 25/09/2024 Approve with Conditions
Location: 4 Park Lane, Whitefield, Manchester, M45 7PB
Proposal: Garage conversion; Front porch; Alterations to existing windows & doors; Dormer to eastern elevation; Erection of detached single garage

Application No.: 71029 **App. Type:** FUL 01/10/2024 Approve with Conditions
Location: 15 Eight Acre, Whitefield, Manchester, M45 7LW
Proposal: Single storey rear/side extension including raising of the ridge; Extension of driveway & vehicular access; fence to side; new boundary wall to front boundary.

Application No.: 71030 **App. Type:** ADV 01/10/2024 Approve with Conditions
Location: Whitefield Garrick Theatre, Bank Street, Whitefield, Manchester, M45 7JF
Proposal: 1 No. external fascia sign

Application No.: 71040 **App. Type:** FUL 17/10/2024 Approve with Conditions
Location: 34 Ringley Road, Whitefield, Manchester, M45 7LE
Proposal: New front porch; various extensions at front / side and rear; full height glazed windows to ground and first floor rear and side elevations; first floor balcony and dormer window at front; raising of height of ridge of roof and formation of second floor living accommodation and formation of basement

Application No.: 71056 **App. Type:** FUL 20/11/2024 Approve with Conditions
Location: 178-182 Bury New Road, Whitefield, Manchester, M45 6QF
Proposal: Change of use of first floor from massage parlour/restaurant (Class E) to 2 flats; two storey rear extension and modifications to front elevation

Application No.: 71071 **App. Type:** FUL 19/11/2024 Approve with Conditions
Location: 23 Marle Croft, Whitefield, Manchester, M45 7NB
Proposal: Single/Two storey front extension; Single storey side extension; Two storey rear extension; Balcony to rear; Extension of vehicular access with electric sliding gates; Removal of part of front boundary to be replaced with fencing; Extension to existing driveway.

Application No.: 71079 **App. Type:** FUL 19/11/2024 Approve with Conditions
Location: 13 Pine Avenue, Whitefield, Manchester, M45 7EQ
Proposal: Two storey extension at side

Application No.: 71165 **App. Type:** FUL 05/11/2024 Approve with Conditions
Location: 57 Hampstead Drive, Whitefield, Manchester, M45 7YA
Proposal: Demolition of conservatory; Part first floor/part two storey side extension with juliette balcony at rear

Application No.: 71169 **App. Type:** FUL 29/11/2024 Approve with Conditions
Location: 261 Stand Lane, Radcliffe, Manchester, M26 1JA
Proposal: Single storey front extension; conversion of existing garage to habitable space and alterations to patio doors on rear elevation

Application No.: 71195 **App. Type:** FUL 28/11/2024 Approve with Conditions
Location: 1 Ringley Chase, Whitefield, Manchester, M45 7UA
Proposal: Erection of rear outbuilding

Application No.: 71269 **App. Type:** LDPC 20/11/2024 Lawful Development
Location: 11 Wingate Drive, Whitefield, Manchester, M45 7GX
Proposal: Single storey flat roof rear extension, dormer loft conversion to rear plane of existing roof & 2no. rooflights to front elevation

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 70509 **App. Type:** FUL 20/11/2024 Approve with Conditions
Location: Brick House Farm, Griffe Lane, Bury, BL9 8QS
Proposal: Erection of 1 no. live-work unit to replace barn

Application No.: 70697 **App. Type:** FUL 18/09/2024 Approve with Conditions
Location: Pilsworth Lake/Fisheries, Moss Hall Road, Bury, OL10 2RF
Proposal: Erection of café/shop (Use Class E), rebuilding of existing boathouse and associated access road, parking & landscaping

Application No.: 70895 **App. Type:** FUL 26/09/2024 Approve with Conditions
Location: Whitefield Fire Station, Bury New Road, Whitefield, Manchester, M45 7SY
Proposal: Variation of condition no. 3 (approved plans) of planning permission 69940: Amendments to car parking layout including addition of 2 no. staff car parking spaces

Application No.: 70970 **App. Type:** FUL 10/10/2024 Approve with Conditions
Location: 29 Hathaway Road, Bury, BL9 8EG
Proposal: Demolition of existing conservatory; Single storey rear extension, Garage conversion to include pitch roof; Extension to existing vehicular crossing; Air Conditioning unit on side elevation

Application No.: 70990 **App. Type:** FUL 15/11/2024 Approve with Conditions
Location: 227 Sunny Bank Road, Bury, BL9 8JU
Proposal: Two storey side extension, single storey rear extensions, roof redesign over existing garage, alterations to driveway/drop kerb widening/bin access to front, raised patio area to rear and associated works.

Application No.: 71005 **App. Type:** FUL 21/10/2024 Approve with Conditions
Location: Pole Lane Court, Pole Lane, Bury, BL9 8QD
Proposal: Strengthening of Existing Concrete Base; Erection of 15 no. Sectional Concrete Garages

Application No.: 71067 **App. Type:** FUL 17/10/2024 Approve with Conditions
Location: 27 Hathaway Road, Bury, BL9 8EG
Proposal: First floor side extension, hip to gable roof extension and rear dormer with juliet balcony

Application No.: 71105 **App. Type:** LDCP 31/10/2024 Lawful Development
Location: Pike Fold Golf Club, Hills Lane, Whitefield, Bury, BL9 8QP
Proposal: Lawful development certificate for proposed creation of new, and alterations to existing, tees, greens and bunkers on existing golf course.

Application No.: 71112 **App. Type:** LDCP 18/09/2024 Lawful Development
Location: 967 Manchester Road, Bury, BL9 8DN
Proposal: Lawful development certificate for proposed use of a dwelling (Use Class C3a) as a children's home for three children, with a manager and three carers, two of whom would sleep or be awake overnight, working on a rota basis (Use Class C2)

Application No.: 71131 **App. Type:** FUL 22/11/2024 Approve with Conditions
Location: 46 Linksway Drive, Bury, BL9 8EP
Proposal: First floor extension at side and loft conversion with rear dormer

Application No.: 71202 **App. Type:** FUL 15/11/2024 Approve with Conditions
Location: 2 Langdale Drive, Bury, BL9 8HP
Proposal: Single storey side extension

Application No.: 71236 **App. Type:** FUL 28/11/2024 Approve with Conditions
Location: 7 Rufford Close, Bury, Manchester, M45 8UD
Proposal: SINGLE STOREY REAR EXTENSION ; FRONT PORCH

Total Number of Applications Decided: **185**

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	17 December 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:-

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 Planning Services, Department for Resources and Regulation,
 3 Knowsley Place ,Bury BL9 0EJ

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**Planning Appeals Lodged
between 16/09/2024 and 06/12/2024**



Application No.: 70776/FUL

Appeal lodged: 04/10/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: In Focus Ltd

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/ADV

Appeal lodged: 04/10/2024

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: In Focus Ltd

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.: 71023/FUL

Appeal lodged: 28/10/2024

Decision level: DEL

Appeal Type: Informal Hearing

Recommended Decision: Refuse

Applicant: Sonalight Living Ltd

Location: 1-5 Porter Street, Bury, BL9 5DZ

Proposal: Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations

Total Number of Appeals Lodged: 3

**Planning Appeals Decided
between 14/09/2024 and 06/12/2024**



Application No.: 70229/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 24/09/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Mr Bernard Booth	
Location: Saw Mills, off Spring Street, Ramsbottom, Bury, BL0 9JQ	
Proposal: Change of house type application for 68578 to remove dormers, increase the eaves heights to all house types, increase the width of the porches and internal alterations	
Application No.: 70426/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 25/10/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 61 The Rock, Bury, BL9 0NB	
Proposal: Installation of 1no. multifunctional communication hub including defibrillator and advertisement display	
Application No.: 70443/ADV	Appeal Decision: Dismissed
Decision level: DEL	Date: 25/10/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: In Focus Ltd	
Location: Pavement outside 61 The Rock, Bury, BL9 0NB	
Proposal: Advertisement consent for display integrated into multifunctional communication hub unit	
Application No.: 70446/FUL	Appeal Decision: Allowed
Decision level: DEL	Date: 27/09/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: West	
Location: 313 Holcombe Road, Tottington, Bury, BL8 4BB	
Proposal: Change of use of land at side to extend residential curtilage together with extension of existing yard area to the side and erection of 1.8 metre high boundary fence and wall; Single storey extension at side	
Application No.: 70679/FUL	Appeal Decision: Allowed
Decision level: DEL	Date: 25/10/2024
Recommended Decision: Refuse	Appeal type: Written Representations
Applicant: Northlet Management Ltd	
Location: Heaton House, Brierley Street, Bury, BL9 9HN	
Proposal: Alterations to first floor to combine two existing House in Multiple Occupation units (HMO) into one 6 bedroom (single occupancy) House in Multiple Occupation (HMO)	

Application No.: 70710/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr A Khan

Location: Performance House, Heywood Street, Bury, BL9 7DZ

Proposal: Change of use of part car showroom (Sui Generis) to retail (Class E(a))and office (Class E(g)(i)) single storey extension and external alterations

Appeal Decision: Dismissed

Date: 30/10/2024

Appeal type: Written Representations



Appeal Decision

Site visit made on 21 October 2024

by **SRG Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/T4210/W/24/3347647
Heaton House, Brierley Street, Bury BL9 9HN

- 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 Northlet Management Limited against the decision of Bury Metropolitan Borough Council.
- The application Ref 70679, dated 19 April 2024, was refused by notice dated 11 June 2024.
- The development proposed is the combining of 2 HMO units into one HMO unit to achieve an additional bedroom and increase bin provision to accommodate increased occupancy.

Decision

1. The appeal is allowed, and planning permission is granted for the combining of 2 HMO units into one HMO unit to achieve an additional bedroom and increase bin provision to accommodate increased occupancy at Heaton House, Brierley Street, Bury BL9 9HN in accordance with the terms of the application, Ref 70679, dated 19 April 2024, and the plans submitted with it, subject to the following conditions:
 - 1) the development hereby permitted shall begin no 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 Nos. GSS23152-004 Rev 1 Site Block Plan; GSS23152-003A Proposed Ground Floor Plan and GSS23152- 003B Proposed First Floor Plan.
 - 3) Prior to the first occupation of the additional bedroom unit hereby permitted, the parking and refuse provision shown on Drawing No. GSS23152-004 Rev 1 Site Block Plan and specified in the Planning Statement shall be provided and thereafter retained.

Main Issues

2. The implications for (a) the living conditions of existing and future occupiers and, (b) the safe operation of the adjoining highway network.

Reasons

3. The development Plan includes, the Bury Unitary Development Plan (UDP) adopted 1997 and the joint spatial plan Places for Everyone adopted 2024. Of the various policies referred to UDP Policy H2/4 is the most relevant. When considering HMO proposals, Policy H2/4 lists, amongst other things, that the amenity of occupants and car parking/servicing are key factors to be considered. Also relevant are Development Control Policy Guidance Note 13 (DCPGN) – Conversion of Buildings to Houses in Multiple Occupation 2007 and DCPGN 11 – Parking Standards 2007. DCPGN 13 says that the increased occupancy of a building for HMO purposes

should, amongst other things, provide an acceptable standard of accommodation for occupants and provide appropriate levels of car parking and service facilities. Neither the UDP nor the DCPGNs provide objective measures to test the proposal against.

Living Conditions

4. The Council's Houses in Multiple Occupation Guidance and Amenity Standards - August 2024 shows that a single occupancy combined bedroom/living room should have an area of 10 sq.m, and the minimum size for a combined kitchen/dining area to serve 6 to 10 people should be 19.5 sq.m. Given that the guidance relates to amenity standards, it is reasonable to assume that the figures quoted are considered by the Council to provide acceptable level of amenity. The additional bedroom would have an area of some 14.7 sq.m and the combined kitchen/dining room would have an area of some 24.1 sq.m. In this context, the additional use of the kitchen by one person would not result in an unacceptable standard of accommodation being provided.

Parking

5. There are no specific car parking standards for HMOs in either the UDP or DCPGN 13. The lpa accepts that HMOs tend to have a lower level of car usage than other residential uses and that dedicated car parking for HMOs is not always provided. Heaton House has a gated off-street parking area with 9 spaces marked out. There is an internal cycle store capable of holding up to 11 bicycles and the car park has 6 bike stands capable of accommodating up to 12 bicycles. In the absence of any objective standard regarding bicycle storage this provision appears to be adequate. Whilst on-street parking in the wider area is intensively used, spaces were available. I acknowledge that at other times, particular in the evening, demand for parking would increase. However, there is nothing in the lpa's submissions to suggest that the existing use results in pressure on on-street parking that results in a highway hazard or that the addition of one unit would materially change this position.

Other Matters

6. The proposal includes the provision of large capacity recycling bins (4) and general waste bins (6). There is no reason to conclude that this provision would be inadequate. Provision and retention could be conditioned.

Conclusions

7. The addition of one resident would not unacceptably affect the living conditions for existing/future residents or highway safety and there is no conflict with the development plan when read as a whole. The appeal is allowed.

Conditions

8. In the interests of certainty, a condition specifying the approved plans is imposed. In the interests of highway safety and the living conditions of residents, a condition requiring the implementation of the car parking and refuse provision is reasonable and necessary.

George Baird

Inspector

Appeal Decision

Site visit made on 10 September 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/T4210/W/24/3346341

Saw Mills off Spring Street, Ramsbottom, Bury BL0 9JQ

- 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 Bernard Booth against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70229.
 - The development proposed is the demolition of the existing sawmill and associated out-building and the construction of 4no 3 bed terraced houses and 1no 3 bed detached house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the Council's decision notice and the appellant's planning application form differs. I have not been made aware that the appellant agreed to the change and therefore, I have used the original description of development in the banner heading above.
3. The Places for Everyone Joint Development Plan Document ("Pfe")¹ was adopted in March 2024. Accordingly, the Council has advised that Policies JP-H1, JP-H3, JP-H4, JP-S2, JP-C2, JP-P1, JP-P2, JP-S4, JP-G7, JP-G8 and JP-C5 of the Pfe are also applicable to the appeal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision, therefore I have dealt with the appeal on this basis. The appellant has had the opportunity to comment upon the Pfe and has therefore not been prejudiced.

Background and Main Issues

4. Planning permission² was granted in July 2023 for the construction of 5 dwellings at the appeal site. The appeal proposal seeks various changes to the approved scheme. From the evidence before me, the Council's sole concern is regarding the design of the proposed dwellings.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039

² Planning Ref 68578

5. The Council's decision notice included one reason for refusal. However, following the adoption of the PfE, they have advised that the proposal would also conflict with PfE Policy JP-H3 regarding Nationally Described Space Standards³ ("NDSS") and PfE Policy JP-H4 regarding the efficient use of land.
6. Consequently, the main issues are:
 - (a) the effect of the proposal on the character and appearance of the surrounding area, including the significance of the Ramsbottom Conservation Area ("the CA") and its setting;
 - (b) the effect of the proposal on the living conditions of future occupiers, with particular reference to internal space; and
 - (c) whether the proposal would achieve an efficient use of the appeal site.

Reasons

Character and Appearance

7. The appeal site comprises a former sawmill which, at the time of my site visit, consisted of two detached buildings either side of an access with a yard to the rear. The appeal site is surrounded by dwellings and is located to the rear of two terraces of predominantly two-storey dwellings that front onto Spring Street and Bolton Street.
8. It is proposed to demolish the existing commercial buildings and construct a detached three-storey dwelling and a terrace of four three-storey dwellings. The third storey of the dwellings would be in the roof space.
9. The northeastern corner of the appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The remainder of the appeal site is adjacent to the CA.
10. The CA encompasses Ramsbottom town centre and its surrounding streets and open spaces. The part of the CA closest to the appeal site primarily consists of rows of two-storey stone and slate built terraced dwellings abutting the pavements' back edge. The roads between the terraces are narrow, creating an enclosed sense of place. Consequently, the significance of the CA is its historic and aesthetic values.
11. The appeal site buildings, at the time of my visit, were in a dilapidated state with evidence of fire damage to part of the larger stone building. Therefore, the demolition of these buildings would not harm the character, appearance or significance of the CA or its setting.
12. Both house types would have a shallow pitched roof with a large gap between the headers of the first floor windows and the eaves. This would result in a 'top heavy' design that unbalances the character and appearance of each house type. The eaves of the dwellings in the surrounding area either abut the first floor header or are separated from the header by a course of stone. Consequently, the proposed dwellings would not reflect the

³ Technical housing standards – nationally described space standard, published 27 March 2015

characteristics of the existing dwellings in this part of the CA and would appear incongruous with the surrounding area.

13. The Council's Conservation Officer considered the proposal would have a neutral effect on the character and appearance of the CA. However, for the reasons outlined above, I consider the proposal would cause less than substantial harm to the significance and setting of the CA.
14. In accordance with paragraph 208 of the National Planning Policy Framework ("the Framework"), I must weigh the harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal would support the Government's objective of significantly boosting the supply of homes. However, the proposal is for five dwellings and therefore, they would make a limited contribution. The proposal would generate some employment during the construction phase. However, this would be for a temporary period and therefore limited.
15. Against these public benefits is the harm I have found to the significance of the CA and its setting which, in compliance with paragraph 205 of the Framework, I must attach great weight. Furthermore, planning permission is extant for a housing development of a similar size on the appeal site. Therefore, I am not convinced that a less harmful form of development could not be undertaken with the same public benefits. Consequently, I do not find that the public benefits would outweigh the less than substantial harm I have identified.
16. In reference to the first main issue, the proposed dwellings would harm the character and appearance of the surrounding area, including the significance of the CA and its setting. It would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan, adopted 1997 which, amongst other things, seek to ensure that all new residential development makes a positive contribution to the form and quality of the surrounding area including its character. It would also conflict with Chapter 12 of the Framework that seeks to achieve well-designed and beautiful places.

Living Conditions

17. The Council assert that both House Type A and B would fail to meet the NDSS' minimum gross internal area ("GIA"), and Bedroom 2 of House Type A and Bedroom 3 of House Type B would fail to meet the minimum GIA for a one bedspace bedroom. The appellant has not disputed the Council's figures. I have nothing before me to come to a different view, accordingly, both house types would not comply with the NDSS.
18. In reference to the second main issue, the proposal would harm the living conditions of future occupiers, with particular reference to the internal space of new dwellings. It would conflict with Policy JP-H3 of the PfE which, amongst other things, states that all new dwellings must comply with the nationally described space standards.

Efficient Use of Land

19. PfE Policy JP-H4 sets out the minimum net residential density appropriate to a particular location, reflecting the relative accessibility of a site by walking, cycling and public transport. The Council assert that the location of the

appeal site would require a minimum density of 70 dwellings per hectare, while the proposal would equate to 50 dwellings per hectare. This has not been disputed by the appellant. Policy JP-H4 allows lower densities where they can clearly be justified. However, I do not have any substantive evidence before me to suggest that a higher density of housing in compliance with the policy cannot be achieved.

20. In reference to the third main issue, the proposal would not achieve an efficient use of the appeal site. It would be contrary to Policy JP-H4 of the PfE, the content of which I have already detailed.

Other Matters

21. The appellant asserts that the proposed amendments are required for the dwellings to comply with Part L of Building Regulations regarding an increased standard of thermal insulation. However, the appellant's Statement of Case states, "*amendments to the revised scheme could have been applied in the detailed elevational design to reduce the apparent 'top heavy' appearance*". Consequently, I am not convinced that an alternative design that is compliant with Part L could not be devised without the harm I have identified.
22. I acknowledge that the dormer windows of the previously approved planning application for the appeal site are not a feature of the surrounding CA. However, their omission has resulted in a substandard design.
23. I note the appellant's comments regarding the Council's handling of the planning application. However, this has not prevented me from forming a view on the appeal.

Planning Balance

24. Since the planning application was determined, the Council can now demonstrate a five year supply of deliverable housing sites. However, they concede that they have failed to comply with the Government's Housing Delivery Test. Therefore, paragraph 11(d) of the Framework is applicable which states, planning permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
25. The appeal site is partially located in the CA (a protected area defined by Footnote 7 of paragraph 11(d)(i)). I have already found that the proposal would cause less than substantial harm to the CA and the setting of the CA which would not be outweighed by its public benefits. Consequently, this provides a clear reason for refusing the development proposed.

Conclusion

26. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

Appeal Decisions

Site visit made on 20 August 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal A: APP/T4210/W/24/3343991

Pavement o/s 61 The Rock, Bury BL9 0NB

- 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 Nathan Still (Infocus Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70426.
 - The development proposed is described as 'installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.'
-

Appeal B: APP/T4210/H/24/3343992

Pavement o/s 61 The Rock, Bury BL9 0NB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70443.
 - The advertisement proposed is described as 'installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.'
-

Decision

1. Appeals 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. In respect of Appeal A the decision notice refers to Policy EN5/1. The Council have confirmed that this is an error and should refer to Policy HT5/1. The appellant has referred to the policy and I have had sight of it and have considered it in the determination of the appeal.

4. In respect of Appeal B the Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area (including in relation to the interest of amenity for Appeal B);
 - highway safety with particular regard to pedestrians (including in relation to public safety for Appeal B); and
 - the wider strategy for the need for and provision of defibrillators throughout the Borough (Appeal A only).

Reasons

Character and appearance

6. The appeal site is situated within a pedestrianised area, at the junction of The Rock and Tithebarn Street, that serves a predominantly retail and commercial area in the centre of Bury.
7. Although pedestrianised, the surface materials clearly delineate areas where vehicles can travel within The Rock, which excludes through to Tithebarn Street. The area between the buildings on either corner of the junction is occupied by litterbins, planters, seating, and other street furniture. There is also an existing freestanding permanent advertisement display. Beyond this there are few such features to the northern side of The Rock, as they are grouped in a linear arrangement to the opposite side of the road, beyond where vehicles can travel. This arrangement gives a rhythm to the street scape and prevents clutter in the other areas of the street. These characteristics are therefore important to the amenity of the area, including its character and appearance.
8. While the proposal would be sited close to the planter, advertisement and other street furniture at the junction of Tithebarn Street and The Rock, it would be positioned forward of the buildings to either side, within the area delineated primarily for pedestrians. The proposal would therefore introduce a prominent feature where it would be significantly detrimental to the prevailing characteristics of the street.
9. I conclude that in respect of Appeal A the proposal would harm the character and appearance of the area. It would conflict with Policies EN1/2, EN1/4, HT5/1, HT6/1, EN1/9 and EN1/10 of the Bury Unitary Development Plan 1997 (UDP) which together amongst other matters seek to ensure that development enhances the character and appearance of the street scene.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

10. In respect of Appeal B, I conclude that the proposal would have an unacceptable effect on the amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Policy EN1/9 of the UDP which, although not decisive, seeks to ensure proposals do not harm the character of the area.

Highway and public safety

11. The communications hub would be close to the pedestrian access to Tithebarn Street, used to access car parks and other parts of the town centre. The pedestrianised street is approximately 14 metres wide in this location. Whilst the hub and the potential for people congregating around it would cause a narrowing of the pedestrianised area, it would only be to one part of it. The space that would remain would not adversely affect pedestrian permeability or the safe and efficient operation of the highway, including for emergency access.
12. I conclude that in respect of Appeal A the proposal would not harm highway safety with particular regard to pedestrian safety. It would comply with Policies EN1/2, EN1/4, HT5/1, HT6/1, EN1/9 and EN1/10 of the UDP which together amongst other matters seek to ensure that pedestrians are able to move conveniently and safely.
13. In respect of Appeal B I conclude that the proposal would not have an unacceptable effect on public safety. It would comply with the guidance on advertisements within the Framework and the aims of Policy EN1/9 of the UDP which, although not decisive, seeks to ensure proposals protect the safety of pedestrians.

Strategy for defibrillators

14. The proposal includes for a defibrillator to be provided, in partnership with Community Heartbeat Trust, a registered charity that promotes greater access to defibrillators in public spaces. The Council state that there is insufficient information to properly assess the proposal in relation to a wider strategy for the need and provision of defibrillators throughout the Borough. However, I have not been provided with any information in respect of the Council's wider strategy, or how the proposal could undermine any such approach.
15. On this basis, I conclude that there is no evidence before me to demonstrate that the proposal would harm the wider strategy for the need for and provision of defibrillators throughout the Borough. Hence it would comply with Policy CF1/1 of the UDP which supports the provision of new and improved community facilities in appropriate locations. The decision notice also refers to Policies EN1/2, EN1/4, HT5/1, HT6/1, EN1/9 and EN1/10 of the UDP with regard the provision of defibrillators. I do not consider that their provisions are relevant to the consideration of this main issue.

Other Matters

16. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in

the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

17. I note the Council's concerns that the appellants did not have the agreement for the placement of the proposal on the adopted highway. The appellant's evidence is that they are statutory undertakers on the unregistered adopted highway and as such are not required to obtain a formal agreement with the Highway Authority for the placement of such equipment. I have no evidence to the contrary.

Planning Balance

18. In the context of Appeal A, I have had regard to the public benefits of the proposed communication hub, which in addition to a defibrillator, include free phone calls to landlines and charities, free Wi-fi, local wayfinding and charging facilities. The hub would also be powered by Green energy and lit using high-capacity batteries, powered by solar energy. The proposal would therefore not conflict with Policy JP-C2 of the Places for Everyone Joint Development Plan Document (adopted 21 March 2024), which supports the provision of high quality digital infrastructure. Nevertheless, there is no substantive evidence before me that the benefits could not be achieved through a scheme that would not be harmful for the identified reasons. Consequently, the public benefits identified only weigh moderately in favour of the proposals and do not outweigh the significant harm that I have identified to the amenity, including character and appearance of the area.
19. Notwithstanding the above, in relation to Appeal B, there is no indication in the Regulations, Framework or PPG that any other factors can be taken into account either for, or against, a proposal. The aforementioned benefits have therefore had no bearing on my decision in Appeal B.

Conclusion

Appeal A

20. Whilst I have found no harm to the strategy for defibrillators and highway safety, this does not outweigh the harm I have found to the character and appearance of the area. 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. For the reasons given above the appeal is dismissed.

Appeal B

21. Whilst I have found no harm to public safety this does not outweigh the harm I have found to amenity. The appeal is dismissed.

H Senior

INSPECTOR

Appeal Decision

Site visit made on 6 August 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/T4210/W/24/3341777

313 Holcombe Road, Tottington, Bury BL8 4BB

- 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 Chloe West against the decision of Bury Metropolitan Borough Council.
- The application Ref is 70446.
- The development is a single storey side extension with change of use to residential garden and means of enclosure to the land to the north of No. 313 Holcombe Road.

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension with change of use to residential garden and means of enclosure to the land to the north at 313 Holcombe Road, Tottington, Bury BL8 4BB in accordance with the terms of the application Ref 70446 and subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos ZT23-196-03 and ZT23-196-04. For the avoidance of doubt the material change of use to garden area hereby approved relates to the area hatched red on drawing number ZT23-196-03 only.
 - 3) The external finishing materials for the proposal hereby approved shall match those used in the existing building/dwelling.
 - 4) Within 3 months of the date of this decision, full details of the reinstatement of the footpath to its former condition prior to it being crossed by vehicles which used the parking area shall be submitted to and agreed in writing with the local planning authority. The approved details shall be implemented within 3 months of the local planning authority's approval.

Preliminary Matters

2. The appeal before me is for the refusal of planning permission for a single-storey side extension and 1.8-metre (m) high boundary fence and wall as shown on the proposed plans. While reference is made to 'residential

curtilage' in the development description on the application form, the term 'curtilage' is not a 'use' of land, nor does it describe an act of development. Whilst the verge to the side of the house may be in the ownership of the appellant its original function appears to have been as a highway verge as opposed to domestic garden area, noting feature such as the utility cabinets within the space. For correctness, I have accordingly changed the development description on the application to refer to residential garden.

3. During the course of the appeal the Council adopted the 'Places for Everyone Joint Development Plan Document 2022 to 2039' on 21 March 2024 (PfE). The PfE replaces certain policies of the Bury Unitary Development Plan 1997 (UDP), and the Council has indicated that this includes UDP Policies HT6/2, OL3 and OL3/1 which are cited in the Council's reasons for refusal. The appellant has provided comments regarding this matter within the appeal timetable, and I have taken these into account.
4. On my visit, I observed the sections of side and rear fencing and wall that exists and note the appellant's comments regarding retention of these in the proposal. However, for clarity I have based my decision on the proposed drawings.
5. The Council refer to enforcement action being taken against an air conditioning unit located on the side elevation of the host property. As this unit does not form part of the proposal, I have not considered it in the appeal.

Main Issues

6. The main issues in the determination of the appeal are the proposed development's effect on:
 - the character and appearance of the area; and
 - highway safety with particular regard to junction visibility at the access lane, vehicle parking and footpath condition.

Reasons

Character and appearance

7. The appeal site consists of an end terrace two-storey property which sits in a corner plot at the junction of Holcombe Road and Hunt Fold Drive. A lane runs to the back of the appeal property and terrace which allows access to the terraces' rear areas which include gardens and garages. To the side of the appeal property there is a grass verge which separates it from Hunt Fold Drive. A parking area and a rear fence and wall have been built over this verge and the Council considers these works to be unauthorised and the appellant provides no information to dispute this.
8. The proposal would consist of a single storey side extension with sections of rear and side boundary fencing and walling, much of which already exist. The proposal would remove the existing vehicle parking area and would reinstate it as grass verge.
9. The proposal including the fencing and walling are shown on Drawing Nos ZT23-196-03 and ZT23-196-04. While full elevations of the proposed wall and

fencing in relation to the proposed extension are not presented, the extent, dimensions and typical appearance of the fencing and wall are shown. I therefore consider the information to be sufficient to allow the visual effect of the proposal to be assessed.

10. The appeal site and host property are in a prominent location with an existing large side elevation and traditional design. With its small single storey size, set back from the roads and use of similar materials to the host property, even with its mono-pitched roof, the proposed extension would not be an overly intrusive or incongruous feature in this context and in the surrounding area. It would also not interrupt or harm the views from the surrounding roads. Its small size and set back from the front of the host property would also prevent the proposal's window from appearing out of place or out of proportion with the proposed stone header and roof eave details and the existing property's front fenestration.
11. The proposal's fencing and brick wall would not be uncommon boundary treatments in the area and would be modest in extent compared to similar boundary features that exist. The proposed fencing would not have any tree canopy cover as is evident to some of the existing fencing. However, with its front and side road set backs, backdrop of existing fencing and the separation created by the access lane and the grass verge, it would not appear as an intrusive or out of place feature in the street views.
12. Further to the above, other than reference that the Supplementary Planning Document 6 titled 'Alterations and Extensions to Residential Properties' 2010 (SPD) states that side extensions should respect the character of the street scene, little evidence has been provided that the proposal would not meet the highway separation guidance outlined in it.
13. The proposed fencing would reduce some views along the rear access lane but these would typically be passing glimpsed views of the lane's lower existing fencing, vehicle parking and garages. The proposed fencing would have a negligible effect on the sky and more distant vistas. Consequently, the proposed fencing and walling would not have an unacceptable effect on views.
14. Concern has been raised that the proposal would introduce domestic paraphernalia which would adversely affect the character and appearance of the area. However, no evidence has been presented to show the retained grass verge has been or would be used for such purposes. Indeed it is more likely, from a privacy and security perspective, that such domestic items would be located within the rear enclosed area of the host property, behind the proposed fence and wall. As such, domestic paraphernalia would not be highly visible in the street views.
15. Reference is made to Appeal APP/T4210/D/17/3188255 which related to a prominent corner plot at 71 Milbourne Road. However, this appeal related to a much larger two storey side extension which significantly encroached into the side landscape and affected the traditional design of the host dwelling. As such it is not directly comparable to the proposal before me and does not change my view on the effect it would have. In any event, I have considered the proposal on its own planning merits.

16. While the verge is an important and attractive visual aspect of the street scene, the proposal would be a modest reduction in its openness and the greenspace would be largely retained. It would not unacceptably affect the character and appearance of the area. It would not conflict with Policies EN1/2 and H2/3 of the UDP, Policy JP-G6 of the PfE and the SPD. These policies and guidance seek, amongst other matters, for proposals not to have an unacceptable adverse effect on the character of the area and ensure there is an appropriate scale, type, quality and distribution of accessible urban green space.

Highway Safety

17. The appellant has confirmed that the proposal would remove the vehicle parking area, and this would remove the concerns raised regarding vehicles crossing the footpath and not parking clear of the adopted highway. Drawing No ZT23-196-03 shows the rear access lane's visibility splay the proposal would retain to the Holcombe Road junction. This shows that, with a 2.4m set-back from the edge of Hunt Fold Road, the visibility distance would be typically as existing with 25m to the junction radii noted and visibility of the junction area beyond evident. Even though the Council indicate that a 2.4m x 33m visibility splay (measured to the correct point around the radius) is required, it provides little evidence disputing that the visibility distance shown to the junction would not be adequate. Consequently, I see little justification that the proposal would unacceptably affect the existing rear access lane's visibility splay.

18. The inclusion of the vehicle parking area has resulted in vehicles driving across the footpath. However, while it is contended that this has damaged the footpath, little evidence to show this to be the case has been provided. Indeed, during my visit I saw little difference between the surface condition of the footpath crossed by vehicles, including its kerbing, and those areas without a vehicle crossing. Notwithstanding this, the footpath has been modified to tie-in with the parking area and there is a need to ensure that the proposed removal of the vehicle parking area would satisfactorily reinstate the footpath. The Council has provided wording for a planning condition to secure this aspect and the appellant has, while noting there appears to be no damage to the footpath from vehicle parking, accepted this. I therefore see little reason why this matter could not be controlled by a condition were the appeal to be allowed.

19. In conclusion of this matter, with a suitably worded condition imposed for the reinstatement of the footpath, highway safety would not be harmed by the proposed development. It would not conflict with Policies EN1/2 and H2/3 of the UDP, Policies JP-C5 and JP-C6 of the PfE and the SPD which seek new development, amongst other matters, minimises negative effects on vehicle traffic and ensures pedestrian routes can be navigated easily and safely.

Other Matters

20. A representation was made that green space on housing estates has a positive effect on mental and physical health. However, while this may be the case, the proposal would only modestly reduce the existing grass verge and it would not unacceptably reduce the positive effect it would still provide to the

estate. As such, this does not change my view that the proposal would not harm the character and appearance of the area.

Conditions

21. The Council has suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of these for consistency and clarity.
22. For the avoidance of doubt and in the interests of certainty, I have included the standard time limit condition. For the same purpose, a condition is imposed requiring the development to be carried out in accordance with the approved plans. For certainty, I have noted that the material change of use to residential garden only relates to the area hatched red on drawing number ZT23-196-03.
23. To ensure the development maintains the character of the existing building and the surrounding area I have imposed a condition for the external materials to be used to match the host property. For certainty, I have also included a condition for the details to be approved with the Council for the reinstatement of the footpath following the removal of the existing vehicle parking area. As the reinstatement is related to highway safety, I have included timescales for this to be completed. The timescales are similar to the Council's suggestion but are split to allow time for the approval of the details to be completed.

Conclusion

24. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR



Appeal Decision

Site visit made on 21 October 2024

by SRG Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th October 2024

Appeal Ref: APP/T4210/W/24/3346847

Performance House, Heywood Street, Bury BL9 7DZ

- 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 H Khan against the decision of Bury Metropolitan Borough Council.
 - The application Ref 70710, dated 28 April 2024, was refused by notice dated 19 June 2024.
 - The development proposed is the change of use of part of car showrooms to general retailing plus an independent office including an extension to the existing building.
-

Preliminary Matter

1. In September 2024 planning permission was granted, on appeal¹ for the change of use of part of a car showroom to general retailing, an independent office and an extension to the existing building. Where material, I have had regard to this decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The implications of the proposed parking and servicing arrangements for pedestrian safety and the safety and free flow of traffic on Heywood Street.

Reasons

4. In the previous appeal decision, the Inspector accepted that 12 off-street car parking spaces would be acceptable. The material difference between the approved scheme and the current scheme is the location of off-street car parking. In the approved scheme the off-street car parking would be provided immediately to the south-west using most of the open car sales area. This area does not form part of the current appeal site and is used for car/van sales. In the approved scheme access for customers and servicing would be convenient and legible, with no need to park on Heywood Street.
5. Whilst I consider the scale of off-street car parking to be acceptable, for the appeal scheme, the proposed parking arrangements are materially different. To the rear and fenced off from the former car showroom is an area of land that also provides access to and servicing for an existing commercial unit. Within this area it is proposed to provide one car parking space with the remainder provided to the west of the service yard. Regarding the proposed

¹ APP/T4210/W/24/3341939

space immediately to the rear of the units, I am not convinced that its can be provided in the form shown. Drawing No. CO1 Rev 1 does not show an enclosed external staircase, which appears to give access to the first-floor office permitted with the café scheme. This appears to occupy the area of the proposed car parking space.

6. The bulk of the proposed parking would be within an area to the west, which is fenced/gated off from the service yard. There are 2 vehicular accesses from Mason Street, one to the service yard and one into the parking area. It is not clear which access patrons of the retail units/office would use. That said there is a reference in appellant's statement that there could be direct access from the parking area to the back and side of the buildings for loading and unloading and provide a shorter pedestrian route for customers, particularly those who are less mobile. However, there is no indication how this can be achieved. The units are fenced off from this service area and the land to the south-west appears to be wholly used for car sales. Even if direct access could be provided it would mean customers negotiating the service yard where there is significant potential for conflict with customer and service vehicles entering and leaving the yard. Drawing this together, unlike the approved scheme it has not been shown that the proposed off-street parking arrangements would be safe, legible and usable.
7. The appellant suggests that patrons could use 2 publicly available car parks nearby. The first is immediately north of Mason Street at the junction of Heywood Street. The second is at the junction of Heywood Street and Kershaw Street. The Mason Street car park does not appear to be available to the general public. Signage at the access clearly indicates that it is Private Land and that the occupiers of the units, Iceland and a cycle shop, appear to tightly control its use. The car park on Kershaw Street is a well-used public car park but is some distance away. Whilst there is vehicular access from Heywood Street, vehicles have to exit via Kershaw, Tinline and Ormrod Streets. These areas are not usable or convenient alternatives.
8. Given the issues with the proposed off-street parking arrangements, there is the high probability that parking and servicing for the units would use Heywood Street or the footpath outside the units. I acknowledge that there are no parking restrictions on Heywood Street outside the units and the lpa has adopted a flexible attitude to the use of town centre properties that lack car parking. However, that flexibility has to be tempered by an assessment of the nature of the surrounding roads.
9. Heywood Street is a bus route and a main route into the town centre. This route is heavily trafficked, and on several occasions, traffic queued back from the traffic light-controlled junction with Rochdale Road to beyond the appeal site. Given its nature, there is no reason to believe that these were unique observations. Compared to other main routes in the town centre, Heywood Street is relatively narrow and on-street parking is constrained by a pedestrian island outside 128/130 Heywood Street and right turn boxes into Ormrod, Mason and Kershaw Streets. In these circumstances, parking on Heywood Street, even for a short time, or parking on the pavement would result in an unacceptable interference with the free flow of traffic and constitute a highway and pedestrian hazard. As such, the proposal would conflict with the objectives of Bury Unitary Development Plan 1997 (UDP) Policies EN1/2, HT2/4, HT6/1,

HT6/2 and Policies JP-C6 and JP-P1 of Places for Everyone Joint Development Plan 2024.

Other Matters

10. The proposed bin store is shown located immediately to the west of the vacant hot-food takeaway unit and beyond the rear fence line. However, the site layout plan fails to show the enclosed stairway to the first-floor unit. In these circumstances it is unclear whether suitable provision can be made in this area. Whilst this is a matter that might normally be dealt with by condition, given my conclusions above, it adds to my concerns regarding this proposal.

Overall Conclusion

11. For the above reasons and taking all other matters into consideration, the proposal would have an unacceptable effect on pedestrian safety and the safety and free flow of traffic on Heywood Street contrary to the objectives of the development plan when read as a whole. The appeal is dismissed.

George Baird

Inspector

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Classification	Item No.
Open / Closed	7

Meeting:	Planning Control Committee
Meeting date:	XX December 2024
Title of report:	Tree Preservation Order Confirmation
Report by:	Head of Development Management
Decision Type:	Council
Ward(s) to which report relates	Radcliffe West

Introduction

This report sets out the issues relating to the current temporary tree preservation order Tree Preservation Order (No. 363) 2024 at land adjacent to St Paul’s Close, Radcliffe.

Background

Local planning authorities can make a Tree Preservation Order if it appears to them to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

On 15th July 2024, the Council imposed a temporary Tree Preservation Order to protect a group of Manchester Poplar trees (14 trees in total) on land at St Paul’s Close, Radcliffe. The trees were under threat of being removed and are important in terms of visual amenity. Their loss would have a significantly detrimental impact on the character of the locality, and they serve as a barrier between the residential development and the adjacent reservoir.

The Order prohibits the felling, lopping, topping, uprooting or otherwise wilful damaging of trees without the permission of the Council.

The Council has six months in which to confirm this Order. If the TPO is not confirmed within six months, the Order will lapse, the trees would no longer be protected and could be removed. If the Order is confirmed, it will take effect on a permanent basis and the trees will continue to be protected.

The Council cannot confirm an Order unless it has first considered any duly made objections or other representations.

Consultation

All owners and any occupiers of the site on which the trees are situated were notified of the making of the Order.

One objection was received from a landowner giving the following reasons;

- They have recently purchased part of the site in order to control works to the trees and to prevent any other purchase of the land.
- A key fact when they bought their property was that there were no TPOs on the trees.
- They need to protect their property which they believe they can do with careful management of the trees on their land.
- The trees encourage invasive moss which is causing damage to their roof tiles. Therefore, keeping branches away from the property is important.
- There is evidence of damage to their tarmac driveway, caused by the tree roots.
- Two trees are in close proximity to their property which is a concern. They may wish to remove these at a future date.
- The trees dump a huge amount of leaves and seeds and branches have dropped in the past. This could potentially cause damage to the property and cars.
- Leaves block the gutters on their property. This has improved since the trees were cut back previously and they need to be able to manage this in the future.
- Ivy is growing up the trunks of the trees, so they're not sure how healthy the trees are underneath. This is a cause for concern given the proximity of the trees to their property.
- Their right to light is somewhat impacted in parts of the garden.
- They want to safeguard their home and maintain autonomy over the trees on their land and as such request that no TPO is allocated to them.

Consideration of the Objection

Quality, Character and amenity value - Following a site visit and assessment by the Council's Planning and Trees and Woodland's Officer, the Council does not agree with the assessment presented by the objector. The following assessment has been made in relation to the trees:

The trees in question are a group of mature Black (Manchester) Poplars which are located on an area of land between St Paul's Close and an adjacent reservoir. The trees all appear to be in reasonable health and condition with no signs of die back, cavities or fungal growth.

The assessment concluded that the Council's Tree's and Woodland's Officer would recommend all the trees for protection by a TPO and as such this was progressed.

The trees are very prominent within the street scene as they are located at the head of the cul-de-sac on St Paul's Close and as such they contribute to the visual amenity of the area. The trees are visible from St Paul's Close and Chapel Town Road.

Government guidance states that Orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Removal of the trees would have a negative impact on the local environment by removal of a significant element of soft landscaping.

The objection reflects that the site owner was planning to do works to trees on their land. The TPO would mean they would now have to do so in a controlled manner.

The TPO is not being used as a means to control development but to retain the trees and area's amenity value of which they significantly contribute. The objector, and other landowners can still carry out works to the trees, including felling if deemed necessary, with the submission of an application to the LPA, along with a tree report and any other relevant information is provided. As such it is not considered that the TPO would necessarily restrict appropriate development on the site.

Recommendation

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

List of Background Papers: -

Temporary Tree Preservation Order dated 15th July 2024.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Community impact/links with Community Strategy

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>
No impact.	

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

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
N/A	. N/A

Consultation: Council’s arboriculturist. Their comments are included within the report.

Legal Implications:

Tree Preservation Orders (TPOs) can be made where it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands. TPOs initially take effect on a provisional basis for a period of six months. Authorities can confirm Orders, either without modification or with modification, so that they take effect on a permanent basis. They may also decide not to confirm the Order, which will stop its effect. Authorities cannot confirm an Order unless they have first considered any duly made objections or other representations.

There is no right of appeal against a TPO. Orders may be challenged in the High Court on a point of law within six weeks of being confirmed.

Financial Implications:

To be completed by the Council’s Section 151 Officer

Report Author and Contact Details:

Amanda Uhunmwagho

a.uhunmwagho@bury.gov.uk

Background papers:

Temporary Tree Preservation Order dated 10th September 2021

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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

Term	Meaning
TPO	Tree Preservation Order

TREE PRESERVATION ORDER
Town and Country Planning Act 1990

The Metropolitan Borough of Bury
(Land adjacent to St Paul’s Close, Radcliffe M26 1YH)
Tree Preservation Order (No. 363) 2024

The Metropolitan Borough of Bury (Bury Council) in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Metropolitan Borough of Bury (Land adjacent to St Paul’s Close, Radcliffe M26 1YH) Tree Preservation Order (No.363) 2024.

Interpretation

2.—(1) In this Order “the authority” means Bury Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 15th day of July 2024.

The Common Seal of the Metropolitan Borough of Bury was affixed to this Order in the presence of—

S Doherty

Sarah Doherty 15 Jul 2024 15:02:54 BST (UTC +1)

.....
Authorised by the Council to sign in that behalf

583/24



Seal ID: 27972

CONFIRMATION OF ORDER

This Order was confirmed by the Metropolitan Borough of Bury without modification on the
day of 20

OR

This Order was confirmed by the Metropolitan Borough of Bury, subject to the modifications
indicated by , on the day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Metropolitan Borough of Bury on the
day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Metropolitan Borough of Bury on the day of
20 by a variation order under reference number a copy of which is
attached

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

REVOCAATION OF ORDER

This Order was revoked by the Metropolitan Borough of Bury on the day of
20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

SCHEDULE**SPECIFICATION OF TREES****Trees specified individually**
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

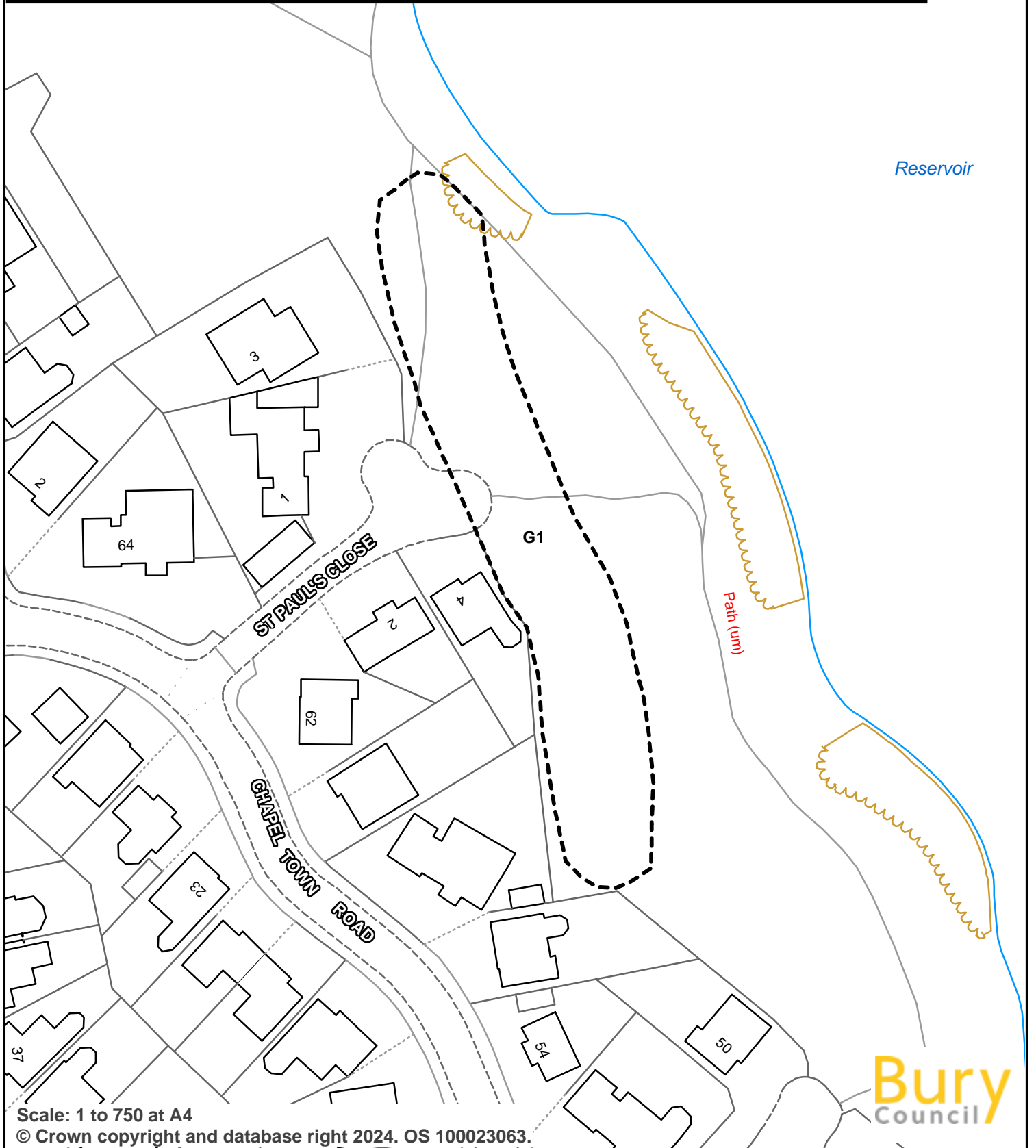
Groups of Trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1.	14 Black Manchester Poplars	Land adjacent to St Paul's Close, Radcliffe

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None.		

Map referred to in the Metropolitan Borough of Bury (Land adjacent to St Paul's Close, Radcliffe, M26 1YH) Tree Preservation Order (No. 363) 2024



Scale: 1 to 750 at A4
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THE COMMON SEAL of THE METROPOLITAN BOROUGH OF BURY was hereunto affixed on the 15th day of July 2024 in the presence of:-

S Doherty

Sarah Doherty 15 Jul 2024 15:02:54 BST (UTC +1)

Council Solicitor

584/24







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