

Public Document Pack

AGENDA FOR PLANNING CONTROL COMMITTEE



Contact: Michael Cunliffe
Direct Line: 0161 253 5399
E-mail: m.cunliffe@bury.gov.uk
Website: www.bury.gov.uk

To: All Members of Planning Control Committee

Councillors : G McGill (Chair), S Arif, D Duncalfe, J Harris, M Hayes, B Ibrahim, D Quinn, G Staples-Jones, C Boles, U Farooq 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, 18 February 2025 |
| 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 28TH JANUARY 2025 (Pages 3 - 6)

The Minutes of the meeting held on Tuesday the 28th January 2025 are attached.

4 PLANNING APPLICATIONS (Pages 7 - 70)

Reports attached.

5 DELEGATED DECISIONS (Pages 71 - 78)

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 79 - 84)

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

7 URGENT BUSINESS

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

Minutes of: PLANNING CONTROL COMMITTEE

Date of Meeting: 28th January 2025

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

Public Attendance: 25 members of the public were in attendance at the meeting along with one member of the press.

PCC.1 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

PCC.2 DECLARATIONS OF INTEREST

Councillor M Walsh declared an interest in relation to the planning application on the agenda (Former East Lancs Paper Mill & Tower Farm, Church Street East, Cross Lane, Cock Clod Street & Brook Street, Radcliffe, M26 2PG). She had been involved in relation to representations for habitat measures being included within the application. Councillor M Walsh left the meeting during deliberation of this application and took no part in the determination or voting.

Councillor G Staples-Jones declared in relation to the planning application on the agenda (Eagle And Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL). He had been contacted and spoken to both supporters and objectors as a local Councillor in relation to the application whilst still being impartial. As a result, Councillor Staples-Jones felt it best to leave the meeting during deliberation of this application and took no part in the determination or voting.

PCC.3 MINUTES OF THE MEETING HELD ON THE 17TH DECEMBER 2024

Delegated decision:

That the Minutes of the meeting held on the 17th December 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 70284, 70937 and 71359.

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

Delegated decisions:

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

subject to the signing and completion of a Section 106 agreement for affordable housing and the management and maintenance of open space throughout the scheme, thereto in accordance with policies H4/1 and RT2/2 of the adopted Unitary Development Plan and SPD1 and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application:-

Former East Lancs Paper Mill & Tower Farm, Church Street East, Cross Lane, Cock Clod Street & Brook Street, Radcliffe, M26 2PG

Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 400 dwellings, relocation of cricket pitch, including a pavilion, practice nets and scoreboard and including all details required to discharge the following conditions from application 67597; 9 (Acoustic Attenuation); 11 (Surface Water Drainage Proposals); 13 (WSI for Archaeology); 14 (Bat Roost Assessment); 15 (Bat Survey for New Cricket Club Site); 16 (Otter Assessment); 18 (Bird Survey for New Cricket Club Site); 19 (RAMS for Badger Habitat); 21 (Water Framework Directive Assessment); 22 (No Negative Impacts on River Irwell Ecology); 23 (Landscape & Habitat Creation Details); 24 (Affordable Housing Scheme); 25 (Recreation Scheme); 27 (Phasing Plan); 28 (Internal Road Pattern Details); 29 (Scheme of Levels, Drainage & Modelling to support Approved FRA); 31 (FFL's of Dwellings); 32 (River Irwell Buffer Zone Details); 37 (Replacement Cricket Club Facilities); 39 (Highway Details); 40 (Scoot at Water Street); 41 (Parking Strategy); 44 (Travel Plan)

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

Land adjacent to Abbots Hall, Woodhey Road, Ramsbottom, Bury, BL0 9RD

Retention of section of existing unauthorised access track; retention of public right of way; creation of a new section of permissive footpath; retention of pet memorial; new bin and cycle storage; 9no. additional parking spaces, vehicular manoeuvring area and associated hard and soft landscaping, including fencing and new access gate to facilitate access to/from adjacent field for maintenance purposes.

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 subject to all other conditions included: -

Land at the junction of Hollins Brook Way and Pilsworth Road, Bury, BL9 8RR

Application for reserved matters approval (appearance, landscaping, layout and scale) for the Zone 2 development of commercial building (Hub building, Use Class E) car parking, internal roads and a multi-purpose all -weather sports pitch and all details required to discharge the following conditions from application 68530; 4 (Remediation Strategy), 8 (Construction Environment Management Plan), 17 (Risk Assessment), 18 (Construction Traffic Management Plan), 27 (Landscaping), 28 (Materials), 30 (EV Charging), 32 (Biodiversity), 33 (Ecology), 35 (Transport)

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 subject to all other conditions included: -

1 Mowbray Avenue, Prestwich, Manchester, M25 0LP

Change of use from Dwelling (Class C3) to Residential Institution (Class C2).

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 subject to all other conditions included: -

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

Variation of Condition 2 (approved plans) of planning permission 68578 (Demolition of existing saw mill and associated outbuilding and construction of 5 no. dwellings) - revised site layout

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

25 Thomas Street, Radcliffe, Manchester, M26 2UH

Change of use from Public House (sui generis) to a 10 Bedroom (single occupancy) HMO

7. 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: -

Eagle And Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL Land

Retrospective application for the retention of external bar, toilet block/log store and pergola

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

Freisner Day Nursery, Earl Street, Prestwich, Manchester, M25 1GQ

Variation of Conditions 2, 5, 6 and 7 (approved plans) of planning permission 70070 Change of use from nursery building to 3 no. dwellings with associated car parking & external works – to facilitate the retention of the existing chimney. Removal of condition 14 to allow for retention of existing chimney

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 SITES OF BIOLOGICAL IMPORTANCE: 2019-2021 REVIEW AND ELTON RESERVOIR UPDATE

A report from the Head of Development Management was submitted which identified the latest changes made to the GM Register of Sites of Biological Importance for the Borough. It also described the purpose and application of the Register. During the review period 2019-2021 no sites were added to or removed from the Register, however minor changes were made which were detailed in the report.

Delegated decision:

That the Planning Control Committee noted the 2021 update of the Register of Sites of Biological Importance and the proposed extensions to the three entries at Elton Reservoir, Radcliffe Wetlands and Elton Goit for use in development planning and management.

PCC.8 SECTION 106 OBLIGATIONS

A report from the Head of Development Management was submitted outlining the contributions made by S106 obligations between the 1st April 2023 and the 31st March 2024 and summarised agreements that are outstanding.

For clarity, paragraph 2.7 of the report was duplicated and this had been removed.

Delegated decision:

That the report be noted.

PCC.9 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.10pm and ended at 8.40pm)

| | |
|----------------|-----------------------------------|
| Title | Planning Applications |
| To: | Planning Control Committee |
| On: | 18 February 2025 |
| By: | Development Manager |
| Status: | For Publication |

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

- 01 Township Forum - Ward:** Radcliffe - East **App No.** 71228
- Location:** 7 Whittaker Street, Radcliffe, Manchester, M26 2DT
Proposal: Provide a temporary (4 year period) modular school to accommodate approx. 50 pupils, with associated car parking, landscaping and boundary treatment
Recommendation: Approve with Conditions **Site Visit:** N
-
- 02 Township Forum - Ward:** Radcliffe - North and Ainsworth **App No.** 71306
- Location:** Railway Hotel, 427 Ainsworth Road, Radcliffe, Manchester, M26 4HN
Proposal: Change of use from public house into a 10 bed House in Multiple Occupation (HMO) (sui generis)
Recommendation: Approve with Conditions **Site Visit:** N
-
- 03 Township Forum - Ward:** Bury West - Elton **App No.** 71366
- Location:** 66 Rudgwick Drive, Bury, BL8 1YE
Proposal: Change of use from Residential Property (C3) to Children's Residential Care (C2)
Recommendation: Approve with Conditions **Site Visit:** N
-

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Ward: Radcliffe - East

Item 01

Applicant: Bury Council

Location: 7 Whittaker Street, Radcliffe, Manchester, M26 2DT

Proposal: Provide a temporary (4 year period) modular school to accommodate approx. 50 pupils, with associated car parking, landscaping and boundary treatment

Application Ref: 71228/Full

Target Date: 17/03/2025

Recommendation: Approve with Conditions

Description

The application relates to a site which formally accommodated a two/three storey building, originally built as a school but later converted to Council offices.

Prior approval was granted in February 2024 for the demolition of the building. The site was cleared soon after and is now enclosed by perimeter fencing. There is an existing access off Whittaker Lane which previously served the site.

The surrounding area is predominantly residential, with houses on Whittaker Street and Parsonage Street backing onto the site.

The application seeks to provide a temporary pupil referral unit (PRU) for educational use with associated car parking, landscaping and boundary treatment.

The accommodation is required due to the relocation of the Spring Lane School which resulted in a loss of accommodation across the whole of the PRU's school estate. Some has been re provided on the New Kershaw Centre but there remains an identified shortfall in teaching facilities and classroom space.

It is proposed to utilise the site for a period of 4 years whilst a site for a permanent facility is found and constructed, after which this site would be returned to its current state for re-development.

The development would comprise a single storey modular type building which would be positioned more or less centrally within the site with parking for 21 spaces (including one accessible space) at the front of the site (eastern area) with both vehicular and pedestrian access taken from the existing entrances from Whittaker Street.

A separate temporary access would be constructed to the rear of the dwellings to the north east of the site to allow for bin access for these properties.

There would be a covered outside area to the north and a playground located along the southern boundary.

An enclosed bin store would be positioned in the north west corner and cycle store next to the south elevation of the building.

The site would be bounded by a 2.4m high mesh fence.

There would be a maximum of up to 50 pupils and 15 staff members.

The application is being presented to committee as the Council has submitted the

application and there has been 1 or more objections.

Relevant Planning History

70090 - Prior Approval for proposed demolition of existing building - Prior Approval Required and Granted 16/2/24

Publicity

Letters sent to 43 properties on 18/12/24.

Site notice posted 19/12/2024

Two objections received with the following comments -

- Too much traffic around these streets associated with proposal . Traffic always cuts down the side street like a race track .
- I live back to back with this area and parking at the moment is bad enough , even though you will have parking for employees there will be many parents parking all around these streets which will cause obstructions and created more dangerous conditions for both pedestrians and car users .
- I have seen how bad the traffic's gets at the temporary site on Spring Lane already and its astounds me how the traffic hasn't been properly taken into account .
- I believe being a resident all my life that there is more than plenty space down at the star academy site to not have to build these on Whittaker Street.
- There are still some concerns regarding the Pedestrian entrance marked on the Site Plan being on Whittaker street, at the side of Number 15.
- We (the immediate neighbourhood) are very concerned and worried that an entrance there would possibly attract groups of students to hang around on the street, and parents dropping their children off here would create potential traffic and parking problems.
- There is still a gate on Parsonage Street which is not as close to private homes as the entrance marked on the plans.
- We would be very grateful if you could consider relocating the Pedestrian Entrance to Parsonage Street.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to conditions

Environmental Health - Pollution Control - No comments to make.

Children's Commissioning Team - No response received.

United Utilities (Water and waste) - Recommend a drainage strategy prior to determination

The Coal Authority - No objection following the submission of an updated Coal Report.

Greater Manchester Ecology Unit - No objections

Environment Agency - No response received.

Waste management - No objection

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

Development Plan and Policies

NPPF National Planning Policy Framework

H5/1 Area Improvement

| | |
|-------|---|
| EN1/2 | Townscape and Built Design |
| EN1/5 | Crime Prevention |
| EN7/2 | Noise Pollution |
| EN7/5 | Waste Water Management |
| HT2/4 | Car Parking and New Development |
| HT5/1 | Access For Those with Special Needs |
| CF1/1 | Location of New Community Facilities |
| JP-S2 | Carbon and Energy |
| JP-P1 | Sustainable Places |
| JP-P3 | Cultural Facilities |
| JP-P5 | Education, Skills and Knowledge |
| JP-C2 | Digital Connectivity |
| JP-C5 | Streets For All |
| JP-C6 | Walking and Cycling |
| JP-C8 | Transport Requirements of New Development |
| SPD3 | DC Policy Guidance Note 3: Planning Out Crime |
| SPD11 | Parking Standards in Bury |

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle of development

PfE Policy - Education, skills and knowledge states that significant enhancements in education, skills and knowledge to benefit existing and new residents will be promoted, including by enabling the delivery of new and improved accessible facilities for all ages, such as early years, schools, further and higher education, and adult training to ensure our workforce is ready to benefit from new employment opportunities.

Community Facilities - UDP Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the following factors:

- impact on residential amenity and the local environment
- traffic generation and car parking provision;
- the scale and size of the development;
- where applicable, access to shops and other services;
- if the use is intended to serve a local community or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- accessibility by public and private transport;
- the needs and requirements of the disabled.

Paragraph 95 of the National Planning Policy Framework (NPPF) states that 'It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to

development that will widen choice in education.

The temporary PRU would directly address the identified shortfall for the educational facility given the closure of the Spring Lane facility and the increase in educational demand.

The timescale of 4 years would provide a short term solution without jeopardising future development of the site and would allow time for a more permanent facility to be progressed.

The proposed development is therefore considered to be acceptable in principle and would comply with UDP, PfE policies and the NPPF, subject to the consideration of the following.

Layout and design

The proposed building would be positioned towards the western side of the site with parking located to the east which would be accessed off Whittaker Lane and would provide 21 spaces and a delivery and mini-bus drop off area. This was considered to be the most optimal arrangement of the site with the building orientated to have the front entrance facing east towards Whittaker Lane would minimise impacts and disturbances to the adjacent neighbours on Whittaker Street and Parsonage Street.

The existing entrances would be utilised with the vehicular access adjacent to No 5 and 5a and a pedestrian entrance formed on the other side next to No 15. Between the pedestrian entrance and No 15 it is also proposed to provide a temporary ginnel which would run along the side elevation of this property to the rear so that these residents would be able to access their bins.

There is also an existing access off Parsonage Street in the south western corner which would be used for waste collections from the bin store. It is proposed to also provide an area for dedicated cycle storage close to the car park.

The site would be bounded by a 2.4m high paladin fence which is the fencing solution commonly used by schools and other such establishments in the Borough as it provides security whilst minimising visual impacts on an area.

In terms of the building itself, this would be a single storey modular type and incorporate ramped accesses. Internally, the teaching and facility spaces would be arranged around a courtyard and there would be a covered external area along the northern elevation and a playground to the south.

The design would be low level and typical of this type of building and for a temporary use considered to be an acceptable appearance for the short term.

It is therefore considered that the proposed design and layout would be acceptable and comply with EN1/2 and CF1/1.

Impact on residential amenity

The building would be orientated with the front elevation facing eastwards towards the proposed car park and Whittaker Street which is considered to be the less disruptive to residents when pupils, staff and visitors access the site.

There would be a distance of 5m between the covered external area on the northern side to the rear boundaries of the houses Parsonage Street and 11m to the elevation of the building itself. There would be some form of hedging along this boundary in addition to the fence plus the intervening ginnel which runs along the rear of these properties and as such it is

considered there would not be a detrimental impact on the residential amenity of these neighbours in terms of privacy or visual impacts of the development.

To houses to the east on Parsonage Street there would be 7m to the nearest part of the external area and 11m to the building. Similarly the site would be separated by a ginnel and fencing and it is considered that impacts to these occupiers would not be significantly harmful.

The houses to the south on Spring Lane would be 14m away from the boundary of the site and separated by a piece of land and to the west the side elevations of houses would be over 9m away and separated by the road.

A Noise Assessment has been submitted, the aim of the assessment to understand potential noise impacts associated with the development and recommend mitigation measures are put in place, should they be required. Such mitigations include soundproofing of rooms and high quality insulation materials. In terms of the plant/ventilation equipment, the systems would be designed to operate at low levels and not above ambient noise levels.

A condition would therefore be included to state that the development incorporate the mitigation measures of installing double glazing and trickle ventilation and that the plant equipment not exceed noise levels stated in table 6.1 of the Noise Assessment, to which the applicant has agreed.

Comparative to the previous uses of the site as a school and then offices, it is considered the proposed use for a temporary school would not generate any more noise, activity or traffic to the area and given the scale of the development, impacts would probably be lesser so.

Given the above circumstances, the proposal would not have an unacceptable impact upon residential amenity in the local area and would comply with EN1/2, EN7/2 and CF1/1.

Highway issues - Location, access and parking

UDP Policy CF1/1 requires consideration to be taken of traffic generation and car parking provision and Policy JP-C6 - Walking and Cycling seeks to deliver a higher proportion of journeys made by walking and cycling and support the creation of safe and integrated walking and cycling infrastructure. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Supplementary Planning Document 11 (SPD 11) - Parking Standards in Bury sets out maximum and minimum standards for car parking, motorcycle and cycle storage provision.

It is not anticipated that traffic and vehicle movements on the local streets would increase as a result of the development comparative to the previous use as offices which would have drawn more staff to the site and by car.

The site is also located close to Radcliffe metrolink and bus connections and is considered to be a highly sustainable location.

The car park would provide 21 spaces for 15 members of staff with the remaining spaces available for welfare staff and other visitors to the school which is considered to be sufficient to serve the site and scale of development proposed and there would also be a space within the car park to facilitate student drop off and pick ups for those students travelling by minibus.

In terms of deliveries, these would be infrequent and likely fortnightly for the delivery of catering supplies which would use the minibus space to park and which for occasional deliveries for a temporary period is considered acceptable.

The bin store area would be located at the rear of the site and collected from Parsonage Street via the existing gated opening.

On the basis of the proposed access and parking arrangements and the scale and temporary period of the proposed development, the Highway Authority have raised no objection in relation to highway safety concerns subject to conditions to detail the works required to form the vehicle and pedestrian access, construction plan for the delivery and siting of the modular building, servicing arrangements and provision of the parking and refuse storage.

Given the above, the proposal would not have a detrimental impact on highway safety and would comply with JP-C5, JP-C6, JP-C8 and HT2/4.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the Planning Practice Guidance-Air Quality and EPUK Guidance, an air quality assessment will not be required.

Although the development does include 21 car parking spaces, as the development is only temporary, electric vehicle charge points will not be required in this instance.

Ecology

Summary

There are unlikely to be any ecological issues associated with this development.

Bats

The previous prior approval included the need for a bat license as bats were present in the buildings that have now been demolished. Any bat boxes that have or are to be provided will need to be incorporated in to development proposals.

For ecological enhancement purposes it is considered reasonable that bat boxes are provided within the development which would be conditioned.

Other Wildlife

The site has been cleared under the previous approval. It is very unlikely that there are any nesting bird, or other wildlife issues associated with this site. No further information or measures are required.

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

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). The site is currently hardstanding and artificial unsealed surfacing. This will be replaced with buildings and soft landscaping. The only wildlife issue is ensuring any previously agreed bat mitigation is incorporated into the layout.

The applicant has declared the site to be exempt from general biodiversity gain condition under the de minimis rule. GMEU accept that this is correct. No further information or measures are required.

Soft landscaping and biodiversity enhancement measures can be conditioned.

Carbon and energy statement

The applicant states that the following measures would be taken to minimise the environmental impact and promote sustainable energy use -

- the use of energy efficient design including high performance insulation, energy efficient windows and doors that minimise heat loss and improve thermal performance
- low energy lighting
- renewable energy integration
- energy monitoring and management
- heating and cooling efficiency
- low carbon materials
- carbon off-set measures

The proposal would therefore accord with Policy JP-S2.

Digital connectivity statement

The applicant has submitted a statement which states that the modular build unit would feature robust digital connectivity solutions which include high speed internet access, wi-fi integration, smart classroom technology, network security, device compatibility and scalable infrastructure.

The digital connectivity plan will enable the mobile classrooms to function as fully integrated extensions of the previous school and office site to ensure continuity of learning and access to digital resources.

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

Coal authority

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and a thick coal seam outcrop, which may have been worked from the surface.

The Coal Authority now notes the submitted Desk Based Coal Mining Risk Assessment (January 2025, prepared by LK Group), which confirms an analysis of boreholes that were drilled very close by. Based on the analysis undertaken, the report is able to discount any crop workings due to the significant depth of superficial deposits, but also lateral works, specifically given the thin and uneconomical nature of the shallowest coals, which may underlie the site. Consequently, the Coal Authority is able to revise its original recommendation .

The Coal Authority considers that the content and conclusions of the submitted Desk Based Coal Mining Risk Assessment meet the requirements of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore now has no objection to the proposed development.

Response to objections

- Relocation of the pedestrian entrance to Parsonage Street would require reorientation of the building to enable access into the school which in turn would require re-positioning of the playground and other areas of the school site which would have a more harmful impact on privacy and overlooking to houses on Whittaker Street.
- Issues relating to traffic, access and parking have been covered in the above report.

Statement in accordance with Article 35(2) Town and Country Planning (Development

Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. Permission is hereby granted for a limited period only, namely for a period expiring 4 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition within 4 months of the cessation of the use. Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.

2. This decision relates to drawings -

Location plan P-001
Proposed site/block plan P-002 rev D
Proposed layout plan P-100 rev C
Existing and proposed context elevations P-102 rev c
Proposed elevations/section P-101 rev C
Proposed plan with topo survey R360 P-003 rev A1
Elevations sheet 1 of 3 R360 105 rev A2
Elevations sheet 2 of 3 R360 106 rev A2
Elevations sheet 3 of 3 R360 109 rev A1

Revised Planning Statement revision 3 (dated received 30-1-25)
Noise Impact Assessment 10 December 2024 - 36689-HML-XX-XX-RP-O-500001
Issue P01
Desk based coal mining risk assessment LKC241673 January 2025

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. The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);

II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. 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 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

4. Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.

The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

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 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable

development, secure proper drainage and to manage the risk of flooding and pollution pursuant to PfE Policy JP-S4 - Flood Risk and the Water Environment and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

6. A soft landscaping scheme and biodiversity enhancement measures (bat/bird boxes) shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies EC6/3 of the UDP, Policy JP-G8 of the Joint PfE and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

7. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to the Local Planning Authority:

- (1) Formation and widening of the proposed southerly car park access onto Whittaker Street to a scope and specification to be agreed, incorporating a sufficient width to allow two cars to pass each other, junction radii to replicate the existing arrangements to the north, alterations to the proposed fence lines and all associated highway remedial works;

- (2) Formation of the proposed pedestrian access to the site and reinstatement of the existing northerly car park access onto Whittaker Street to adjacent footway levels to a scope and specification to be agreed, incorporating all associated highway remedial works;

- (3) Works between the proposed vehicular and pedestrians accesses on Whittaker Street to retain the back edge of the footway exposed following removal of the former boundary treatment/stone plinths, to a scope and specification to be agreed, incorporating all associated highway remedial works;

- (4) Foundation details for all proposed boundary fencing confirming no encroachment under the adjacent adopted highway.

The details subsequently approved shall be implemented to an agreed programme with the Local Planning Authority

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8.

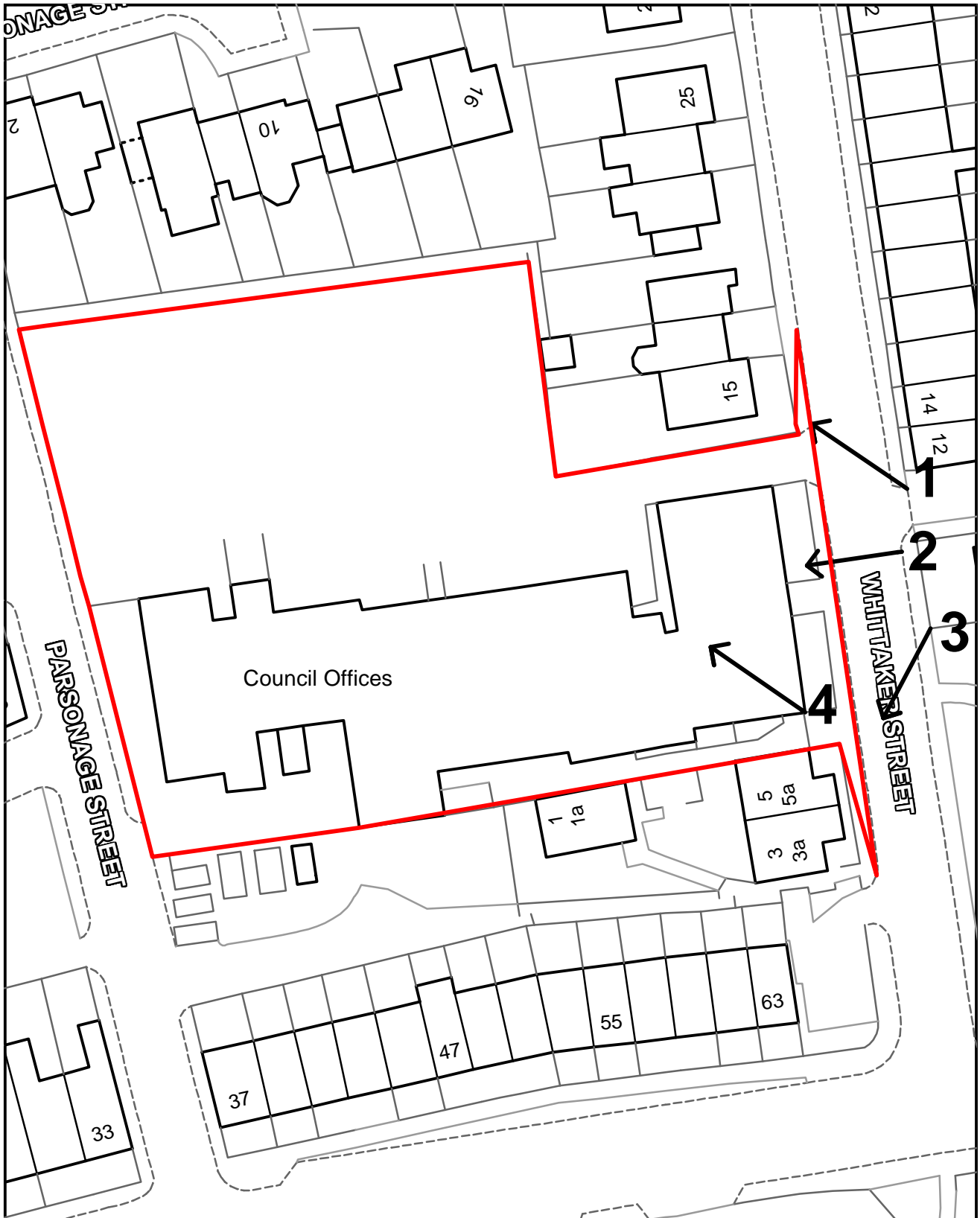
8. The development hereby approved shall not be commenced unless and until a method statement has been submitted to and approved by the Local Planning Authority for the placement/erection of the temporary modular building on the site, incorporating adequate access arrangements for the delivery/construction vehicles involved. The measures subsequently approved shall be implemented and maintained for the duration of the works.

Reason. In the interests of pedestrian and road safety and to mitigate the impact of the construction traffic generated by the proposed development on the adjacent highways pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8.

9. The servicing arrangements and turning facilities indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway/new access road, in the interests of road safety pursuant to Places for Everyone Policies JP-C5, JP-C6 and JP-C8
10. The car parking indicated on the approved plans shall be surfaced as shown, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
11. The refuse storage and access arrangements to be provided within the curtilage of the site shall be made available for use to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Places for Everyone Policy JP-C8.
12. The development thereby approved shall incorporate double glazing and trickle ventilation as stated in the Executive Summary of the Noise Assessment and plant equipment shall not exceed noise levels stated in Table 6.1 of the Noise Assessment. The measures shall be implemented prior to first occupation and maintained for the duration of the development hereby approved.
Reason. To protect the amenity of adjacent occupiers pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.

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

71228 - Viewpoints



ADDRESS: 7 Whittaker Street, Radcliffe,
Manchester, M26 2DT



Bury
Council

Planning, Environmental and Regulatory Services

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71228

Photo 1



Photo 2



71228

Photo 3



Photo 4





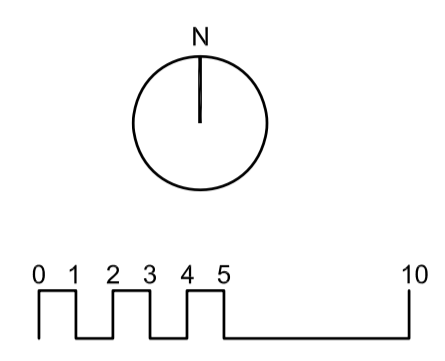
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 This map shows the area bounded by 378370 407373,378570 407373,378570 407573,378370 407573,378370 407373
 Crown copyright and database rights 2024 OS 100054135. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (OS 100054135).
 Data licence expires 10 October 2025. Unique plan reference: v4f//1160412/1560141



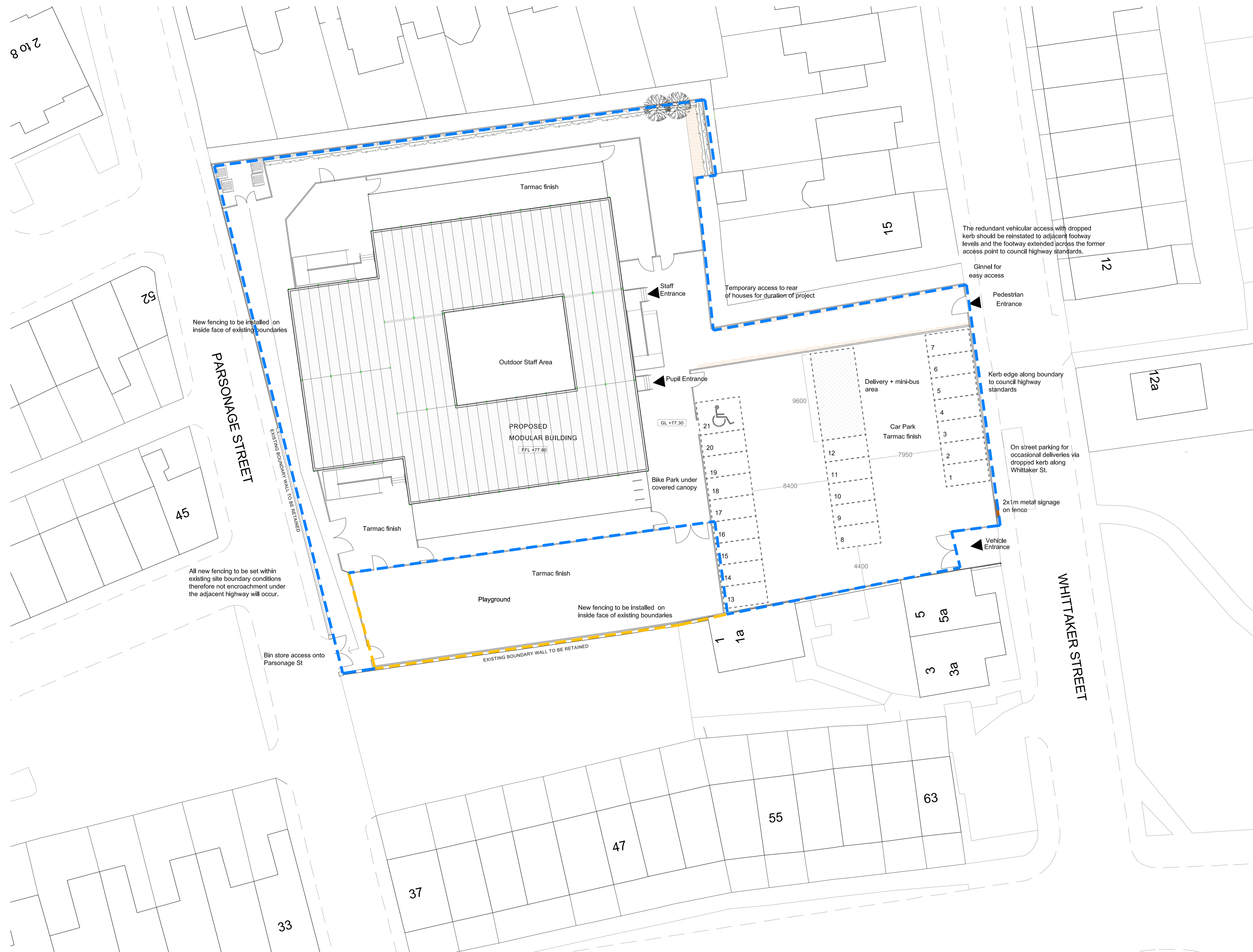
| | | |
|-------------------------------------|-----------------------|----------------|
| Client: BURY COUNCIL | | |
| Project: WHITEFIELD CENTRE, BURY | | |
| Title: LOCATION PLAN | | |
| Project No: •MM2407 | Drawing No: •P-001 | Revision: • |
| Drawn By: GM | Date: 12/09/24 | |
| Scale: 1:1250 @ A4 | Approved: XX | |
| Drawing Status: PLANNING | | |



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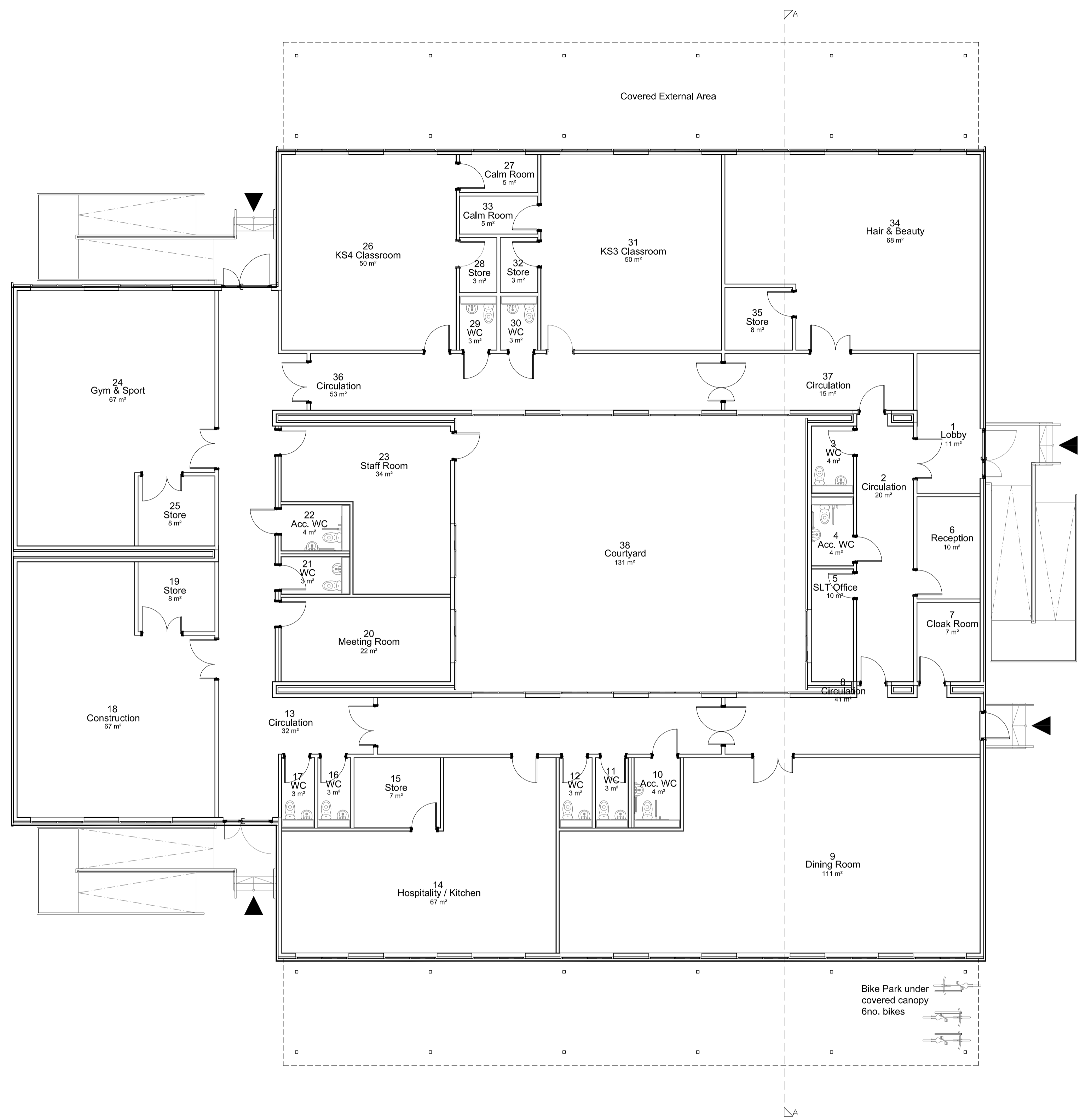
— 2.4m HIGH PALADIN FENCING
 — 3.0m HIGH PALADIN FENCING



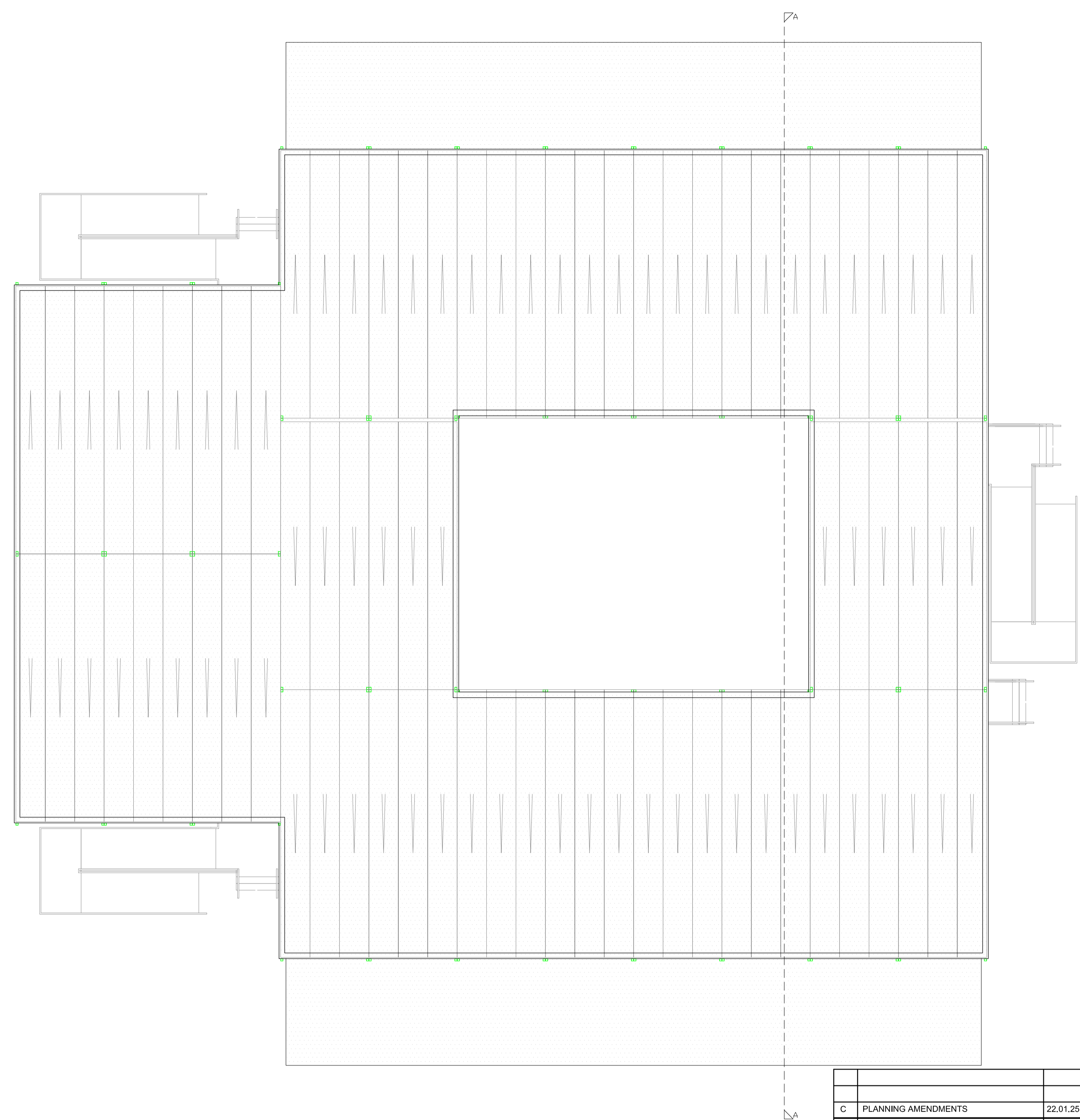
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|-----------------------------------|---------------------|-----------|
| Rev | Description | Date |
| D | PLANNING AMENDMENTS | 29.01.25 |
| C | PLANNING AMENDMENTS | 22.01.25 |
| B | PLANNING AMENDMENTS | 16.01.25 |
| A1 | Issued for approval | --/-- |
| Client: | | |
| Project: SCHOOL, WHITEFIELD, BURY | | |
| Title: PROPOSED SITE / BLOCK PLAN | | |
| Project No: | Drawing No: | Revision: |
| •MM2407 | •P-002 | •C |
| Drawn By: GM | Date: 12/09/24 | |
| Scale: 1:200 @ A1 | Approved: XX | |
| Drawing Status: PLANNING | | |

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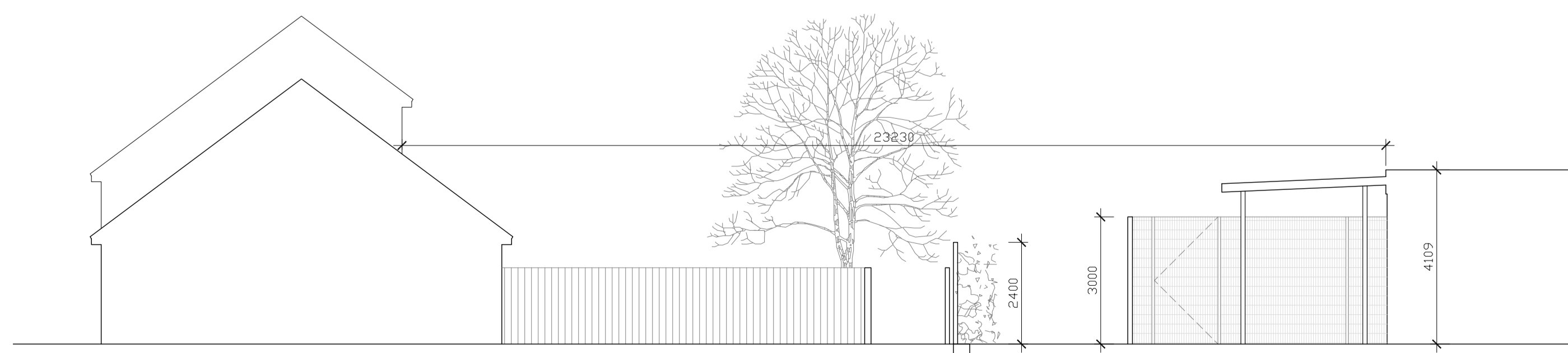
Page 27



FLOOR PLAN



ROOF PLAN



All new fencing to be set within existing site boundary conditions therefore not encroachment under the adjacent highway will occur.

NORTH BOUNDARY CONDITION
1:100

EXISTING HOUSES ON PASONAGE STREET

EXISTING GARDENS

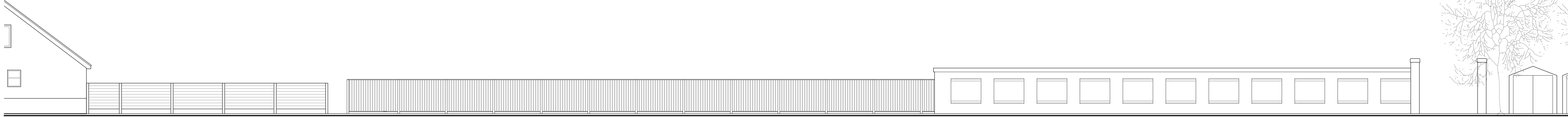
EXISTING REAR ALLEY

PATH & HEDGE WITH TARP COVERING ALONG BOUNDARY

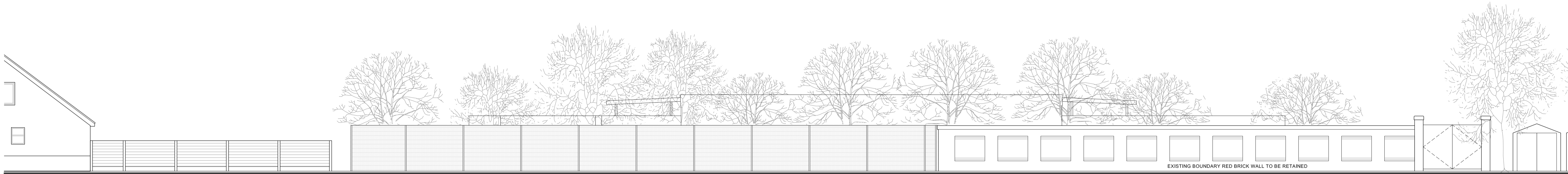
PROPOSED SCHOOL BUILDING

| C | PLANNING AMENDMENTS | 22.01.25 |
|-----------------------------------|---------------------|-----------|
| B | PLANNING AMENDMENTS | 16.01.25 |
| A1 | Issued for approval | --/-- |
| Rev | Description | Date |
| Client: | | |
| Project: SCHOOL, WHITEFIELD, BURY | | |
| Title: PROPOSED PLAN | | |
| Project No: | Drawing No: | Revision: |
| •MM2407 | •P-100 | •B |
| Drawn By: GM | Date: 12/09/24 | |
| Scale: 1:100 @ A1 | Approved: XX | |
| Drawing Status: PLANNING | | |

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CONTEXTUAL ELEVATION FROM PARSONAGE STREET - EXISTING CONDITION

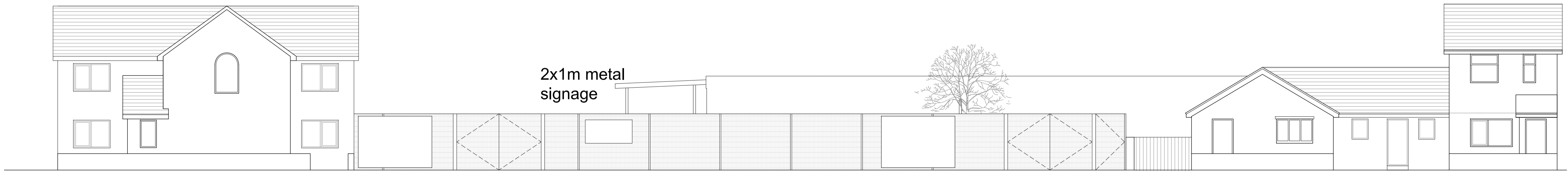


CONTEXTUAL ELEVATION FROM PARSONAGE STREET - PROPOSED CONDITION

Page 28



CONTEXTUAL ELEVATION FROM WHITTAKER STREET - EXISTING CONDITION



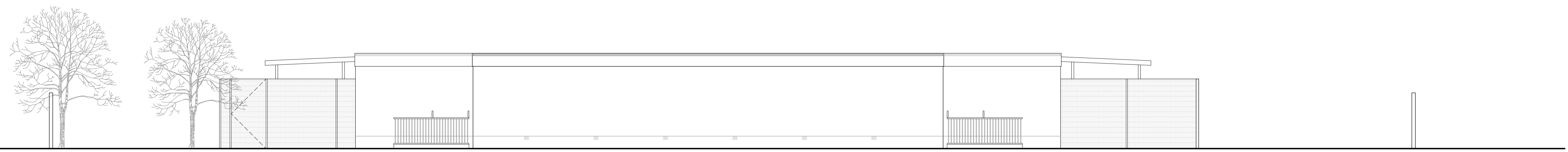
CONTEXTUAL ELEVATION FROM WHITTAKER STREET - PROPOSED CONDITION

| Rev | Description | Date |
|-----|---------------------|----------|
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| B | PLANNING AMENDMENTS | 16.01.25 |
| A1 | Issued for approval | --/-- |

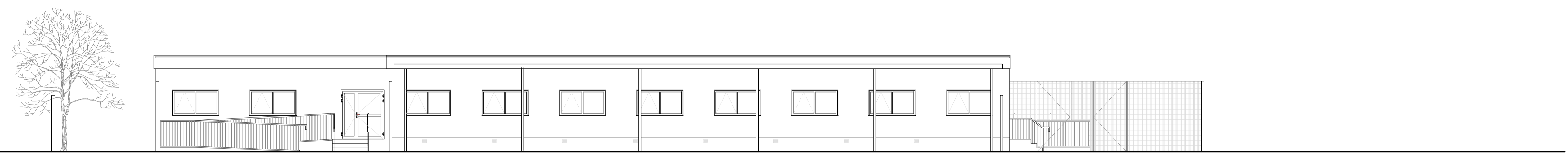
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|---|-----------------------------|-----------------|
| Client: | | |
| Project: SCHOOL, WHITEFIELD, BURY | | |
| Title: EXISTING / PROPOSED CONTEXT ELEVATIONS | | |
| Project No: •MM2407 | Drawing No: •P-102 | Revision: •C |
| Drawn By: GM | Date: 12/09/24 | Approved: XX |
| Scale: 1:100 @ A1 | Drawing Status: PLANNING | |

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MATERIAL PALETTE:
 WALLS + ROOF: to be COMPOSITE PANELS
 DOORS: to be PPC ALUMINIUM
 WINDOWS: to be uPVC
 PLANT ENCLOSURE: to be 3M HIGH PALADIN FENCE

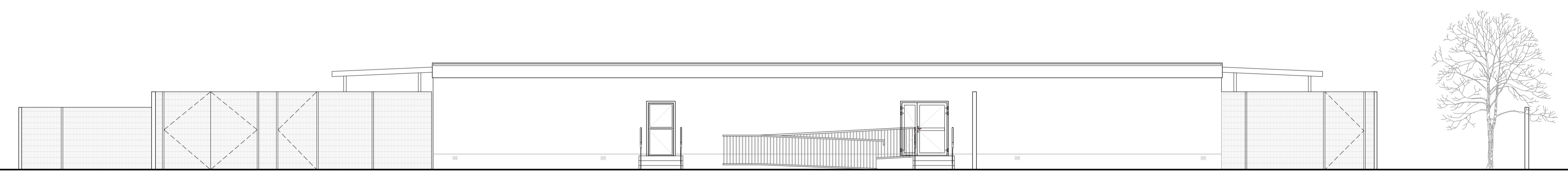


WEST ELEVATION

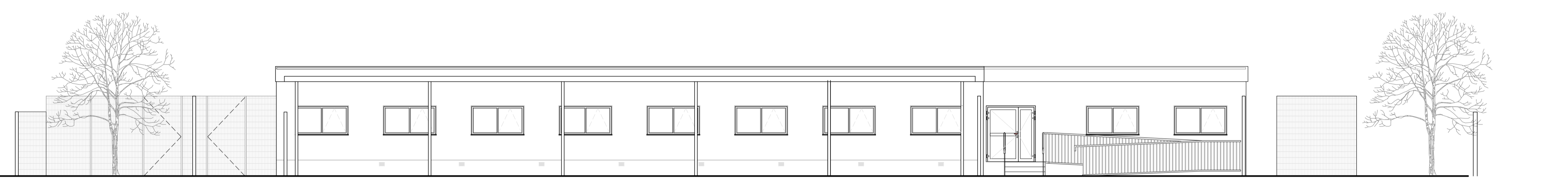


SOUTH ELEVATION

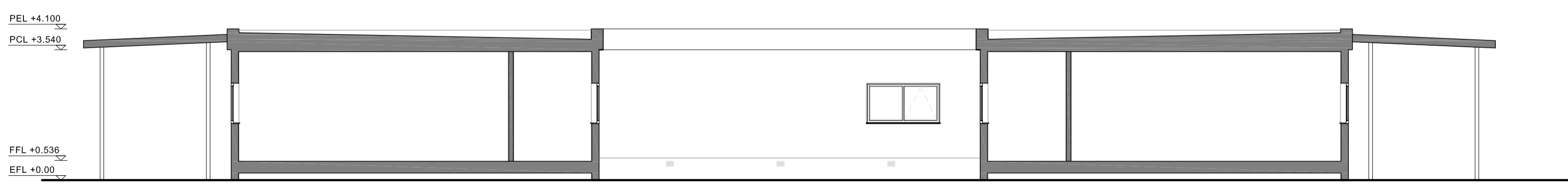
Page 29



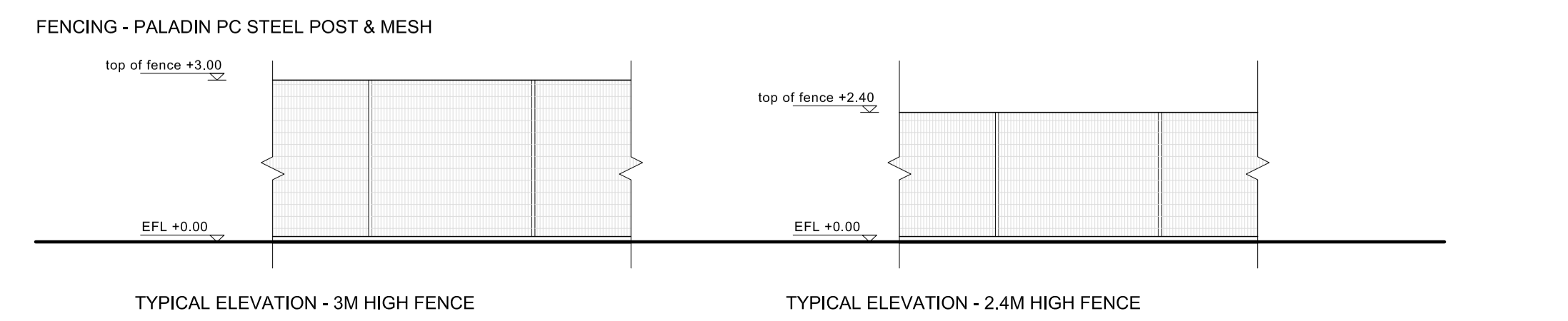
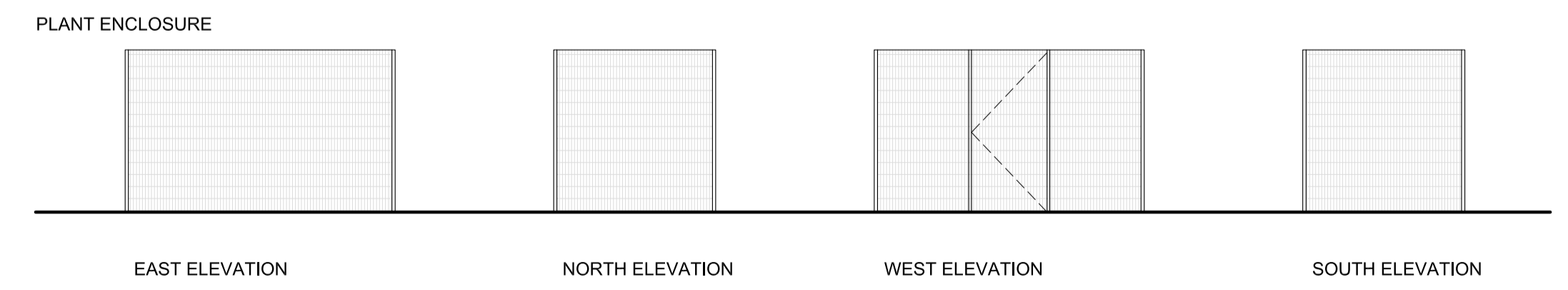
EAST ELEVATION



NORTH ELEVATION

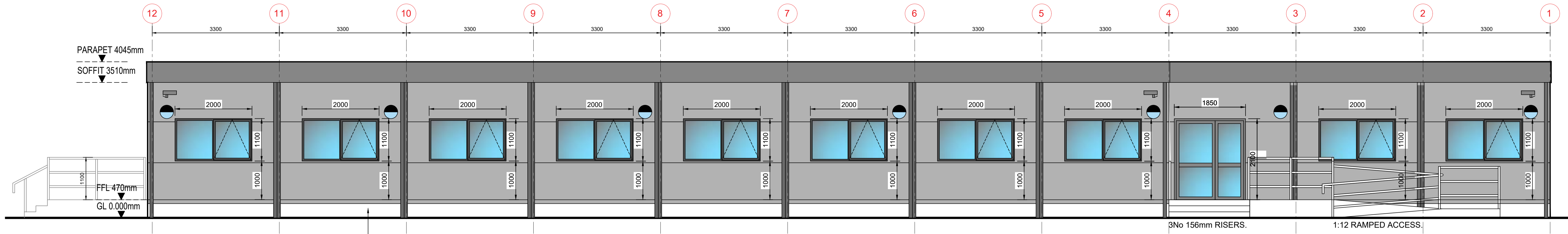


SECTION A



| | | |
|--------------------------------------|---------------------|-------------|
| Rev | Description | Date |
| B | PLANNING AMENDMENTS | 16.01.25 |
| A1 | Issued for approval | ---/---/--- |
| Client: | | |
| Project: SCHOOL, WHITEFIELD, BURY | | |
| Title: PROPOSED ELEVATIONS / SECTION | | |
| Project No: | Drawing No: | Revision: |
| •MM2407 | •P-101 | •B |
| Drawn By: GM | Date: | 12/09/24 |
| Scale: 1:100 @ A1 | Approved: XX | |
| Drawing Status: PLANNING | | |

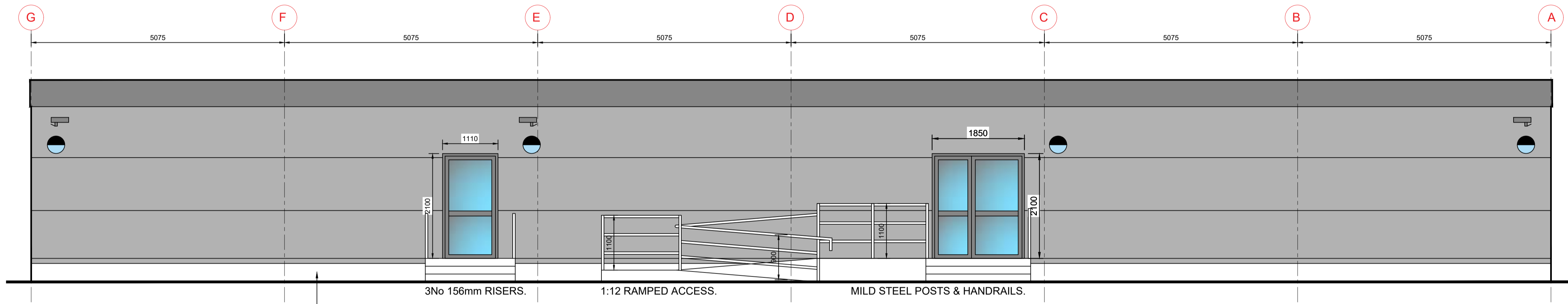
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Elevation 3-3 1:50

FIBRE CEMENT PLINTH
ALONG BASE.

3No 156mm RISERS.
1:12 RAMPED ACCESS.



Elevation 4-4 1:50

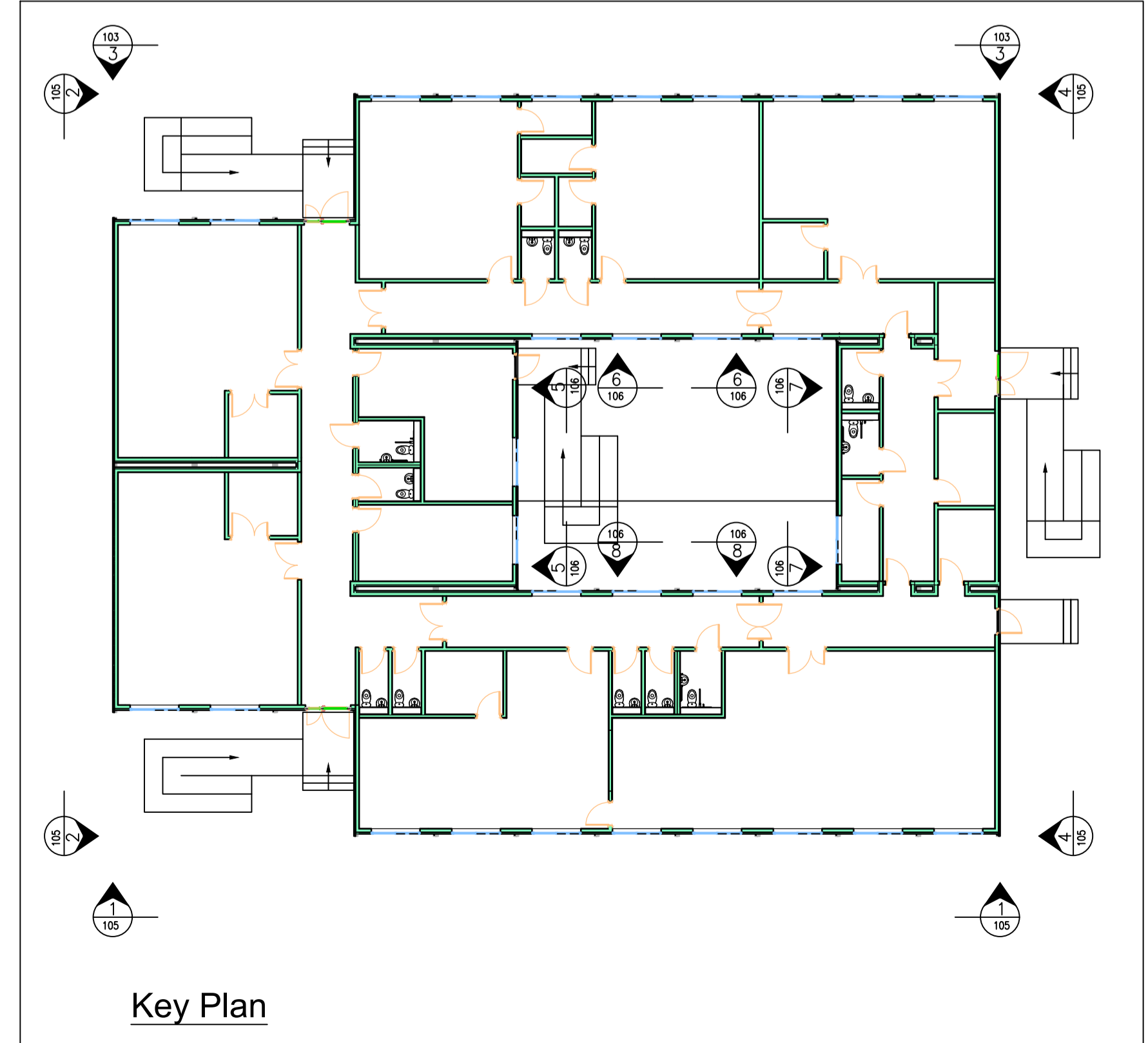
FIBRE CEMENT PLINTH
ALONG BASE.

PARAPET 4045mm
SOFFIT 3510mm

FFL 470mm
GL 0.000mm

3No 156mm RISERS.
1:12 RAMPED ACCESS.
MILD STEEL POSTS & HANDRAILS.

Page 30

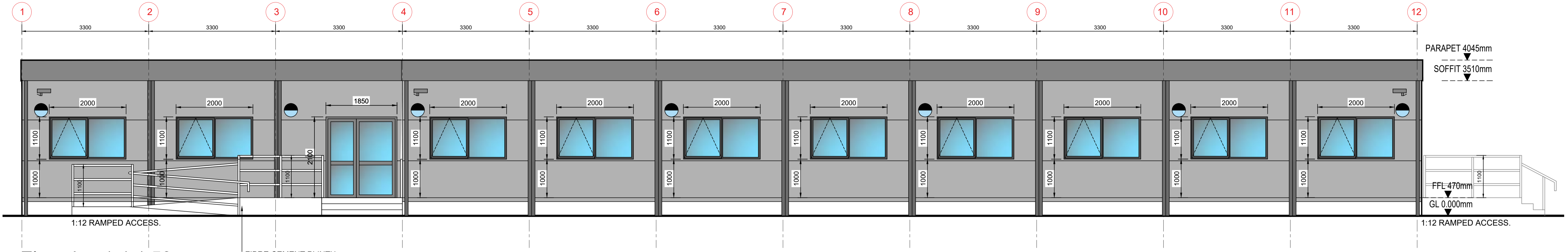


Key Plan

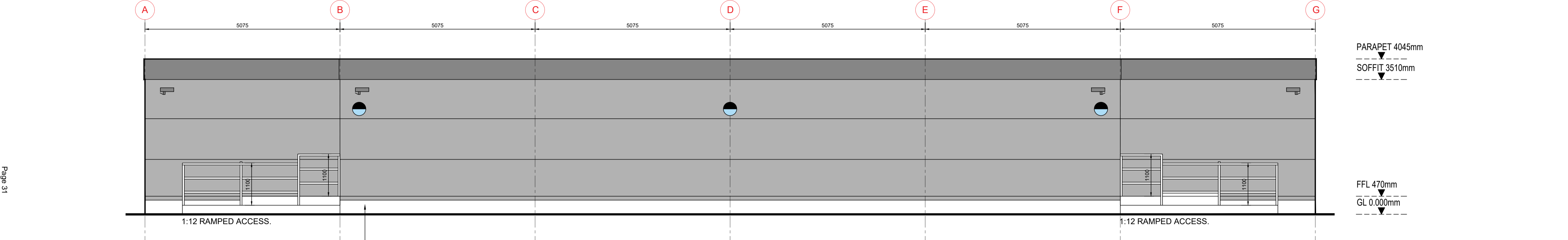
| Rev | Description | Date |
|-----|------------------------------|----------|
| A2 | Issued showing steps & ramps | 29/10/23 |
| A1 | Issued for approval | 22/08/23 |

Client: Bury Council
 Project: Whitefield Centre.
 Title: Elevations Sheet 2 of 3
 Project No: R360 Drawing No: 106 Revision: A2
 Drawn By: SL Date: 22/08/24
 Scale: 1:75@A1 Approved: .
 Drawing Status: Approval

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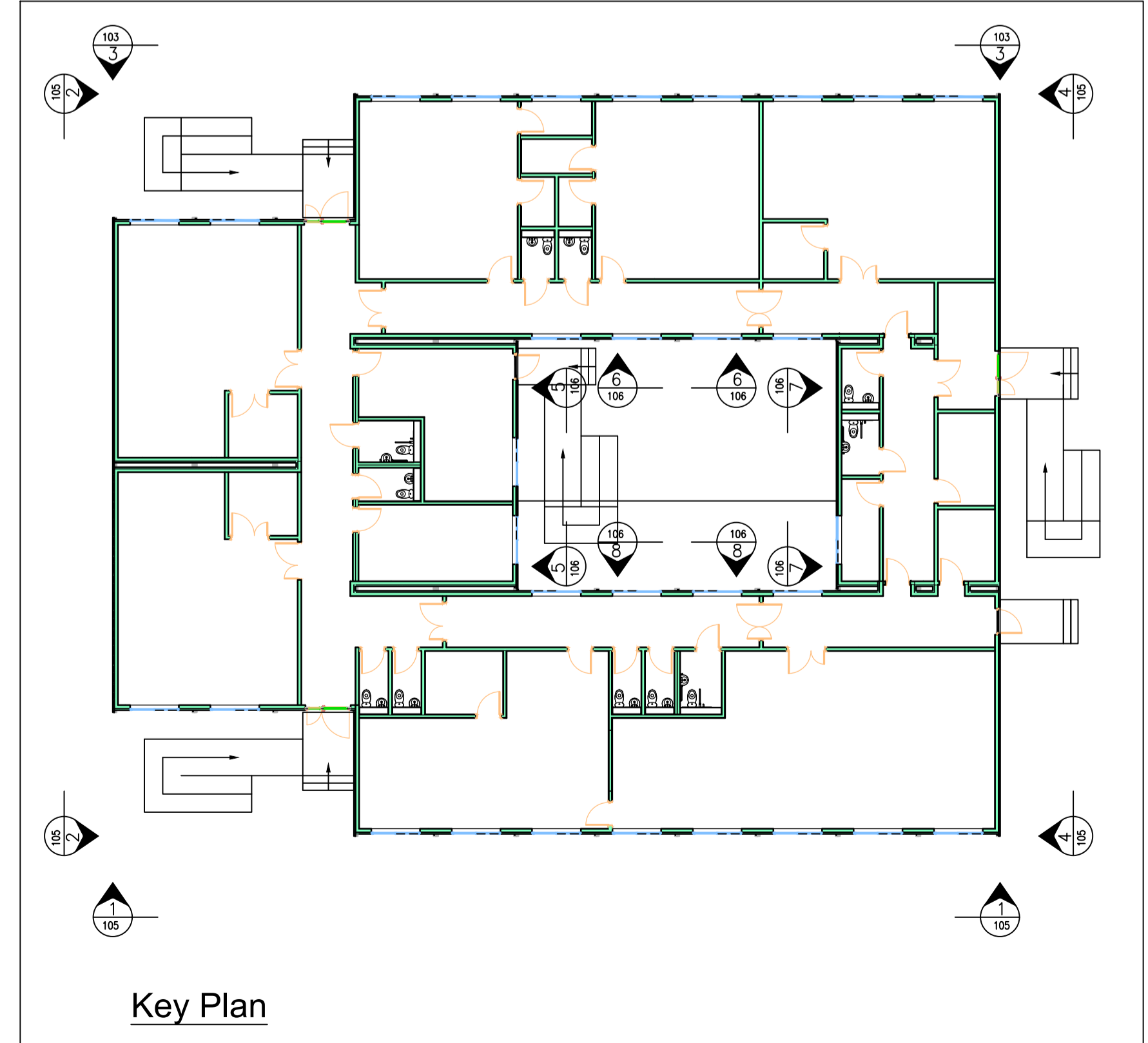


Elevation 1-1 1:50



Elevation 2-2 1:50

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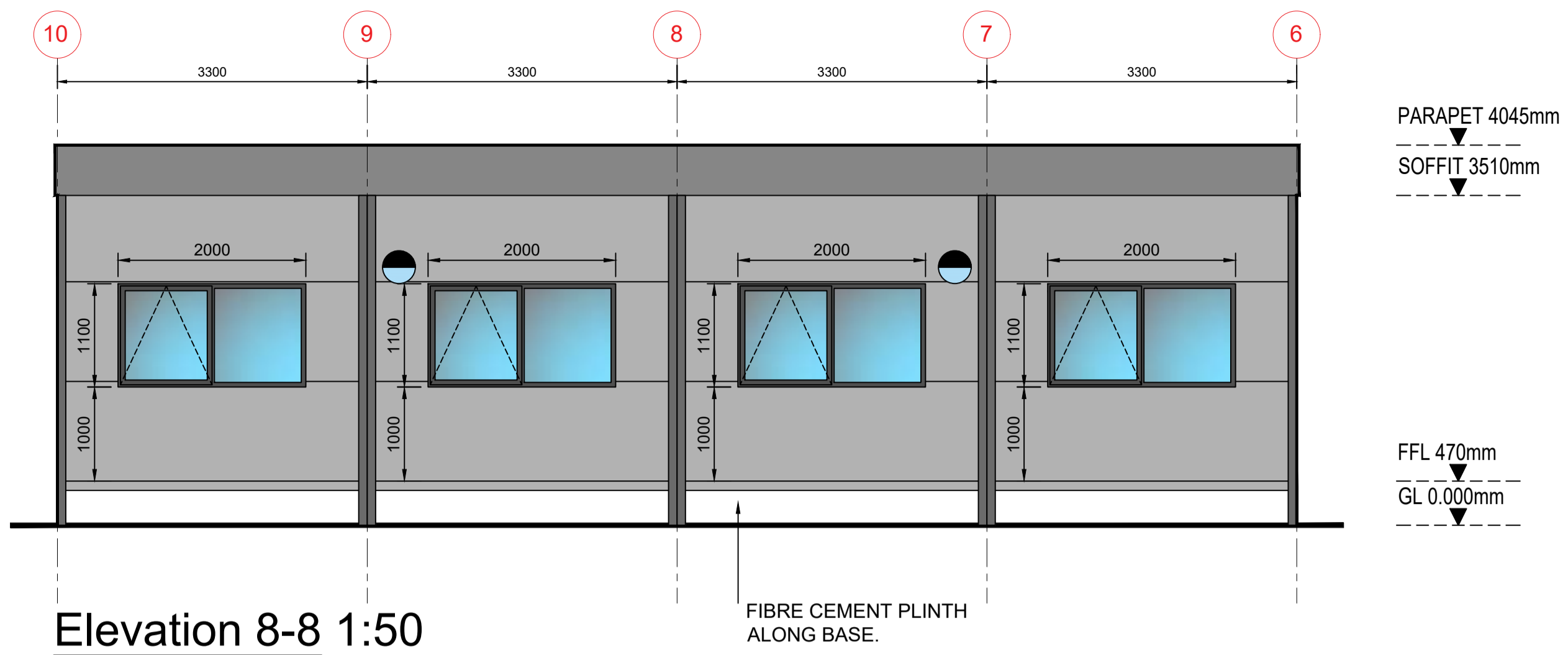


| Rev | Description | Date |
|-----|------------------------------|----------|
| A2 | Issued showing steps & ramps | 29/10/23 |
| A1 | Issued for approval | 22/08/23 |

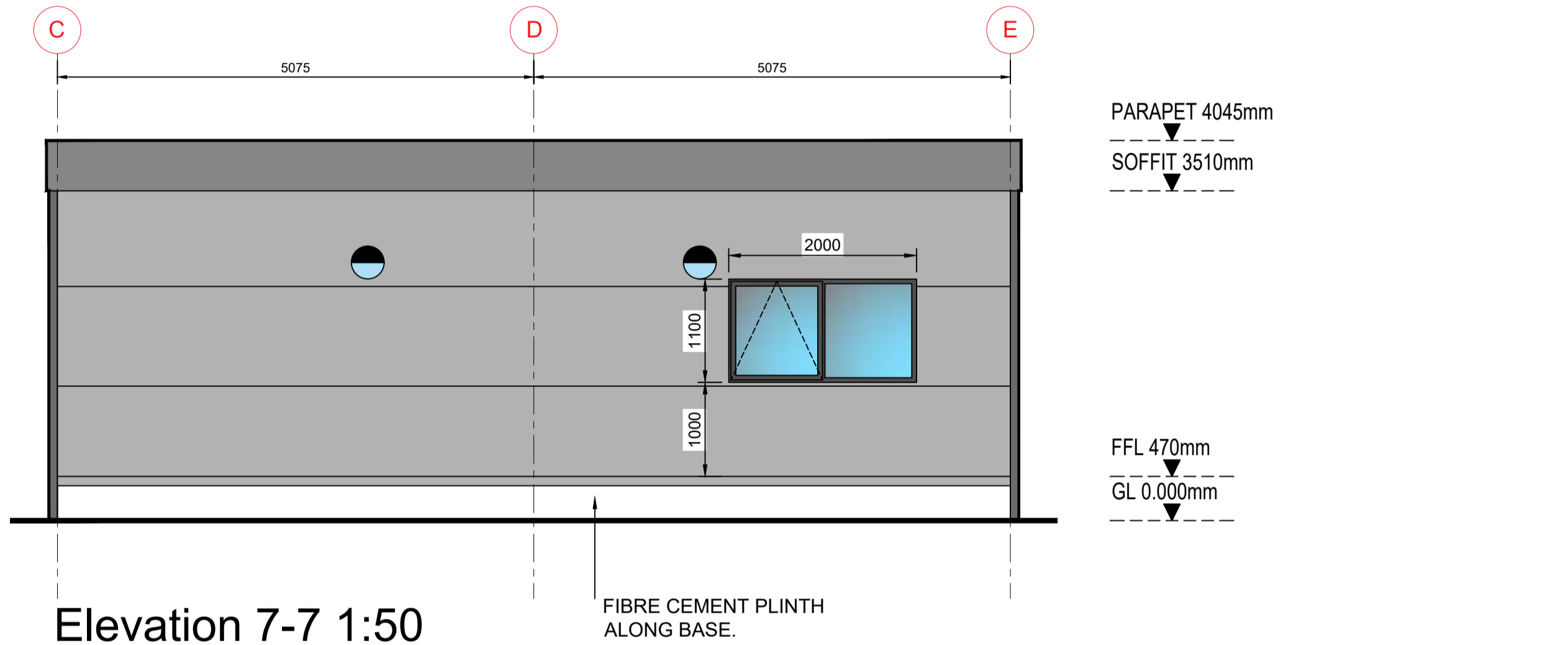
Client: Bury Council
 Project: Whitefield Centre.
 Title: Elevations Sheet 1 of 3
 Project No: R360 Drawing No: 105 Revision: A2
 Drawn By: SL Date: 22/08/24
 Scale: 1:75@A1 Approved: .
 Drawing Status: Approval

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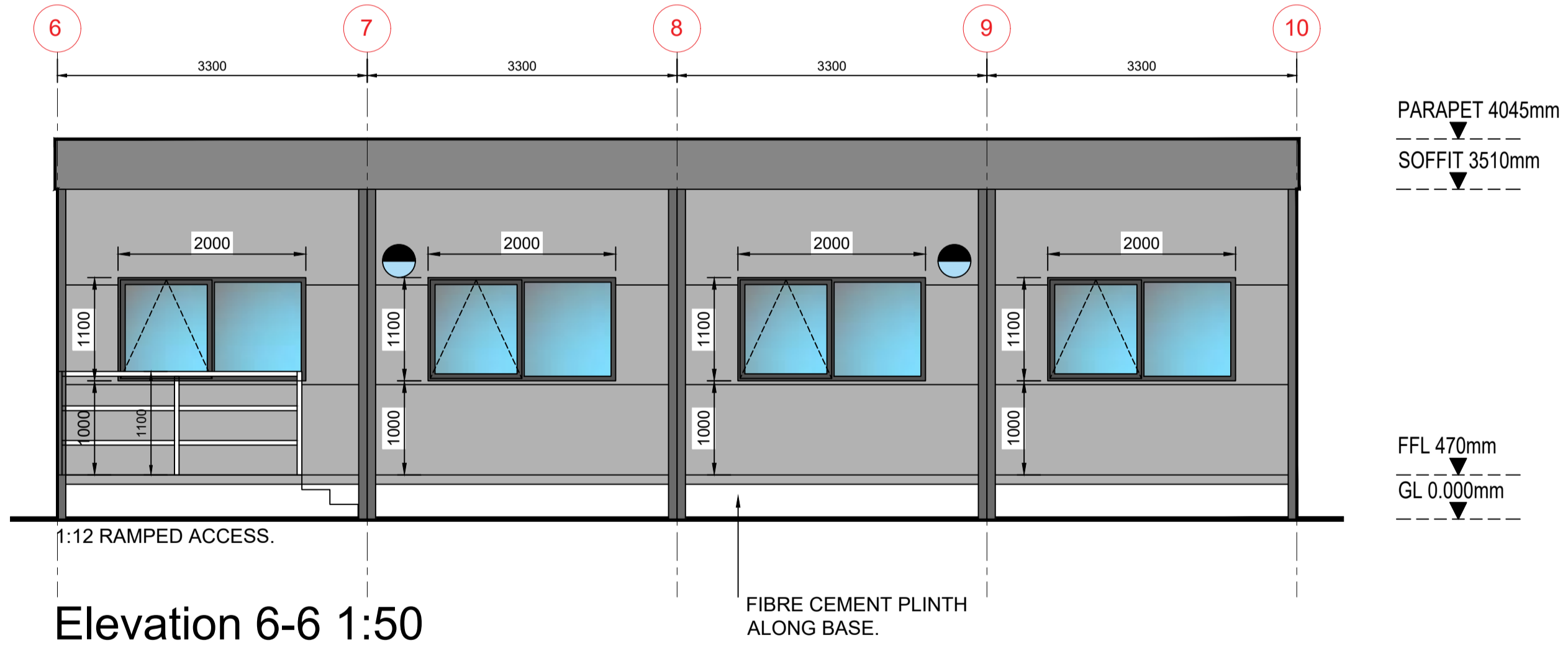
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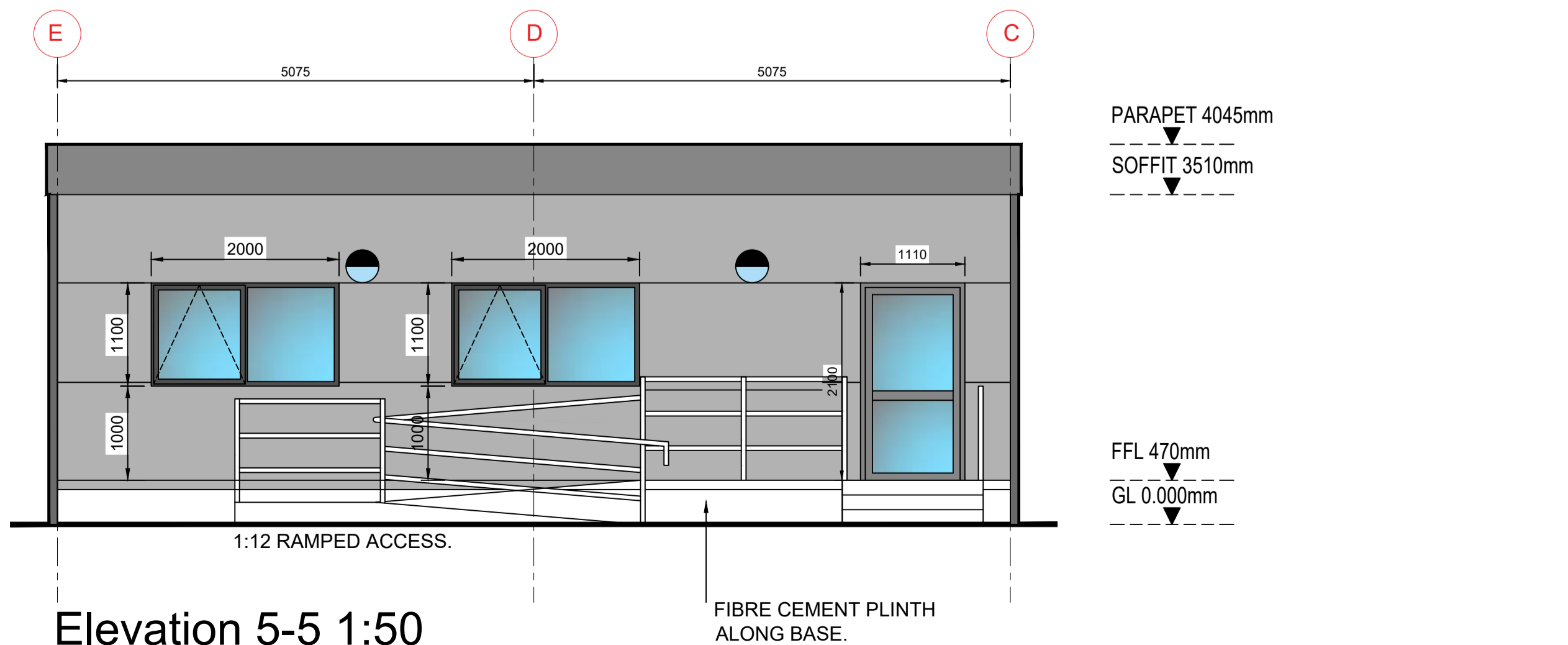
Elevation 8-8 1:50



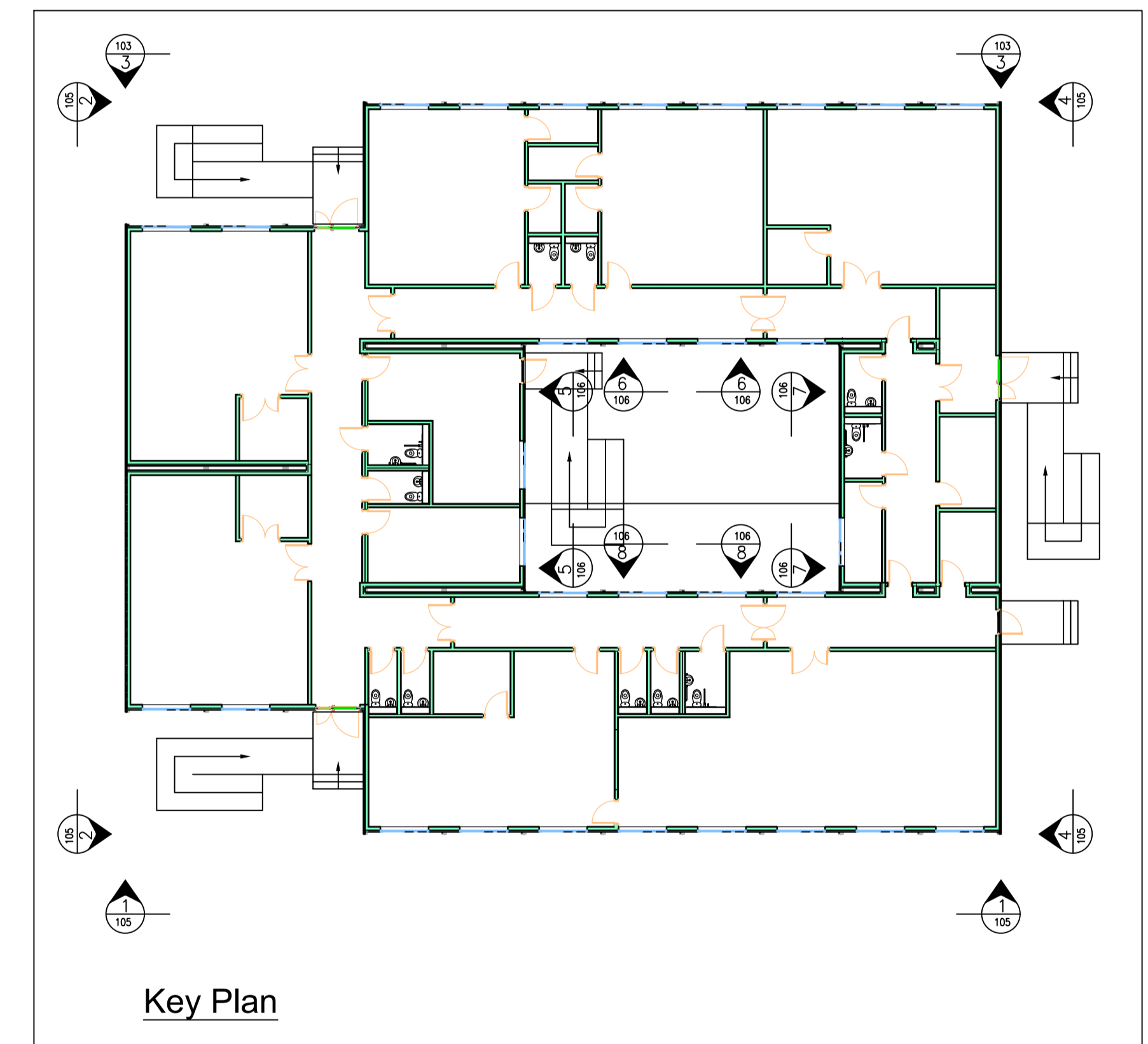
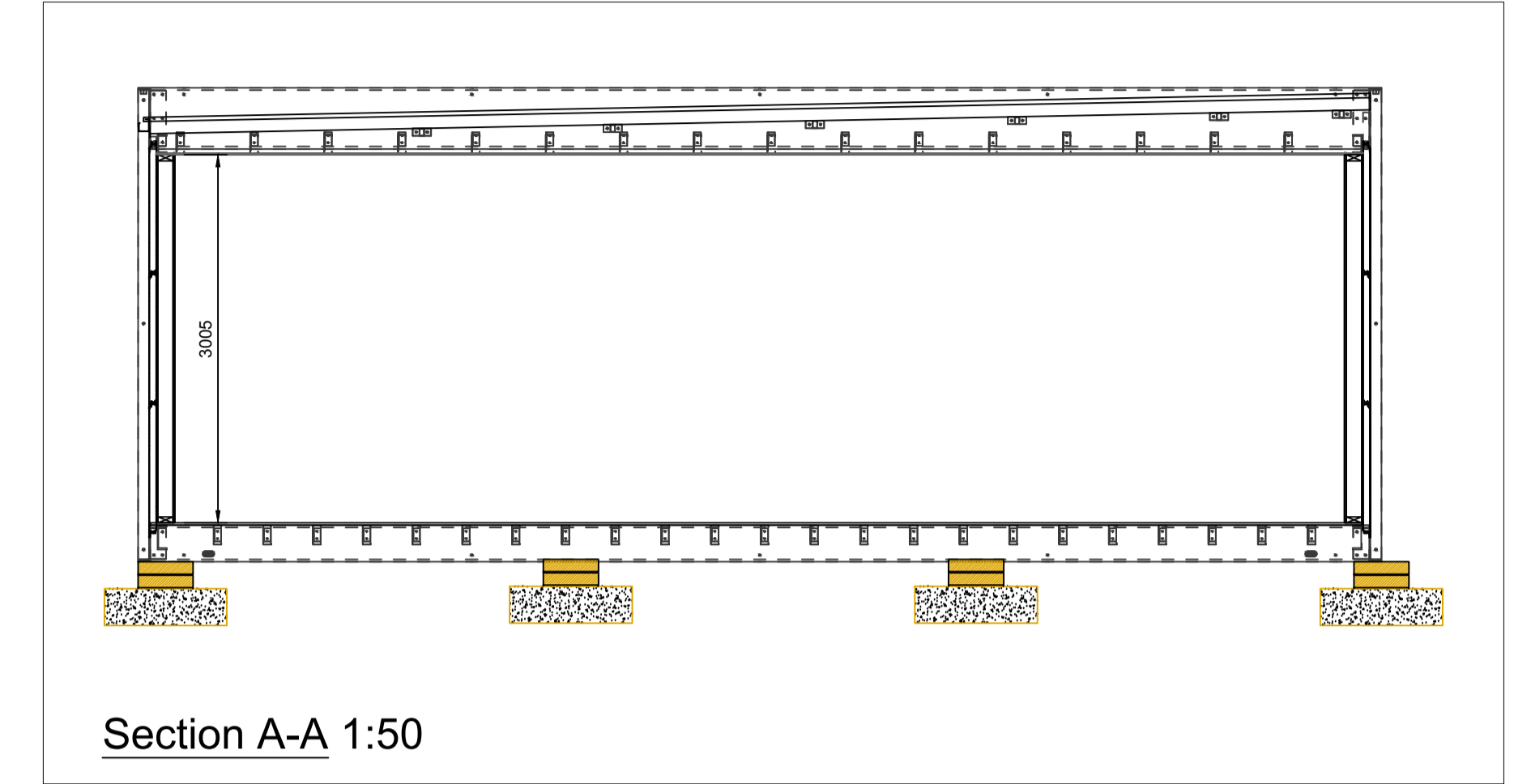
Elevation 7-7 1:50



Elevation 6-6 1:50



Elevation 5-5 1:50



| Rev | Description | Date |
|-----|---------------------|----------|
| A1 | Issued for approval | 29/10/23 |

Client: Bury Council
 Project: Whitefield Centre.
 Title: Elevations Sheet 3 of 3
 Project No: R360 Drawing No: 109 Revision: A1
 Drawn By: SL Date: 29/10/24
 Scale: 1:75@A1 Approved: .
 Drawing Status: Approval

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Ward: Radcliffe - North and Ainsworth

Item 02

Applicant: Mr J Dar

Location: Railway Hotel, 427 Ainsworth Road, Radcliffe, Manchester, M26 4HN

Proposal: Change of use from public house into a 10 bed House in Multiple Occupation (HMO) (sui generis)

Application Ref: 71306/Full

Target Date: 06/02/2025

Recommendation: Approve with Conditions

Description

The application relates to a vacant public house located at the end of a terrace that directly fronts Ainsworth Road. The existing site comprises of a two storey building with a two storey and single storey extension to the rear. A yard area is also located to the rear. There is a change in levels from the front, to the rear of the site leading to the yard area being accessed from lower ground floor. An access runs along the side of the pub which appears to be utilised to access the rear of the terrace to the north. This access not within the control of the applicant and is located outside of the red edge. A public right of way is located to the south of this access - Footpath 33SA.

The existing accommodation comprises of a public house to ground floor with access from Ainsworth Road., Living accommodation is provided at first floor, accessed internally, that would provide a 3no. bedroom single storey unit. Storage is provided at lower ground floor with access to the rear yard.

The site is surrounded by a mixture of uses with a terrace of residential dwellings to the north, a bowling green to the west (rear), commercial units to the east separated from the site by Ainsworth Road, and further residential development to the South.

Planning permission is proposed for the change of use of the existing public house to a 10 bed House in Multiple Occupation (HMO) (sui generis).

Relevant Planning History

Enforcement

25/0009 - Untidy land - Ongoing

Publicity

Letters sent to 1 neighbouring properties on the 16th December 2025.

37 representations of objection have been received in relation to:

- Lack of parking when Bowling Club is playing at home.
- No details of car parking provided within application.
- Parking will be offset onto surrounding streets.
- Building work commenced at property and site is untidy.
- Concern about anti-social behaviour, drug use and criminality.
- HMO residents tend not to take responsibility for waste leading to overflowing bins and vermin.
- Safeguarding concerns for local children.

- HMO would intimidate the users of the Bowling Green.
- It is not the right area for a HMO.
- The town is currently undergoing a regeneration, to the cost of thousands, to be compromised allowing HMO"s to be built is a waste of trying to create a decent community.
- High densities of HMOs can change the nature of an area and result in reduced community cohesion.
- Will have a detrimental impact on the occupants of an established care home, Half Acre Care Home through anti-social behaviour, noise, pollution and will cause stress and anxiety.
- Decrease in house prices.
- Lack of doctors/dentists in the area.
- Overdevelopment with little regard to private amenity of tenants.
- No sizes provided on bedrooms to check if they meet HMO standards.
- Too many people in one building.
- Small windows to bedrooms.
- Little outdoor amenity space provided.
- Too many HMOs in Radcliffe. 16 registered in the town already.
- Landlords don't monitor properties.
- I strongly believe that Bury Council do not have the ability or capacity to properly regulate this sector of accommodation.
- Where is the local centre that the HMO is sited near?
- Need family homes.
- Need clarity on who will be housed in the building. Will they be paying rent?

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way Officer- Condition requested in relation to the implementation of bin and cycle storage.

Waste Management - no response

Environmental Health - Pollution Control - The noise mitigation from the build material seem to address the potential noise for the flat from the gym and therefore agree to the works to be carried out in accordance to what they have submitted.

Private Rented Sector Enforcement Team - Confirm HMO licence will be required. Confirmation of requirements for Fire Safety, internal amenities provided.

Adult Care Services - No response

Greater Manchester Police - designforsecurity - No response

The Coal Authority - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

| | |
|-------|---|
| H1/2 | Further Housing Development |
| H2/1 | The Form of New Residential Development |
| H2/2 | The Layout of New Residential Development |
| H2/4 | Conversions |
| EN1/2 | Townscape and Built Design |
| EN7/2 | Noise Pollution |
| HT2/4 | Car Parking and New Development |

| | |
|-------|---|
| JP-H1 | Scale of New Housing Development |
| JP-H3 | Type, Size and Design of New Housing |
| JP-H4 | Density of New Housing |
| JP-S2 | Carbon and Energy |
| JP-P1 | Sustainable Places |
| JP-S5 | Clean Air |
| JP-C2 | Digital Connectivity |
| JP-C5 | Streets For All |
| JP-C6 | Walking and Cycling |
| NPPF | National Planning Policy Framework |
| SPD13 | Conversion of Buildings to Houses in Multiple Occupation |
| SPD11 | Parking Standards in Bury |
| SPD6 | Supplementary Planning Document 6: Alterations & Extensions |

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle (Residential)

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

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

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

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

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

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The proposal would create an HMO through the change of use of a non-residential property it would be counted as one net additional dwelling. As such the proposal would have a limited contribution to housing supply.

Principle (HMO Sui Generis Use)

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

UDP Policy H2/4 - Conversions, has specific regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements. This is supported by SPD 13- The Conversion of Buildings to Houses in Multiple Occupation, that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMO's are located in suitable locations.

SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more

active social life in the evenings). However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant, which include assessment of the type of premises, scale and concentration of uses, location, character of the area, amenity and parking provision.

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Paragraph 63 of the NPPF confirms that "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation.

For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The conversion of properties to multiple occupation can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on buildings, sites and areas depending upon the amount of accommodation to be provided, demands created from parking etc and thus have an adverse effect on residential amenity and the character of an area.

The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues. These issues are discussed in more detail below and in light of the policies set out above.

Character of the area

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 - Conversions takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas. This is an issue which has been raised by a number of objectors.

A number of the objections received also reference an over saturation of HMO uses within Radcliffe as a wider area. Reviewing the current HMO register there are 20 HMOs within Radcliffe that require a licence. These uses appear to be largely focused around the streets that surround the town centre. Smaller HMOs (those with less than 5 people) would not require a licence (nor would they require planning permission) and as such would not be included within the register to allow assessment. Of these registered HMOs the nearest HMO to the proposal site would be 360 Ainsworth Road which is approximately 250m away from the site. A further 2 HMOs are also registered on Ainsworth Road that are just over a kilometre from the site.

The residential properties within the immediate vicinity of the site, with the exception of the residential care home at Half Acre Nursing Home, appear to be single dwellings that have

not been subdivided or converted. As such, it is considered that there would not be an over concentration of HMOs or building conversions within the vicinity of the site that would lead to a cumulative change in the character of the area.

Layout and Design

In addition to the policies set out above 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. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

No external alterations are proposed to facilitate the change of use. The existing window and door arrangements would be retained as existing. An area of amenity space is located to the rear of the property that would allow future residents to sit outside, or dry washing etc. A bin store and cycle store are also proposed to the rear of the site to allow storage off of the public highway. The location of a bin store to the rear of the site rather than storing the bins to the side of the building adjacent to the access, which appears to have been the location for bin storage for the public house, would be preferable and would remove the bins from the public realm.

It is therefore considered that the proposal would not have a detrimental impact on the character of the existing building in terms of visual amenity.

Amenity

Neighbouring Properties

UDP Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

SPD 13 states that generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The LPA however cannot condition who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

As set out above the window and door arrangements will be retained as existing, however

residential habitable room uses will be introduced to support the proposed use.

The lower ground floor be converted from a storage use, to a kitchen, dining room, gym and store area. A kitchen is considered to be a non-habitable room and therefore aspects have not been applied. The proposed dining room windows and door would face towards the shared boundary with No. 429 Ainsworth Road. These windows would be largely screened by the existing boundary fence between the two properties and would appear to face towards an open area utilised as a parking space rather than an area of private amenity space. The introduction of a lower ground floor dining area is therefore considered to be acceptable.

At ground floor the rear bedroom would have a single window facing towards the shared boundary with No. 429 however this would be a secondary window with the principal window for this room located on the main rear aspect. Other ground floor side windows facing towards No. 429 would relate to non-habitable spaces.

A number of side ground floor windows are proposed facing towards the access to the rear of the terrace. Given the change in levels to the rear of the site these windows are located a higher level than the access track and as such would not lead to a loss of privacy for the users of the access. These windows would be separated from the dwellings on Wilton Lane by a public right of way (Footpath 33SA) and highway and as such no undue loss of privacy is foreseen.

The existing first floor side kitchen window would be replaced by a bedroom window. This window would be over 10 metres from the directly facing boundary with No. 1 and No. 3 Wilton Lane due to the intervening highway and footpath referenced above. As such the location of this window would comply with aspect standards. An existing first floor side bedroom window would be retained in its existing use.

A first floor side window facing towards No. 429 would relate to a non-habitable space (landing). as existing.

The front ground floor and first floor windows would face towards a commercial unit, that is separated from the site by a highway as such no undue loss of privacy is foreseen. The front first floor bedroom windows would also be retained as bedroom windows.

The ground floor rear bedroom window referenced above would be located approximately 7 metres from the boundary of the bowling club complying with SPD 6. The proposed first floor rear bedroom window would replace an existing lounge which is also a habitable room window as such residential amenity would be maintained. All other rear first floor and ground floor windows relate to non-habitable spaces.

Future Occupiers

UDP Policy H2/4 that seeks to consider the impact of any proposals on the amenity of the occupants. Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments. UDP Policy EN7/2 - Noise Pollution does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The proposed bedrooms would all have en-suites. An additional WC is located at ground floor. Communal spaces are proposed through the introduction of a dining room, kitchen and gym at lower ground floor and a lounge at ground floor. Additional storage is also provided at lower ground floor.

The Private Rented Sector Enforcement Team have confirmed that for a 10 bed HMO to

meet the required licensing standards that the kitchen would need to be 10.2m², living/dining rooms additional to the kitchen would need to measure at least 16.7m² and bedrooms at minimum of 6.5m².

The proposed plans show that the proposed kitchen is 41m², the proposed lounge is 43m² and the proposed dining room is 37.3m² and all bedrooms exceed 6.5m². The proposal would therefore comply with HMO licensing for internal amenity standards.

As set out above there is outdoor amenity space provided to the rear of the site for the use of future occupants. This is located adjacent to the lower ground floor windows/doors rather than the ground floor bedroom windows limiting impact of the use of this space on the bedrooms that are proposed.

As a gym is proposed at lower ground floor the applicant has provided additional information in relation to the specification of the separating floor/ceiling that provides a 57db attenuation. The applicant states that this will allow levels of up to 87dB(A) in the gym while still achieving the night-time recommended 30dB(A) in the bedroom. This information has been sent to Environmental Health for comment and they have accepted the proposed mitigation which can be secured via condition.

Highways and Parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and UDP Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. 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.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments. PfE Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency.

There are no specific car parking standards for HMO's or buildings of multiple occupation in SPD11 Parking Standards in Bury. However, SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

There is no existing off street parking for the existing public house use which includes a 3 bedroom residential unit at first floor. Both uses would require an element of parking that is currently accommodated on street. The site is located on a main road with access to bus links and within walking distance to a Neighbourhood Centre and Local Shops as identified under UDP Policy S1/5 (Black Lane/Ainsworth Road). This is located approximately 120m to the south of the site. It is acknowledged that car ownership by HMO occupants is generally lower and given the sustainable location of the site, and the existing uses the use of on street parking for the proposed HMO is considered to be acceptable.

It is acknowledged that there are existing parking problems associated with the bowling club

to the rear of the site however this is an existing issue, that would be outside of the remit of this application. There is an existing lawful use at the site as a public house which would require a level of deliveries, visitors etc. In addition there were pre-existing residential occupants at first floor all of which create a demand for parking within the vicinity of the site. Given the nature of HMOs it can be reasonably assessed to be a less intensive land use in terms of parking requirements. As such the proposal is considered to be acceptable.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

A supporting Carbon Energy Statement has been submitted with the application that sets out the applicant's intentions to comply with the relevant Building Regulations which would be Part L in this instance. The applicant has also set out a sustainability strategy for energy, water, waste management and construction management. The proposal would therefore be in compliance with the above policy.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The site is located in an area where full fibre is available.

Response to representations

It is considered that the material planning considerations have been addressed within the main body of the report.

As set out above, the LPA can not control who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

Impact on property values is a non-material planning consideration not relevant to the decision.

Plans have been revised to show the proposed floor areas, and in response to the Private Rented Sector Enforcement Team's comments to ensure amenity for future occupiers.

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

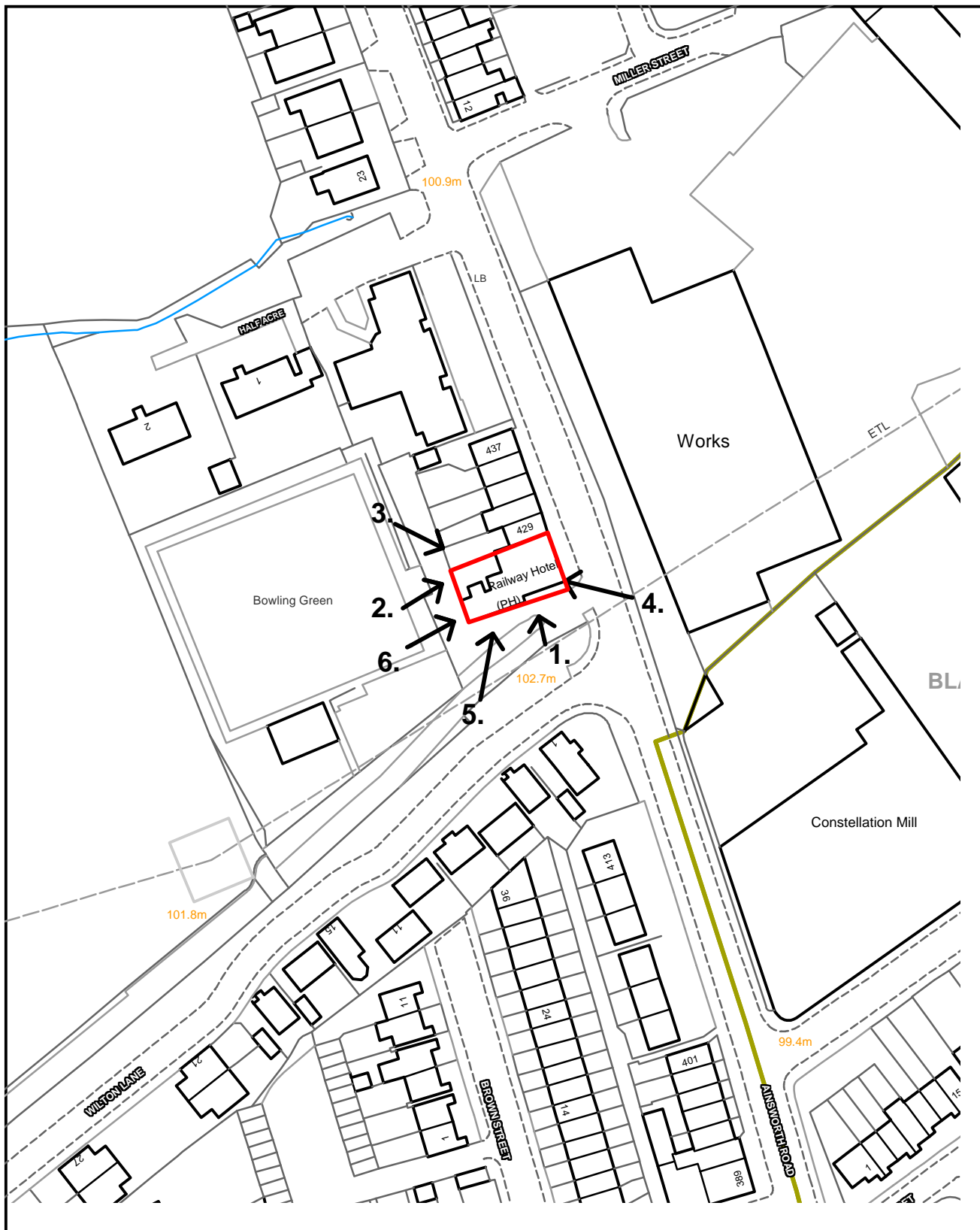
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act

1990.

2. This decision relates to drawings numbered Site Location Plan, 2189/1, 2189/2, 2189/3, 2189/6 and revised drawings 21895/4, 2189/5 received 7th January 2025 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. The cycle and bin storage facilities indicated on the approved plans shall be made available to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate cycle storage arrangements and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety pursuant to Development Plan policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions, JP-C5 Streets For All and JP-C6 Walking and Cycling.
4. The development hereby approved shall include sound insulation above the gym to provide 57dB Rw attenuation. The acoustic attenuation shall be implemented in full and available for use before use of the premises first commences.
Reason. To protect the amenity of the occupants of the ground floor bedrooms once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 - Noise Pollution.

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

71306 - Viewpoints



ADDRESS: Railway Hotel, 427 Ainsworth Road, Radcliffe, Manchester, M26 4HN



Bury
Council

Planning, Environmental and Regulatory Services

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71306

Photo 1



Photo 2



71306

Photo 3



Photo 4



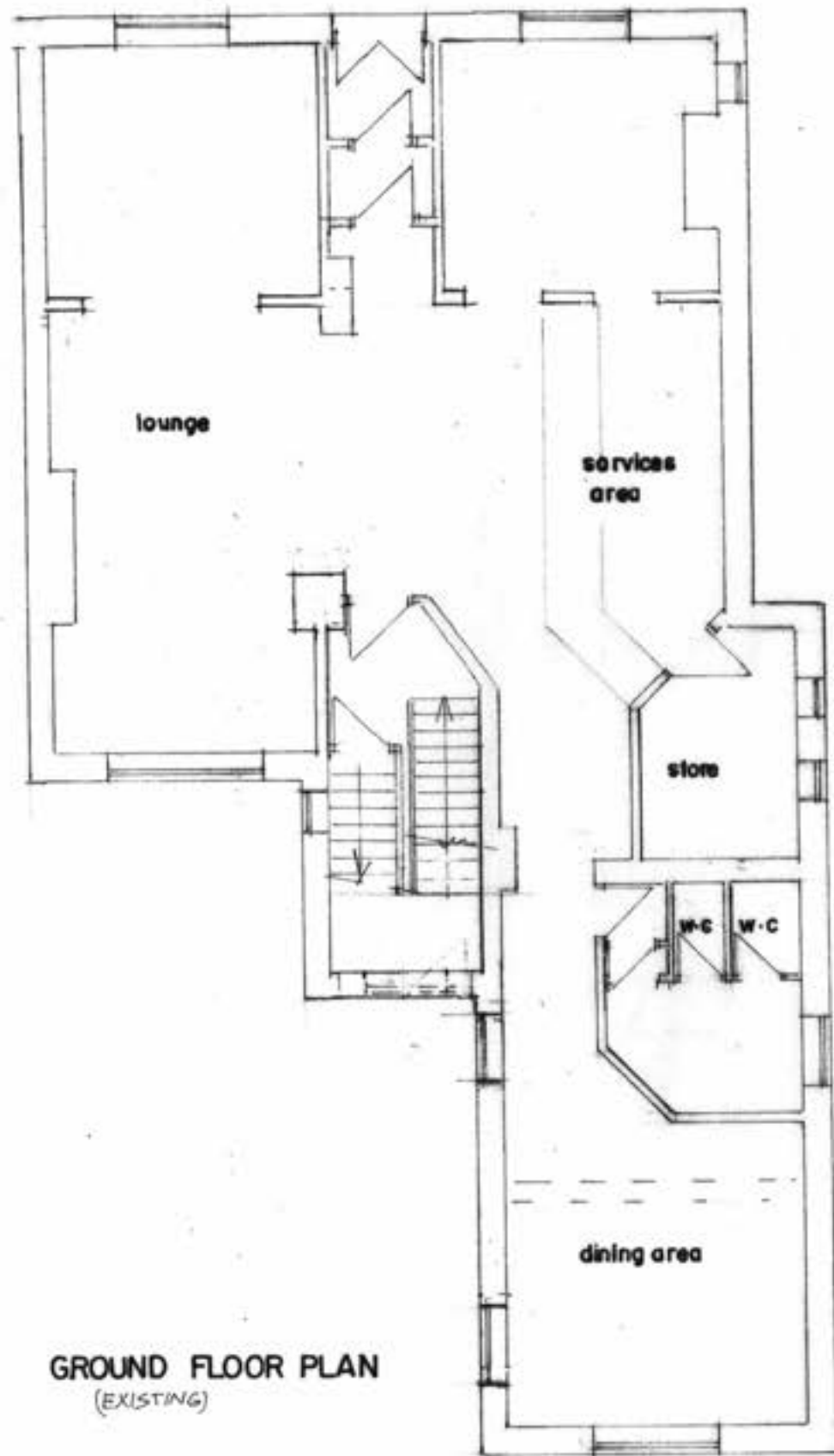
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Photo 5

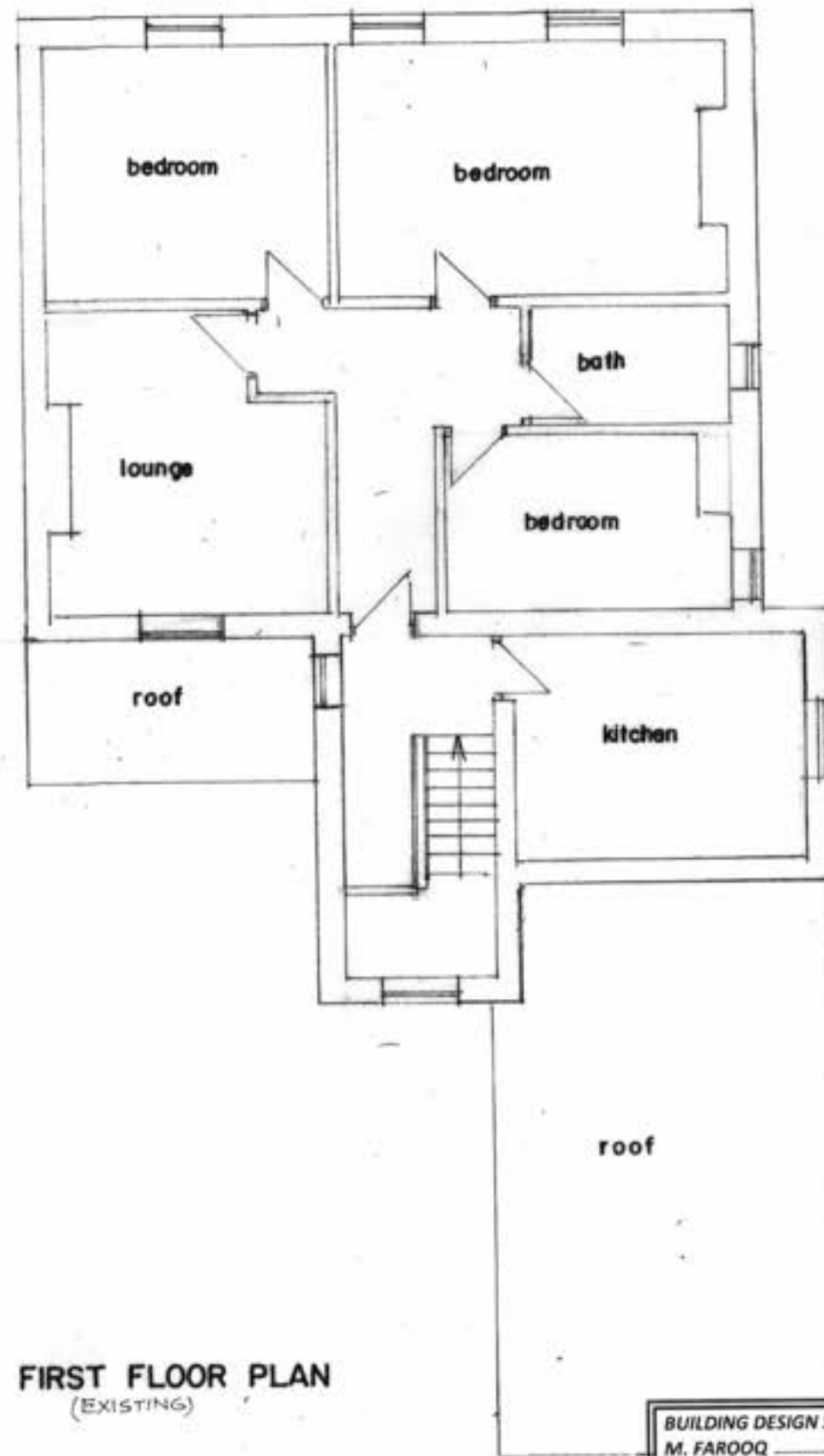


Photo 6





GROUND FLOOR PLAN
(EXISTING)



FIRST FLOOR PLAN
(EXISTING)



| | | |
|---|-------------|--------|
| BUILDING DESIGN SERVICES M. FAROOQ 418 Bury Road Rochdale OL11 5EU. Tel: 01706 712231 Mob: 07967605763 | | |
| PROPOSED CHANGE OF USE FROM PUBLIC HOUSE INTO HMO AT RAILWAY HOTEL 427 AINSWORTH ROAD RADCLIFFE M26 4HN | | |
| For: Mr AJMAL DAR | | |
| Plan | Scale 1:100 | 2189/2 |



FRONT ELEVATION
(PROPOSED)



SIDE ELEVATION
(PROPOSED)

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REAR ELEVATION
(PROPOSED)

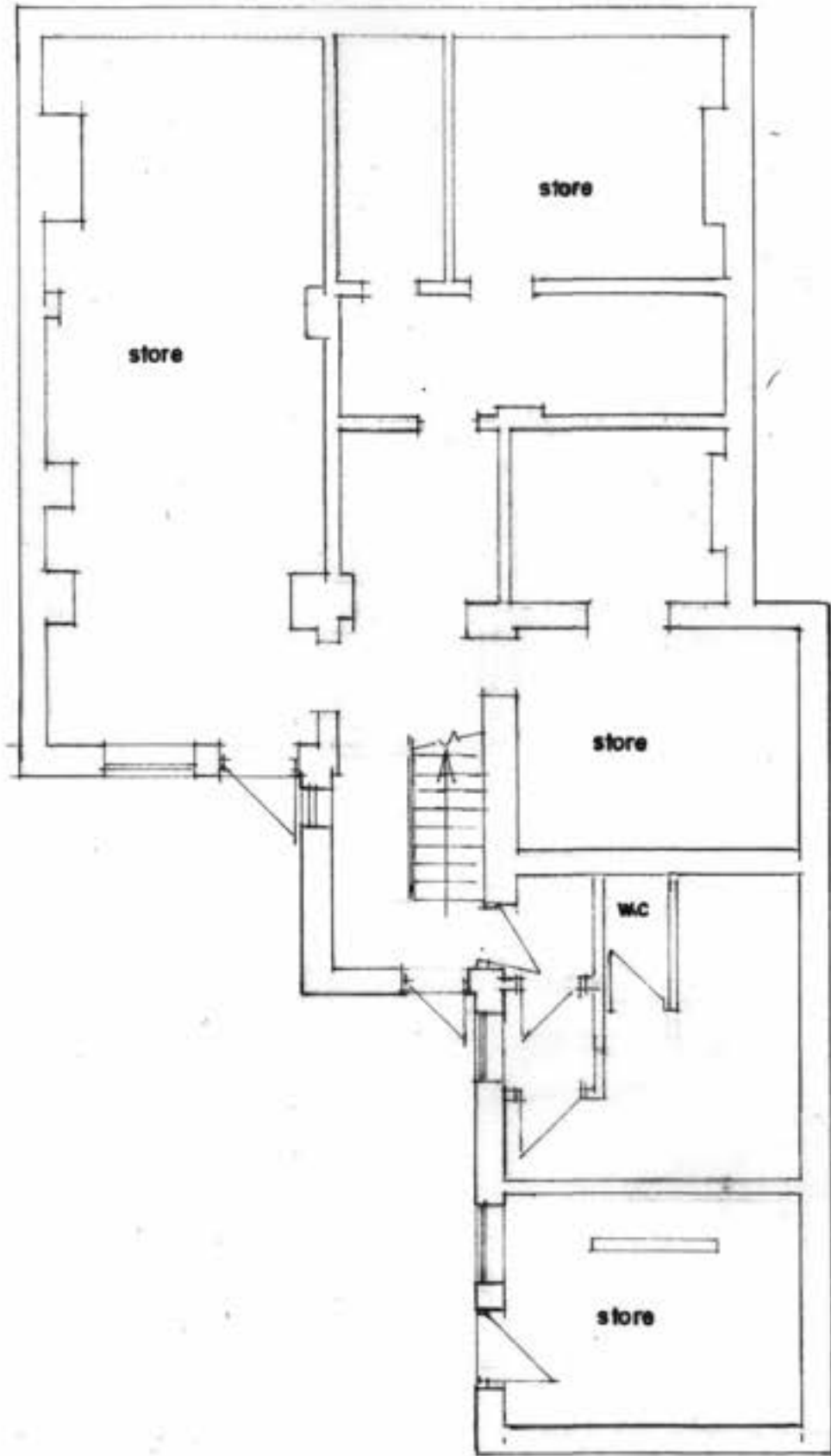


SIDE ELEVATION
(PROPOSED)

**PROPOSED CHANGE OF USE FROM PUBLIC HOUSE
INTO HMO AT RAILWAY HOTEL 427 AINSWORTH
ROAD RADDCLIFFE M26 4HN**

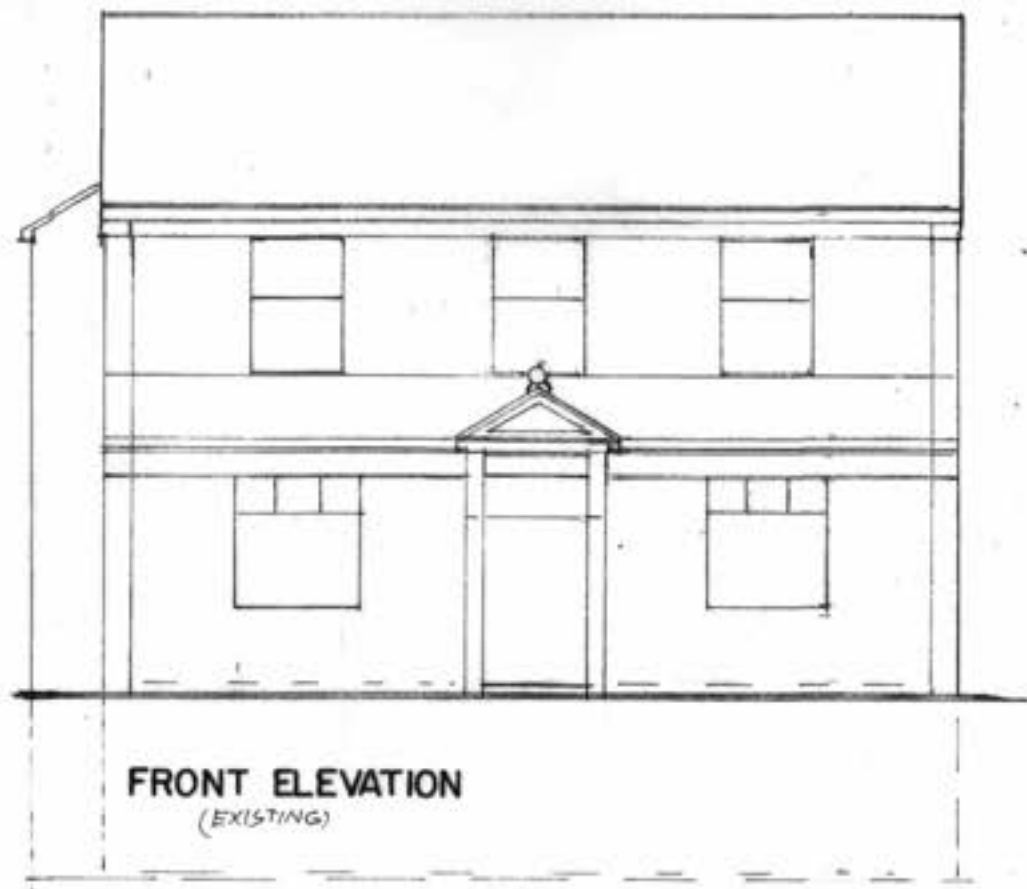
For: Mr AJMAL DAR

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| Elevation | Scale 1:100 | 2189/6 |
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LOWER GROUND FLOOR PLAN
(EXISTING)

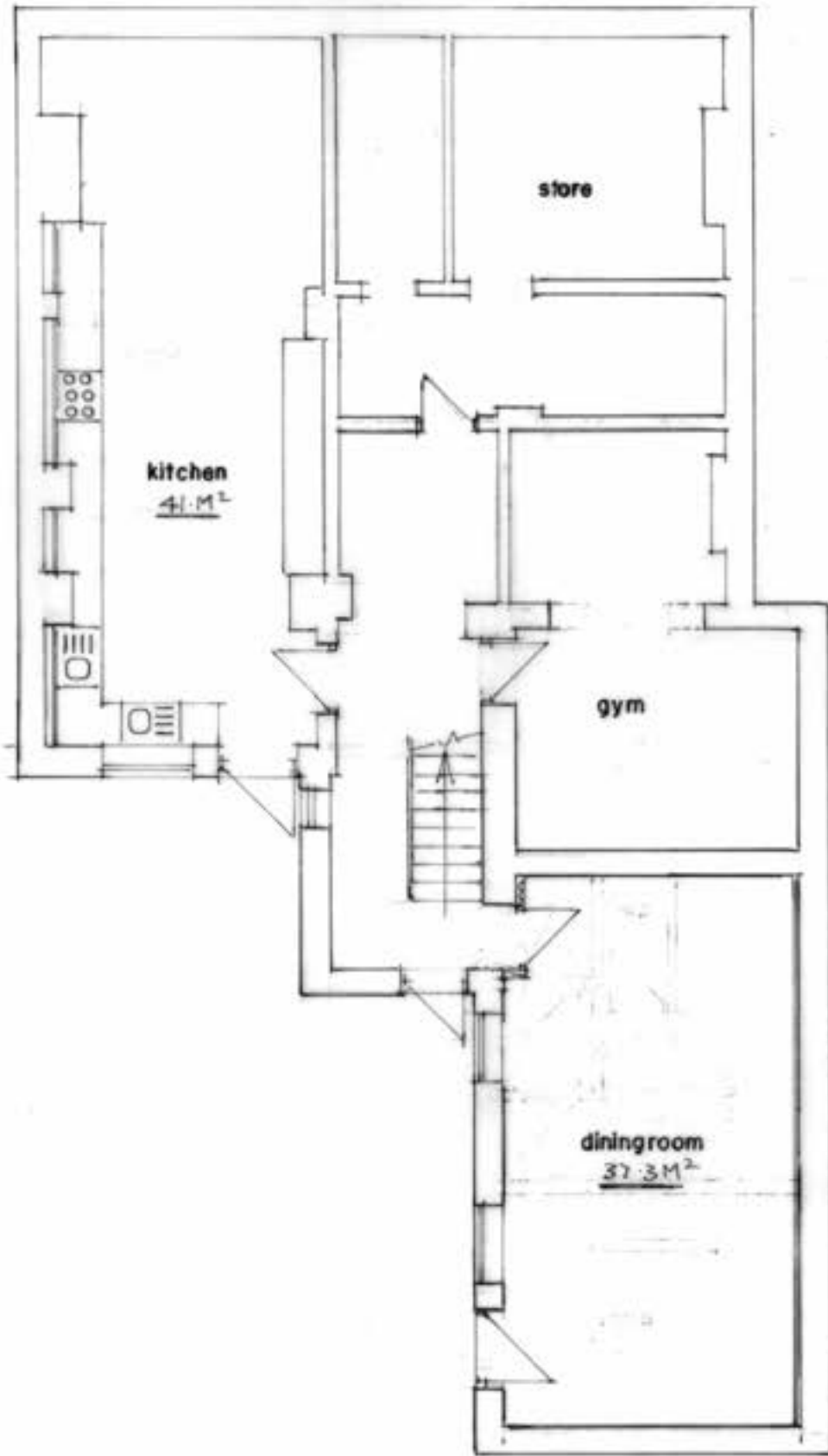
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| BUILDING DESIGN SERVICES M. FAROOQ 418 Bury Road Rochdale OL11 5EU. Tel: 01706 712231 Mob: 07967605763 | | |
| PROPOSED CHANGE OF USE FROM PUBLIC HOUSE INTO HMO AT RAILWAY HOTEL 427 AINSWORTH ROAD RADDCLIFFE M26 4HN | | |
| For: Mr AJMAL DAR | | |
| Plan | Scale 1:100 | 2189/1 |



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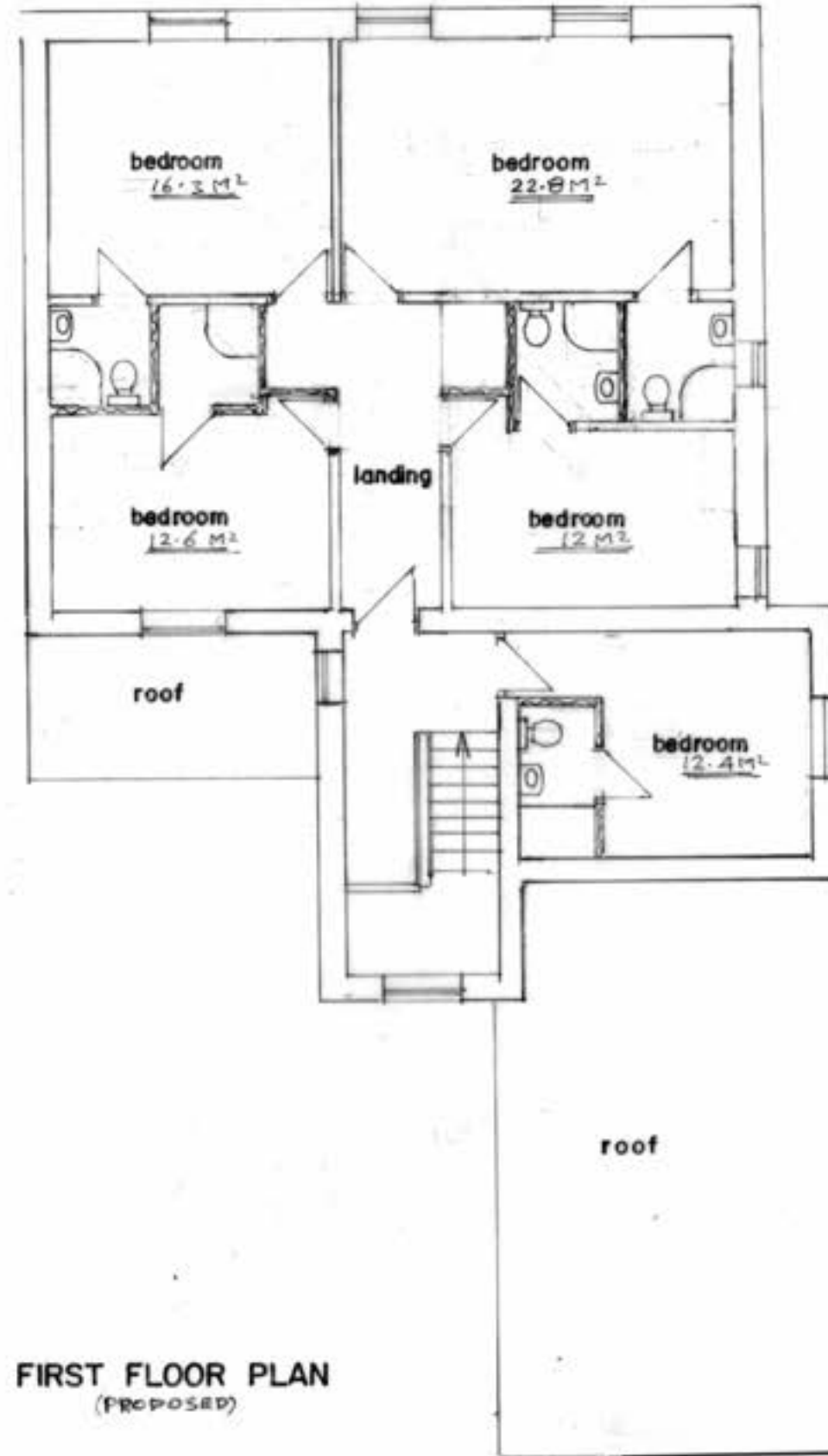
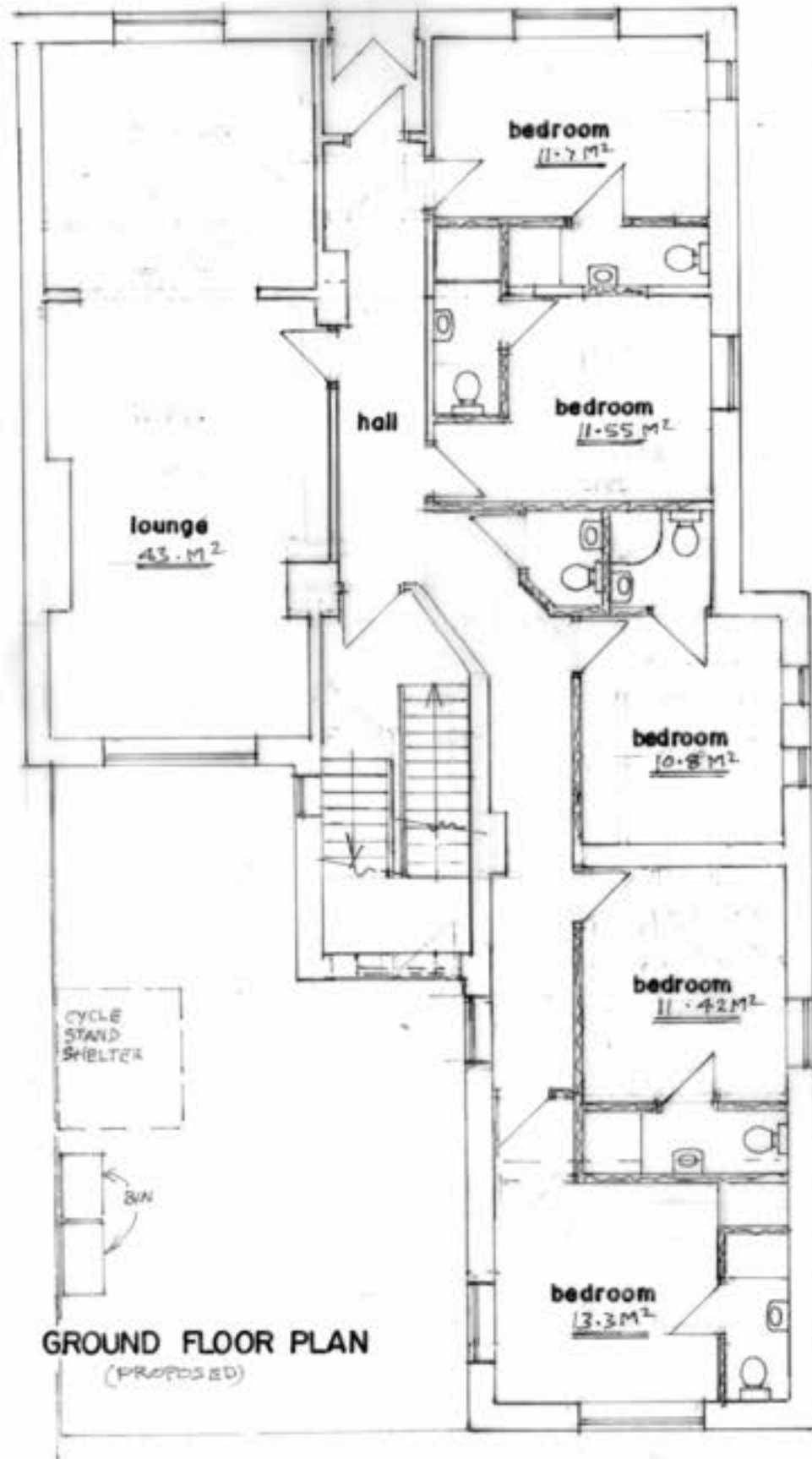


PROPOSED CHANGE OF USE FROM PUBLIC HOUSE
INTO HMO AT RAILWAY HOTEL 427 AINSWORTH
ROAD RADDCLIFFE M26 4HN
For: Mr AJMAL DAR
Elevation Scale 1:100 2189/3



LOWER GROUND FLOOR PLAN
(PROPOSED)

| | | |
|--|-------------|--------|
| BUILDING DESIGN SERVICES M. FAROOQ 418 Bury Road Rochdale OL11 5EU. Tel: 01706 712231 Mob: 07967605763 | | |
| PROPOSED CHANGE OF USE FROM PUBLIC HOUSE INTO HMO AT RAILWAY HOTEL 427 AINSWORTH ROAD RADCLIFFE M26 4HN | | |
| For: Mr AJMAL DAR | | |
| Plan | Scale 1:100 | 2189/4 |

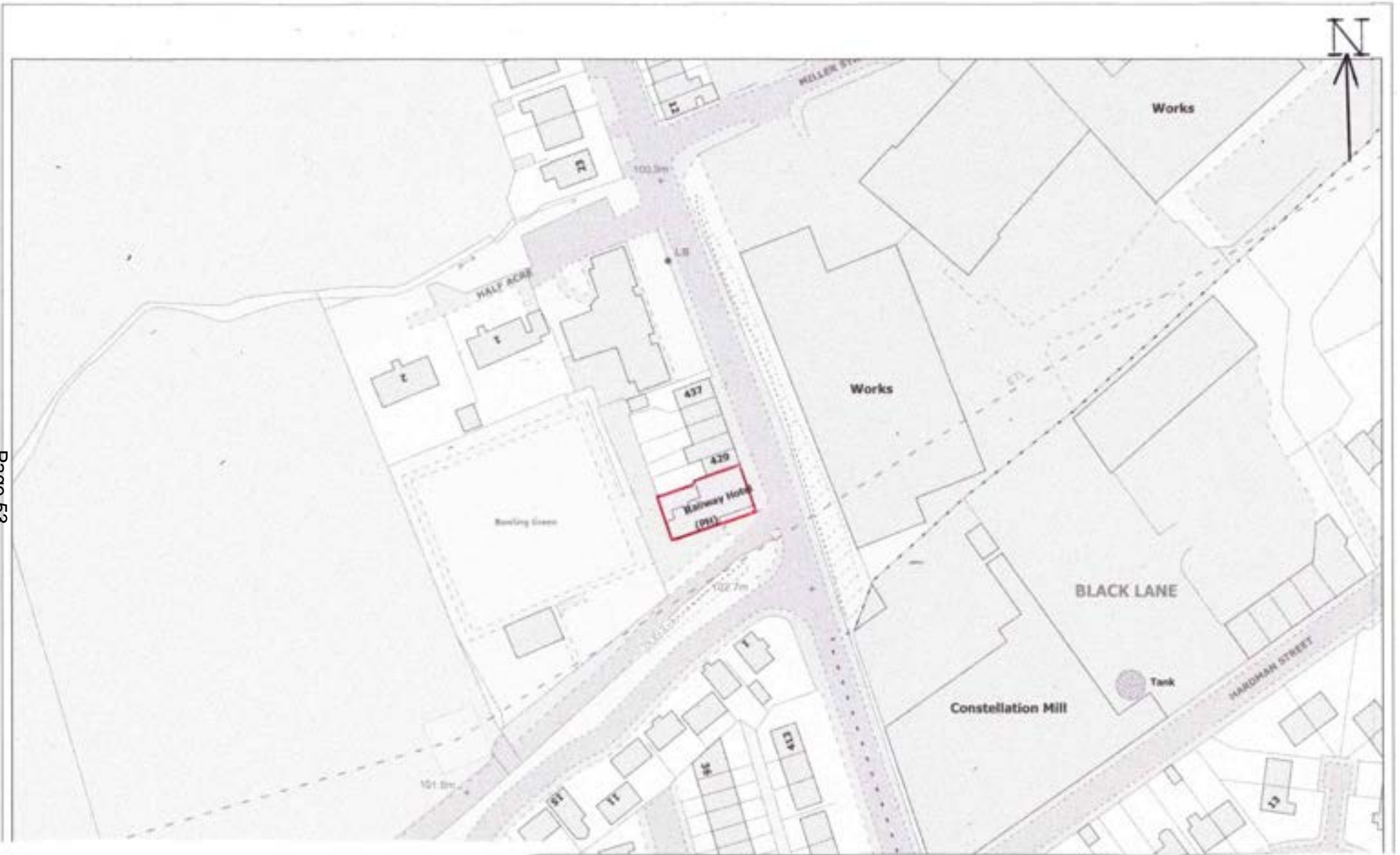


BUILDING DESIGN SERVICES
M. FAROOQ
 418 Bury Road Rochdale OL11 5EU.
 Tel: 01706 712231 Mob: 07967605763

PROPOSED CHANGE OF USE FROM PUBLIC HOUSE INTO HMO AT RAILWAY HOTEL 427 AINSWORTH ROAD RADCLIFFE M26 4HN

For: Mr AJMAL DAR

Plan Scale 1:100 2189/5



Scale 1:1250



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Ward: Bury West - Elton

Item 03

Applicant: Orchid Care Ltd.

Location: 66 Rudgwick Drive, Bury, BL8 1YE

Proposal: Change of use from Residential Property (C3) to Children's Residential Care (C2)

Application Ref: 71366/Full

Target Date: 05/02/2025

Recommendation: Approve with Conditions

Description

This application relates to a detached 4 bedroom residential property (Use Class C3) located on the north-east side of Rudgwick Drive on the corner of Tonbridge Drive, Bury. The property has a generous single driveway and garden to its frontage with shrub planting on its front corner that extends along the boundary with Tonbridge Drive into a rear well established garden area that has a mix of trees and shrubs around its boundaries. The property also has a rear sun room addition.

Planning permission is sought to change the residential property (Use Class C3) to provide for children's residential care (Use Class C2). The submitted Site Plan indicates the driveway is to be extended to accommodate two cars.

This house seeks to be used as a medium to long term Ofsted registered residential home for young people of all genders between the ages of 7 - 18-year-old's. The house would provide accommodation for three young persons at a time. Each young person would have their own bedroom. The house would have 2 staff members during the day and 2 staff members overnight. A registered manager will visit the property. Carers can also be a registered manager, or this may be an additional person visiting the property.

The property would be staffed 24 hours a day, 7 days a week, operating on a 12 hour shift basis, such that there would be a staff changeover in the morning and evening (2 staff changing at 08:00 and 20:00, although could be flexible). There would also be a Home Manager, who would be in attendance during typical office hours.

At this stage, the applicant is not aware of specific individual children who would occupy the property. Until such time as a planning permission is in place and the applicant can therefore prepare the home for operation nor is it known what the individual needs of the children in the care system will be at that time. Therefore, where the submitted application is not explicit, such as the suggestion that home-schooling could be a possibility if local (or other) schools are not suitable, this is intentional to ensure the application is assessed and determined on the 'worst case' scenario in terms of the home being at maximum capacity with children with the most intensive and extensive needs.

Background

The identified end user of the facility would be Orchid Care Limited, the applicant, who are a children's residential care business, who also operate an elderly/dementia care home in Rossendale. The supporting information states that Orchid Care Limited seek to offer the best possible outcome for all children and to prepare them for adulthood. Children would live as a family would, as far as is practicable. The operators have appropriate qualification in Social Care and Management, they and their staff are trained in safeguarding,

challenging behaviour, moving and handling and risk management.

As stated in the representations received from local residents, the applicant operates another Children's Care Home in the area, at Trimmingham Drive and indeed have reviewed that last Ofsted report, associated with that Home. The applicant has informed Officers that at the time of the Ofsted report, that home had been through an unsettled and testing period for a number of reasons. However, since then they have advised that Orchid Care have sought to rectify and correct the issues that had been experienced and have worked to improve the home, not just for the children in residence, but for the neighbours, community and the staff. They have done this by changing the management team and a number of new strategies, protocols and procedures have also been established.

Relevant Planning History

Not applicable.

Publicity

7 adjoining neighbours were consulted by letter.

115 representations have been received in total; 2 letters of support, 113 letters of objection and an email from Ward Councillor Rydeheard requesting the application is determined by Planning Committee.

The representations received raise the following matters:

Support

- States children should be able to grow up in a quality environment and deserves an opportunity to live in a nice community.
- Asserts the property is ideally places to offer such an environment being close to such amenities as schools, playgrounds and open countryside.
- It is unlikely there would be more than 2 cars parked outside this house at any time. and states where social workers are visiting, they would be there for 1-2 hours during the day when many residents would be at work and asserts even 3-4 cars would not cause major issues since this house is in the middle of the estate, not close to the schools.

Objections

The following concerns have been raised:

Suitability of Site

- Asserts the house is not big enough to accommodate the proposed amount of children and would result in cramped accommodation.
- Advises the site is not suitable in this quiet residential estate with many elderly residents and young families.
- Raises concerns about children who walk along Rudgwick Drive and concerned they would no longer be safe due to unknown nature of children who are to live at the property and the potential for more police presence in the area due to anti-social behaviour.
- Asserts the bedrooms should accord with the space standards set out in the National Space Standards.

Amenity

- Asserts the impact on noise coming from this house is going to be significant and advises this house is going from a quiet home, to a business temporarily housing troubled teenagers that have been removed from their families for whatever reason.

- Change in nature of occupancy will result in greater noise disturbance than a family occupying a dwelling on the estate.
- Change in nature of house from a family house to a house managed by staff with transient occupants, detrimental to the character of the area and the amenity of other neighbours, including vulnerable and elderly residents.
- Concerned that quality of life, well being and privacy would be adversely affected due to sharing a front garden area with the application site.
- Concerned that the proposal will cause distress to neighbouring residents who have Dementia and/ or are towards the end of life.
- States residents have a right to live in peace and notes that the Trimmingham Drive house run by the applicant has adversely affected the amenity of the residents surrounding that house.
- Asserts there would be a risk of increased level of noise and disturbances on the estate.

Crime

- Raises concerns that occupants of the proposed care home would cause anti-social behaviour.
- Raises concern that children will no longer be safe to walk to and from schools.
- Safeguarding concerns - stating an influx of unsupervised visitors or potentially disruptive behaviour from the children's home could pose safety risks to the school children and disrupt their daily routines.
- Asserts there would be a risk to the personal safety of the estate residents.
- Asserts there would be a risk of increased vandalism and wilful damage on the estate.
- Estimates level of increased use of the emergency services for 24/7 cover.

Parking and Highway Safety

- Assert there would be a significant impact on highway safety and traffic flow due to the lack of car parking provision on Rudgwick Drive.
- Advise that there are regularly 6-8 cars associated with the applicants' house on Trimmingham Drive and raises concern about the impact on parking provision and on safety on Rudgwick Drive.

Wildlife

- Concerned that there would be an adverse impact on wildlife as the well stocked garden, home to an array of wildlife, will not be looked after in the manner that a family would, to the detriment of the wildlife that live in this garden.
- Asserts there is a beautiful tree in the garden that they understand may be cut down to house a car park but this tree houses bats and birds of prey and is the largest tree in the area and would be severely detrimental to the local area if it was destroyed

Other Matters

- Points out contradictions in the submission, namely relating to stating the property has parking provision for two cars, when it does not and when they are proposing to extend the driveway to accommodate two cars.

Non-Material Planning Considerations

- Advises the covenants on the property prevent its use changing from anything other than a dwellinghouse.
- Concerned that the applicant runs a similar property on Trimmingham Drive that has impacted negatively on local residents and questions why they are being considered to open another business so close by.
- Raises concerns that house prices would drop and advise houses on Trimmingham Drive have decreased in value by at least £10,000.

- Questions, who is liable for the cost of repairs to damage to neighbouring properties.
- Asserts the Council has been told to stop spending with private care providers as it cannot be sure the services it procures from third parties are being delivered in accordance with contract and mention a report by Mazars.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to planning conditions requiring detailed vehicular access, parking and bin storage arrangements to be submitted to and approved in writing by the Local Planning Authority, in the interests of ensuring the development does not adversely affect the adopted highway in any way.

Environmental Health - Pollution Control - No comments or observations received.

Waste Management - No comments or observations received.

Greater Manchester Police - designforsecurity - No comments or observations received.

Children's Commissioning Team - No comments or observations received.

Pre-start Conditions - Not relevant

Development Plan and Policies

| | |
|-------|---|
| EN1/2 | Townscape and Built Design |
| CF1/1 | Location of New Community Facilities |
| CF3 | Social Services |
| HT2/4 | Car Parking and New Development |
| H3/1 | Assessing Non-Conforming Uses |
| H4/2 | Special Needs Housing |
| EN7/2 | Noise Pollution |
| JP-P1 | Sustainable Places |
| JP-C2 | Digital Connectivity |
| JP-S2 | Carbon and Energy |
| JP-H3 | Type, Size and Design of New Housing |
| JP-C5 | Streets For All |
| JP-C6 | Walking and Cycling |
| JP-C8 | Transport Requirements of New Development |

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle of Development

The NPPF advocates the objectives to achieve sustainable development, one such objective is to support strong, vibrant and healthy communities by fostering well-designed and safe built environments with accessible services and open spaces that reflect current

and future needs and support communities' health, social and cultural well-being.

Chapter 8 - 'Promoting healthy and safe communities', states that policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst things, promote social interaction, are safe and accessible and enable and support healthy lifestyles. Account should also be taken to support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

UDP Policy CF1/1: 'Location of Community Facilities' gives regard to factors including impact on residential amenity, traffic generation and parking, scale and size of development, accessibility to shops and services, suitability of the chosen location, public transport and needs/requirements of those with a physical disability. This is supported by UDP Policy CF3: 'Social Services' that considers favourably proposals for the provision of new, and the improvement of, existing facilities for children, young and the elderly, those with mental health or physical and special needs, encouraged to live in the local community rather than in large institutions. Support for new and improved services is supported providing that there is no conflict with existing residential amenity and the environment.

UDP Policy H3/1 - Assessing Non-Conforming Uses in primarily residential areas assess proposals, including the change of use, in consideration of factors including noise, vibration, smell, visual intrusion, traffic generation, parking arrangements and hours of operation.

UDP Policy H4/2 - Special Needs Housing - seeks to support the provision of special needs housing recognising that specialist accommodation is needed for the most vulnerable members of society. Regard is given to factors including the convenience of location to shops, public transport and community facilities, location of health care facilities, gradient and accessibility to public transport, parking and amenity provision and high standards of design, layout and landscaping to achieve a satisfactory environment.

The Places for Everyone Joint Development Plan confirms within their vision for Greater Manchester that they seek "A place where all children are given the best start in life and young people grow up inspired to exceed expectations."

PfE Policy JP-H3 supports specialist housing for older households and vulnerable people. This is further supported by PfE Policy JP-P1 that states that all development, where appropriate should be socially inclusive:

- A. Responding to the needs of all parts of society;
- B. Enabling everyone to participate equally and independently;
- C. Providing opportunities for social contact and support; and
- D. Promoting a sense of community.

Objections refer to the proposal being inappropriate in a residential area, by reason of lack of parking, traffic, noise, impact on the community, anti-social behaviour and safety.

The proposal relates to a detached 4 no. bedroom family dwelling located within a well-established residential area. The application proposes to provide living accommodation for 3 children in a setting that would be as close to a family environment as practicable. The property would not be required to be extended. The residents (i.e. the children) and 2 staff would occupy the dwelling in a manner broadly akin to occupation by a family.

The applicant has confirmed that staff would be on site and available within the home to respond to any issues, and a management plan has been submitted in support of the application that confirms procedures are in place for any anti-social behaviour and mandatory training for staff members. The management plan confirms that each child/young

person has their own individual plans/protocol which includes care plans, placement plans, risk assessments, behaviour plans and assessments to further ensure that the child/young person is kept safe from harm and assists in preventing the child/young person from carrying out any anti-social behaviour.

The submitted management plan confirms that the children/young people have, where necessary, a team of professionals that work with them to further underpin the work of on site staff. Staff are required to deliver in association with the plans and protocols set out above and within the management plan. They consider that this additional support detailed above goes beyond that of a Use Class C3 dwelling and as such would constitute a material change of use that requires planning permission. This additional support within the management plan includes identifying appropriate support in relation to the young people's physical, emotional and psychological health and the management plan confirms that should a child/young person become consistent in any behaviours that might affect the neighbours and local community, the manager would potentially have to move that child/young person on to a more suitable placement.

Given the above, the proposed use would provide a valuable facility for more vulnerable members of society and as such would be compliant with the above policies and the principles of the NPPF. The principle of the development would therefore be acceptable.

Layout and Design

In addition to the policies set out above UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PfE Policy JP-P1: Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The proposal would not require any external changes to facilitate the change of use. Given this, the building would continue to have the character and appearance of a passive suburban dwelling and there would be no detrimental impact on the street scene or residential character of the locality.

As such, it is considered the proposed layout would comply with the relevant policies.

Amenity

In addition to UDP Policies H2/4 and H3/1, UDP Policy EN7/2 seeks to restrict development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

As discussed above, it is considered that the character and the scale of the use would be consistent with that of a family household occupying the existing 4 bedroom detached dwelling. One of the existing bedrooms would be retained as an office for staff members reducing the number of bedrooms at the property to 3.

The applicant has confirmed procedures and protocols are in place to support future residents, this being an OFSTED requirement. The supporting information sets out that the children would occupy the dwelling in manner that would not be significantly different to how a family would occupy it however additional support is available for the children where required. Each child would have their own bedroom and communal spaces (e.g. kitchen/dining room/lounge) would be shared between occupants. The applicant has confirmed that education is a priority.

Households can take many forms and the current dwelling could be occupied by a family of up to around 5 individuals. Furthermore, without planning permission, the dwelling could be utilised as a house in multiple occupation for up to 6 occupants as permitted development.

The dwelling is detached, which would reduce the concerns of noise transference. Occupants would engage in activities as any child would when occupying the dwelling as a family home.

Some objections refer to the potential for anti-social behaviour allude to the 'type' of occupants claiming that they may pose a danger for existing residents and children within the locality. Regardless, the character of individuals that may come to occupy a care home is not a material planning consideration. The assessment of impact on residential amenity relates to the nature of occupation (as a care home) and not assumptions concerning the character of individuals. If there is a case of anti-social behaviour, given the supervision in place, this is likely to be limited and short-lived. Indeed, given the investment within the operation and the regulation by both Ofsted and the Local Authority, it would be in the interests of the operator to ensure that the care home is run in a professional manner that would not give rise to complaints by surrounding residents. One of the objectives of the care home would be to ensure that the children were able to live as part of the local community, functioning as much as possible as a 'normal household' to bring stability and to be able to live as part of the community. The objective would be to offer the best possible outcome for children and to prepare them for adulthood.

Given such circumstances, and the potential alternative iterations for occupation of the dwelling, it is not considered that the proposed change of use of the dwelling would have a significantly greater impact upon neighbouring amenity in terms of noise and disturbance.

Some objections have also raised concerns in relation to overlooking, loss of privacy and general loss of amenity. There are no proposed alterations to the configuration of the windows and doors of the house, with minimal internal alterations to the layout/uses of the rooms. One of the existing first floor rear bedroom windows would be used as a staff bedroom with one of the front ground floor rooms proposed as another bedroom for a carer that will also be utilised as an office area. Given that the uses of the rooms remain broadly similar to the existing it is considered that residential amenity of both future occupants and neighbours would be maintained as existing in relation to this aspect.

It is therefore considered that the proposal would not conflict with the character of the area or have an adverse impact on the amenity of local residents. Given the above, the proposal would therefore comply with the policy considerations set out.

Crime and Disorder

Paragraphs 96 and 135 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime can therefore be a material consideration in planning decisions but only if there is significant evidence to show that the increased fear of crime would actually occur.

Representations have been received raising concerns about disorder and anti-social behaviour that may be caused by future occupants of the care home.

There is no firm evidence in this application that such occurrences would be attributed to future occupants of the property. GM Police have raised no objections and crime and disorder is not an inevitable consequence of a children's care home, but rather a question of individual behaviour and appropriate management.

There is no evidence that the use of the property as proposed would cause harm to the welfare of existing residents or other children in the area.

Highways and Parking

The application site is located on Rudgwick Drive on the junction of Tonridge Close. Our Lady of Lourdes R.C Primary School is located off Rudgwick Drive at its southern end. The northern end of Rudgwick Drive adjoins Springside View where a pedestrian access exists to Old Hall Primary School and Tower View Nursery.

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. 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.

PfE Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency. In terms of parking standards, in addition to PfE Policy JP-C8 and UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

SPD 11 sets a maximum standard for type of C2 care home at a rate of 1 space per 4 beds. Applications are to be assessed on their own merits and in consideration of their location and nature of intended occupation.

Objections in relation to traffic, parking and highway safety are outlined under the Publicity section of this report.

The dwelling currently has a dropped kerb to the front, that is utilised to access a generous sized single car parking space. A site plan has been submitted that shows the driveway would be widened to accommodate two parking spaces. This would require a reconfiguration of this area and the loss of some of the grassed area. To ensure this is carried out without harm to both the visual qualities of the street scene and the safety of the adopted highway. A planning condition has therefore been recommended to secure a satisfactory and safe development.

As a 4 bedroomed dwelling, the property could easily be occupied by 3 car owners, plus any additional trips to the site by visitors, friends/family and from deliveries or any servicing requirements associated with day to day living.

There would also be the usual servicing vehicles or potentially deliveries made to the site but this would be typical of everyday life and not dissimilar to that of a family in a dwelling of this size.

The proposal would comply with the 2 spaces per 4 beds maximum standard set out within SPD 11 which will be of a satisfactory size. Given the above, and the fact that there is on-street parking provision within the vicinity of the site, it is considered that the parking provision for the proposal is acceptable, as too is the effect on the free flow of traffic in the locality.

Carbon and Energy

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

The applicant considers that by re purposing the existing building, energy demand is minimised through the utilisation of pre-existing services, structure, and spatial configurations. This avoids the energy consumption associated with new construction activities. The applicant also proposed energy efficiency improvements within the existing building, such as LED lighting and upgrading of insulation. Given that the proposal is for a

change of use, with no external amendments to the structure proposed it is considered that this approach is acceptable.

Digital Connectivity

Policy JP-C2 - Digital Connectivity requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that the site will aim to support high-speed broadband connectivity to meet the needs of residents and staff. Where existing infrastructure allows, full fibre broadband services will be utilised. As such the proposal is considered to comply with this policy consideration.

Biodiversity/ Wildlife

Representations raise concerns over the impact either the loss of the established rear garden area, or its lack of management would have on wildlife. Whilst Officers understand this concern, Members should be mindful that another family could move into the property and remove all the planting without the need for planning permission. Whilst the planting of the property adds greatly to the visual qualities of this area of Rudgewick Drive, it would therefore not be reasonable to secure its retention through the planning process.

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.

The proposed change of use would occupy an existing building and therefore the de-minimis exemption applies.

Response to Representations

Many matters raised in objections are not material to the assessment and determination of the planning application. It is considered that the material planning considerations have been assessed within the body of the report.

Children in care homes come from a wide range of backgrounds and experiencing a range of issues. With the proper safeguarding procedures in place, regulated by Ofsted and Childrens services, it would be unreasonable to assume the children occupying the property are a serious danger to the public or even criminally minded. Whilst the concerns about the proposed care home amongst residents are recognised to a point, the proposal has to be assessed against planning policies and inline with material planning considerations.

In terms of the assertions that the applicant should not be approved due to Childrens Services being advised in an independent report that it should not be using private care providers, this is not a material planning consideration.

In respect of the concerns raised advising there is restrictive covenants on the property, restrictive covenants affecting a property are not a material planning consideration. A grant of planning permission does not override or invalidate existing restrictive covenants on a property. Private property rights (including possible interference with easements, breaches of covenant, etc.) are not matters that the Council is entitled to take into account in determining the planning application.

Conclusion

The home would provide for care for up to 3 children, administered by non-resident care

staff who would work in shifts, thereby providing round-the-clock care. Children need to be looked after and could not, on their own, be regarded in the true sense as a household without the presence of a carer. There would be up to three children living at the property and three carers present during the daytime and 2 carers overnight.

Whilst Carers who provide 24-hour care but who are not resident could not be regarded as living together in a household, the nature of the proposed development, would not be so dissimilar to the residential nature of the estate on which the application property is located.

There would be two parking spaces, and safe on-street parking in front of the property and along Rudgwick Drive and the proposed use would not cause highway safety issues or affect the free flow of traffic on the estate to such a degree that would warrant refusing the application on this ground.

Based on all the above, subject to the recommended conditions, it is recommended that the application be approved.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This permission relates to the following plans and documents:

Drawing no. 1983.100: Site and Site Location Plans;
Drawing no. 1983.102: Proposed Floor Plans and Elevations; and
Document: Orchard Care Management Plan

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and Places for Everyone Joint Development Plan and the National Planning Policy Framework.

3. The premises to which this approval relates shall be used for residential care only to a maximum of 3no. children/young persons and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without

modification).

Reason: To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which could cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, CF3 - Social Services, H4/2 - Special Needs Housing, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling and JP-C8 - Transport Requirements of New Development.

4. Notwithstanding the details indicated on submitted plan reference 1983.100, the use hereby approved shall not be commenced unless and until revised vehicular access and parking arrangements, incorporating the extension of the existing footway crossing on its northerly side away from the Tonbridge Close junction and extended hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, have been submitted to and approved by the Local Planning Authority. The alterations subsequently approved and any highway remedial works required to reinstate the adopted highway to its condition prior to commencement of the development shall be implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing.

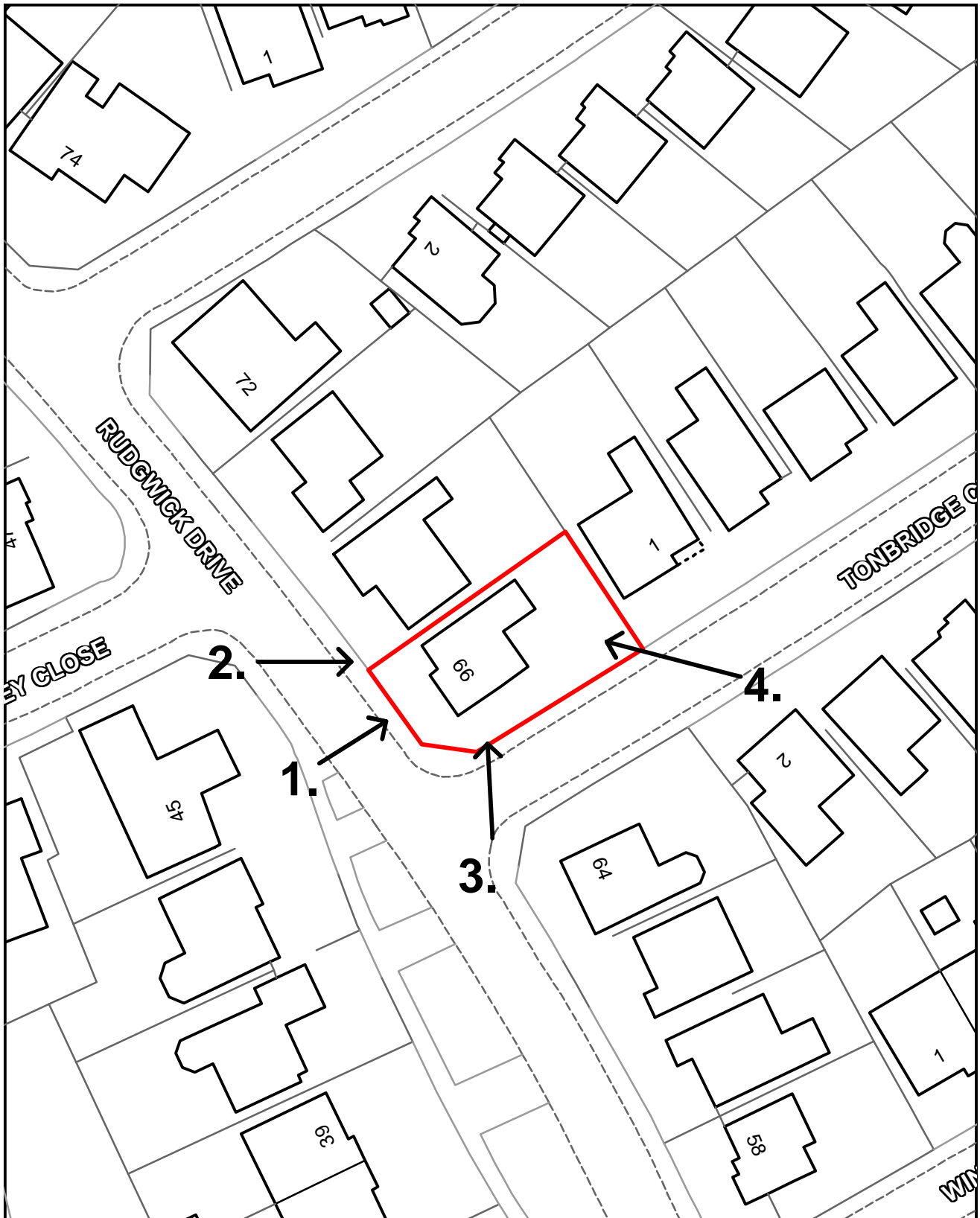
Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway, in the interests of road safety pursuant to Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing, EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling and JP-C8 - Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

5. Bin storage arrangements shall be provided within the curtilage of the dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and be made available to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter

Reason: To ensure that adequate bin storage arrangements are provided within the curtilage of the site pursuant to Policies CF1/1 - Location of New Community Facilities, H4/2 - Special Needs Housing and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

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

71366 - Viewpoints



ADDRESS: 66 Rudgwick Drive, Bury, BL8 1YE



Bury
Council

Planning, Environmental and Regulatory Services

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71366

Photo 1



Photo 2



71366

Photo 3



Photo 4

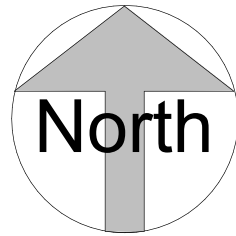




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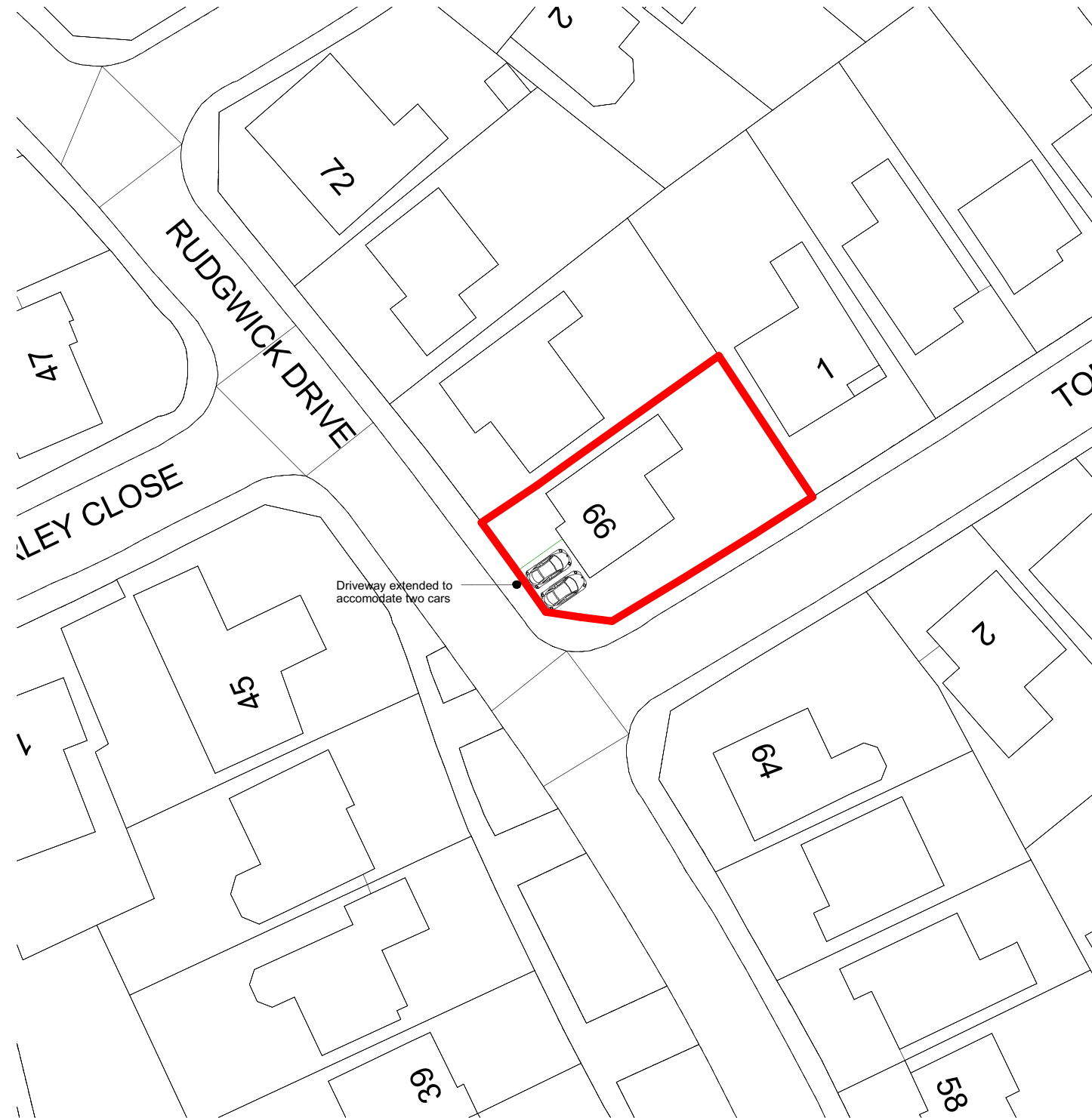


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Site Location Plan

1 : 1250



Site Plan

1 : 500

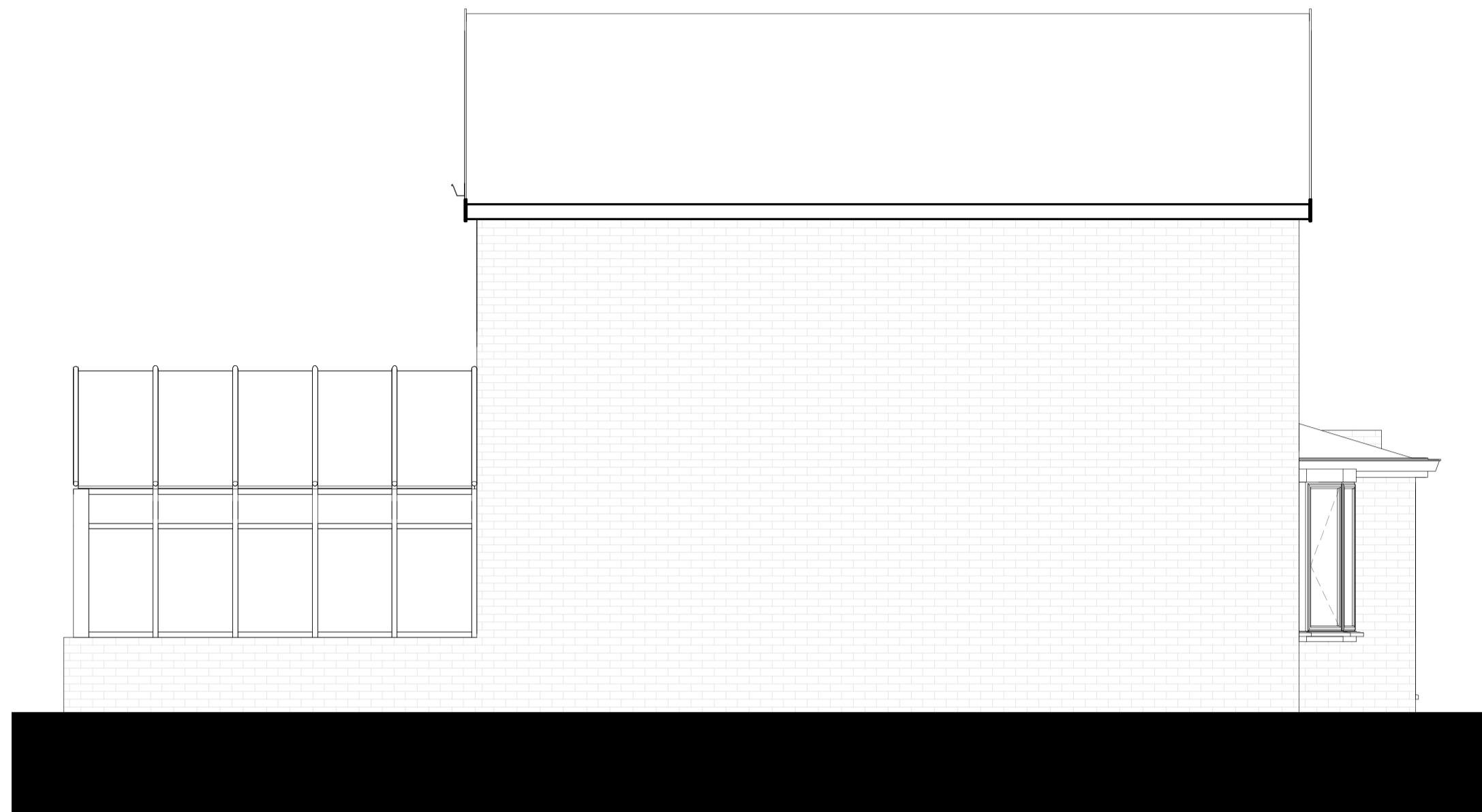
| Rev. No. | Description | Date |
|--|-----------------------------------|----------|
| DirC Architectural Ltd. 13 Ringcroft Gardens, Moston Manchester M40 5GG m: 07940 933 498 e: dirc@hotmail.co.uk | | |
| Client Orchid Care Ltd. | | |
| Project Proposed Conversion of Residential Property C3(a) to Children's Residential Care (C2) and Garage Conversion | | |
| Project Address 66 Rudgwick Drive, Bury BL8 1YE | | |
| Sheet title Site and Site Location Plans | | |
| Project number 1983 | Date 05.11.2024 | |
| Drawn by DirC | Checked by DirC | |
| Drawing Number 1983.100 | Scale @ A3 As indicated | Revision |





PROPOSED - FRONT ELEVATION

1:50



PROPOSED - NORTH ELEVATION

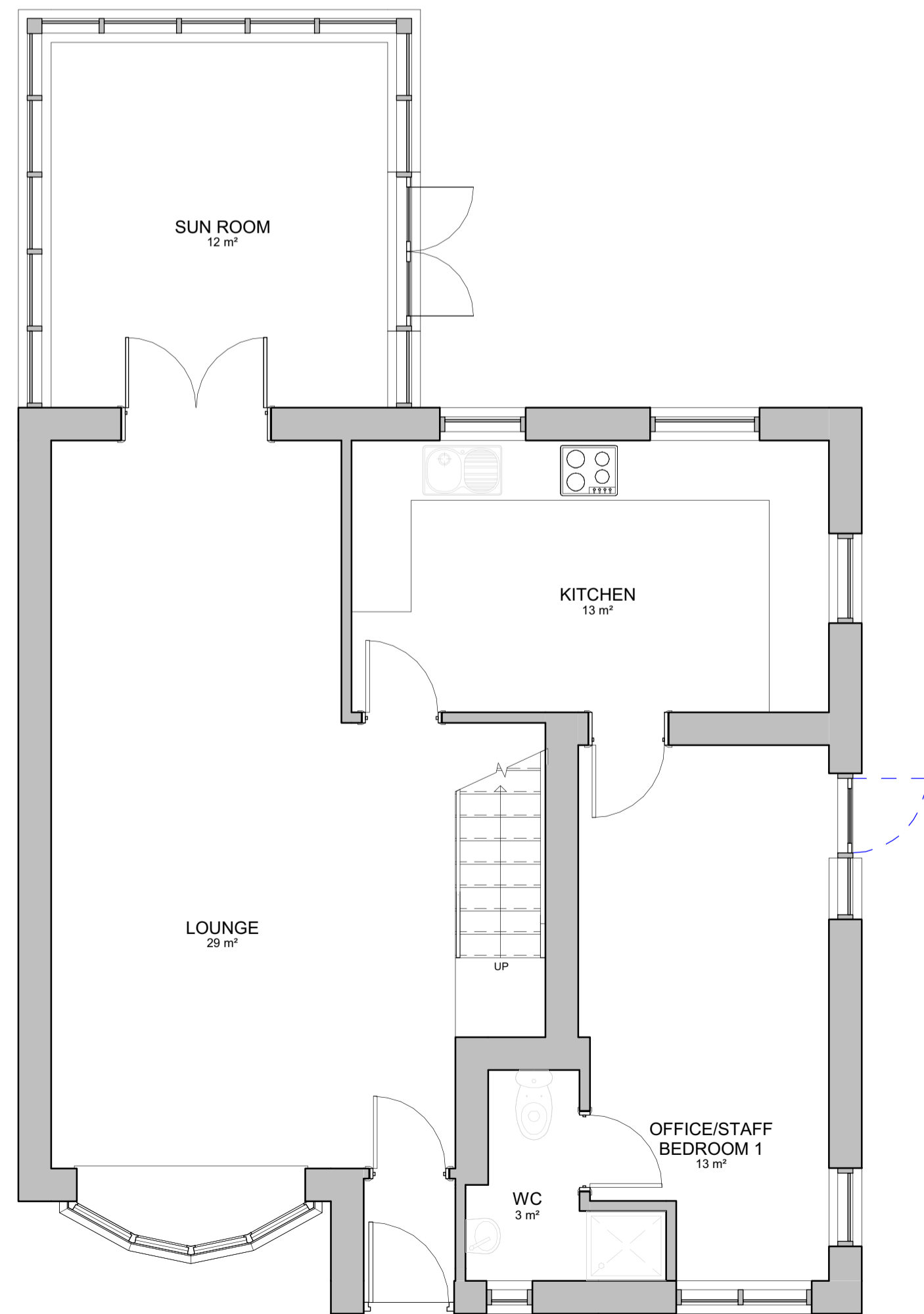
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PROPOSED - REAR ELEVATION

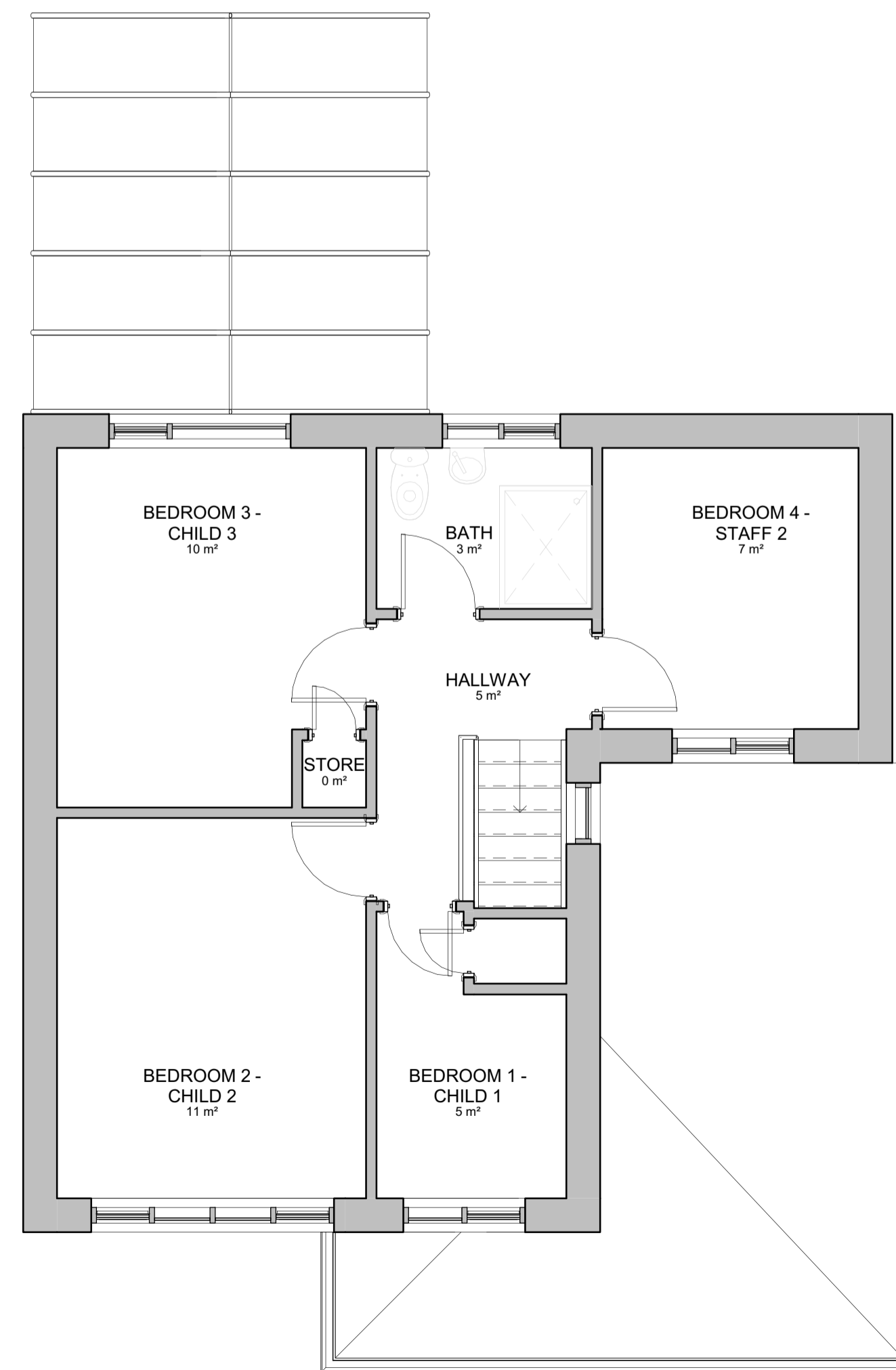
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Page 70



PROPOSED - GROUND FLOOR PLAN

1:50



PROPOSED - FIRST FLOOR PLAN

1:50



PROPOSED - SOUTH ELEVATION

1:50

| Rev. No. | Description | Date |
|----------|---|------|
| 1 | DirC Architectural Ltd. 13 Regent Gardens, Wotton Manchester M40 5GG t: 07960 933 499 e: dir@orchidcare.co.uk | |

Client:
Orchid Care Ltd.

Project:
Proposed Conversion of Residential
Property C3(a) to Children's Residential
Care (C2) and Garage Conversion

Project Address:
66 Rudgwick Drive, Bury BL8 1YE

Sheet title:
Proposed Floor Plans and Elevations

| Project number | Date |
|----------------------------|---------------------|
| 1983 | 05.11.2024 |
| Drawn by: DirC | Checked by: DirC |
| Drawing Number 1983.102 | Scale @ A1 1:50 |

REPORT FOR NOTING

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| Agenda Item |
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|---|---|
| DECISION OF: | PLANNING CONTROL COMMITTEE |
| DATE: | 18 February 2025 |
| SUBJECT: | DELEGATED DECISIONS |
| REPORT FROM: | HEAD OF DEVELOPMENT MANAGEMENT |
| CONTACT OFFICER: | DAVID MARNO |
| TYPE OF DECISION: | COUNCIL |
| FREEDOM OF INFORMATION/STATUS: | This paper is within the public domain |
| SUMMARY: | The report lists: Recent delegated planning decisions since the last PCC |
| OPTIONS & RECOMMENDED OPTION | The Committee is recommended to the note the report and appendices |
| IMPLICATIONS: | |
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? Yes |
| Statement by the S151 Officer: Financial Implications and Risk Considerations: | Executive Director of Resources to advise regarding risk management |
| Statement by Executive Director of Resources: | N/A |
| Equality/Diversity implications: | No |
| Considered by Monitoring Officer: | N/A |
| Wards Affected: | All listed |
| Scrutiny Interest: | N/A |

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning applications decided using Delegated Powers
Between 20/01/2025 and 09/02/2025**



Ward: Bury East

Application No.: 71233 **App. Type:** ADV 05/02/2025 Approve with Conditions
Location: 165 Rochdale Road, Bury, BL9 7BB
Proposal: Conversion of 1no. poster advertisement display to internally illuminated D-Poster.

Application No.: 71518 **App. Type:** DEM 05/02/2025 Prior Approval Required and Granted
Location: 181-183 The Rock, Bury, BL9 0NE
Proposal: Prior approval for proposed demolition of former office/retail showroom and adjacent workshop building

Ward: Bury East - Moorside

Application No.: 71312 **App. Type:** FUL 23/01/2025 Approve with Conditions
Location: 7 Monmouth Avenue, Bury, BL9 5DU
Proposal: Single storey extension

Application No.: 71348 **App. Type:** FUL 28/01/2025 Approve with Conditions
Location: 83 Rochdale Old Road, Bury, BL9 7LP
Proposal: Rear dormer; New opening to side

Application No.: 71393 **App. Type:** P3JPA 24/01/2025 Prior Approval Required and Granted
Location: 5 Porter Street, Bury, BL9 5DZ
Proposal: Prior approval for Change of use from Launderette (sui generis) to 2 no. Dwellinghouses (Use Class C3)

Application No.: 71394 **App. Type:** P3JPA 24/01/2025 Prior Approval Required and Granted
Location: 3 Porter Street, Bury, BL9 5DZ
Proposal: Prior approval for Change of use from Commercial, Business and Service (Use Class E) to 1 no. Dwellinghouse (Use Class C3)

Ward: Bury East - Redvales

Application No.: 71391 **App. Type:** FUL 30/01/2025 Approve with Conditions
Location: Bury Family Centre, 72-74 Tenters Street, Bury, BL9 0HL
Proposal: Removal of condition 5 - The extensive works required to convert this property into two, part M4(2) compliant dwellings is not feasible and we are requesting that the condition is removed

Ward: Bury West

Application No.: 71357 **App. Type:** FUL 22/01/2025 Approve with Conditions
Location: 87 Lowercroft Road, Bury, BL8 2EP
Proposal: Front bay window, front porch and front extension with changes to roofs at front and cladding to front elevation

Application No.: 71383 **App. Type:** FUL 05/02/2025 Approve with Conditions
Location: 30 Freckleton Drive, Bury, BL8 2JA
Proposal: Single storey rear extension

Application No.: 71423 **App. Type:** FUL 21/01/2025 Approve with Conditions
Location: 11 Chatton Close, Bury, BL8 2UE
Proposal: Proposed First Floor Extension Over Garage

Ward: Bury West - Elton

Application No.: 71221 **App. Type:** FUL 29/01/2025 Approve with Conditions
Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS
Proposal: Erection of a polytunnel to accommodate a slurry bag and associated equipment to produce a renewable fuel (biogas) for generating onsite heat and energy

Application No.: 71377 **App. Type:** LDCP 31/01/2025 Lawful Development
Location: 4 Valley Close, Bury, BL8 1WP
Proposal: Lawful development certificate for change of use from residential (Class C3) to childrens residential care for two children with up to four staff working on a rota basis (Class C2)

Ward: North Manor

Application No.: 71327 **App. Type:** FUL 21/01/2025 Approve with Conditions
Location: 2 White Birk Close, Tottington, Bury, BL8 4HE
Proposal: Proposed Loft Conversion with Rear Dormer; Raised Ridge Height

Application No.: 71362 **App. Type:** FUL 21/01/2025 Approve with Conditions
Location: 13 Higher Summerseat, Summerseat, Ramsbottom, Bury, BL0 9UG
Proposal: Change of use of part of dwelling (Class C3) to mixed use of Dwelling (Class C3) and holiday let at first floor (Sui Generis) including elevation changes to front elevation

Application No.: 71371 **App. Type:** FUL 28/01/2025 Approve with Conditions
Location: 3 Station Road, Tottington, Bury, BL8 4BJ
Proposal: Single storey side/rear extension

Application No.: 71378 **App. Type:** LDCP 31/01/2025 Lawful Development
Location: 26 Springwater Avenue, Ramsbottom, Bury, BL0 9RH
Proposal: Lawful development certificate for change of use from residential (Class C3) to childrens residential care for two children with up to four staff working on a rota basis (Class C2)

Application No.: 71381 **App. Type:** FUL 20/01/2025 Approve with Conditions
Location: 3 Greenmount Close, Tottington, Bury, BL8 4HN
Proposal: Detached Garage Conversion to Annex; Front Extension

Application No.: 71424 **App. Type:** LDCP 05/02/2025 Lawful Development
Location: 8 Keats Road, Ramsbottom, Bury, BL8 4EP
Proposal: Single storey side extension; Pitched roof over garage to the side elevation

Ward: **Prestwich - Holyrood**

Application No.: 71333 **App. Type:** FUL 20/01/2025 Refused
Location: Auldbank House, 424 Bury Old Road, Prestwich, M25 1PR
Proposal: Two storey rear extension

Ward: **Prestwich - Sedgley**

Application No.: 71101 **App. Type:** FUL 28/01/2025 Approve with Conditions
Location: 15 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Single storey rear extension

Application No.: 71374 **App. Type:** FUL 23/01/2025 Approve with Conditions
Location: 2 Northleigh Drive, Prestwich, Manchester, M25 0GQ
Proposal: Two-storey/ single storey side extension.

Application No.: 71376 **App. Type:** FUL 07/02/2025 Approve with Conditions
Location: 14 & 16 East Meade, Prestwich, M25 0JJ
Proposal: Roof extension and raising of ridge height of roof; Loft conversion with pitched roof dormer at front and flat roof dormer at rear

Application No.: 71419 **App. Type:** FUL 07/02/2025 Approve with Conditions
Location: 72-74 Kings Road, Prestwich, Manchester, M25 0LN
Proposal: Change of use of 72 Kings Road from residential dwelling (Class C3) to synagogue (Class F1(f)) with single storey side extension to link to existing synagogue at 74 Kings Road and external alterations

Application No.: 71437 **App. Type:** FUL 05/02/2025 Approve with Conditions
Location: 34 Richmond Avenue, Prestwich, Manchester, M25 0LZ
Proposal: Part single/part two storey rear extension and basement and loft conversion

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

Application No.: 70967 **App. Type:** FUL 21/01/2025 Approve with Conditions
Location: 19 Prestwich Park Road South, Prestwich, Manchester, M25 9PF

Proposal: Replace existing bay window and first floor windows to the front elevation, single glazed timber sashes to be replaced with vacuum glazed timber sashes

Application No.: 71303 **App. Type:** ADV 28/01/2025 Approve with Conditions

Location: 463 Bury New Road, Prestwich, Manchester, M25 1AD

Proposal: 1 no. non illuminated external fascia sign and 1 no. non illuminated external hanging sign

Ward: Radcliffe - North and Ainsworth

Application No.: 71124 **App. Type:** FUL 03/02/2025 Approve with Conditions

Location: Unit 1b, Jubilee Works, Vale Street, Radcliffe, Bolton, BL2 6QF

Proposal: Change of use to dog day care centre (Sui Generis)

Application No.: 71385 **App. Type:** FUL 20/01/2025 Approve with Conditions

Location: 9 Chaucer Avenue, Radcliffe, Manchester, M26 3QS

Proposal: Two storey/single storey rear extension

Ward: Radcliffe - West

Application No.: 71358 **App. Type:** FUL 05/02/2025 Approve with Conditions

Location: 23 Bull Hill Crescent, Radcliffe, Manchester, M26 1BR

Proposal: Two storey/single storey side & rear extension; Single storey front extension

Ward: Ramsbottom

Application No.: 71172 **App. Type:** FUL 03/02/2025 Approve with Conditions

Location: The Smithy and 10-14 Paradise Street, Ramsbottom, Bury, BL0 9BS

Proposal: Variation of condition 2 (approved plans) and 4 (approved materials) following approval of planning permission 69996 to reposition single storey rear extensions at the Smithy and allow the rear elevation of The Forge to be constructed in red brick

Application No.: 71313 **App. Type:** FUL 05/02/2025 Approve with Conditions

Location: Meadow Heys, Moorbottom Road, Ramsbottom, Bury, BL8 4NS

Proposal: Single storey rear extension; Rear dormer; Erection of 2 no. outbuildings; Installation of gates to existing stone pillars

Ward: Tottington

Application No.: 71433 **App. Type:** FUL 30/01/2025 Approve with Conditions

Location: 18 Calderwood Close, Tottington, Bury, BL8 3LE

Proposal: Two Storey Front and first floor front Extensions; Single Storey Rear Extension

Application No.: 71443 **App. Type:** FUL 31/01/2025 Approve with Conditions

Location: 261 Walshaw Road, Bury, BL8 1PJ

Proposal: Double Storey Side and Single Storey Rear Extensions

Ward: Whitefield + Unsworth - Pilkington Park

Application No.: 71301 **App. Type:** FUL 30/01/2025 Approve with Conditions
Location: 44 Philips Park Road West, Whitefield, Manchester, M45 7GJ
Proposal: Conversion of loft and addition of side dormer to form first floor accommodation to existing bungalow; Single storey side/rear extension; Raised patio at rear; Front porch; Additional window to front elevation; Render to all elevations

Ward: Whitefield + Unsworth - Unsworth

Application No.: 71382 **App. Type:** FUL 20/01/2025 Approve with Conditions
Location: 49 Hathaway Road, Bury, BL9 8EG
Proposal: Front porch, garage conversion and first floor side extension

Application No.: 71387 **App. Type:** FUL 20/01/2025 Approve with Conditions
Location: 33 Stanley Road, Whitefield, Manchester, M45 8GT
Proposal: Two storey side extension

Application No.: 71411 **App. Type:** LDCE 05/02/2025 Lawful Development
Location: 297A Hollins Lane, Bury, BL9 8BD
Proposal: Lawful Development for existing use for 2no. two bed self-contained first floor flats

Application No.: 71425 **App. Type:** FUL 05/02/2025 Approve with Conditions
Location: 134 Sunny Bank Road, Bury, BL9 8LJ
Proposal: Demolition of existing side extension; Single storey rear, two storey/single storey front extension and loft conversion with rear dormer

Total Number of Applications Decided: 38

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| REPORT FOR NOTING |
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| Agenda Item | 6 |
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| DECISION OF: | PLANNING CONTROL COMMITTEE |
| DATE: | 18 February 2025 |
| 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 - none - Determined - none <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined - none |
| OPTIONS & RECOMMENDED OPTION | The Committee is recommended to the note the report and appendices |
| IMPLICATIONS: | |
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? Yes |
| Statement by the S151 Officer: Financial Implications and Risk Considerations: | Executive Director of Resources to advise regarding risk management |
| Statement by Executive Director of Resources: | N/A |
| Equality/Diversity implications: | No |
| Considered by Monitoring Officer: | N/A |

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|---------------------------|------------|
| Wards Affected: | All listed |
| Scrutiny Interest: | N/A |

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Details of New Enforcement Appeals Lodged
between 20/01/2025 and 09/02/2025**



Case Ref: 23/0029

Date of Appeal: 03/02/2025
Appeal Type:

Location: 530 Bury New Road, Prestwich, Manchester, M25 3BD

Issue: Unauthorised decking

Total Number of Appeal Cases: 01

The Ombudsman's final decision

Summary: We will not investigate this complaint about how the Council dealt with a planning application and an application for a certificate of lawfulness of proposed use or development. This is because the complainant has not suffered significant injustice as a result of the alleged fault.

The complaint

1. Mr X has complained about how the Council dealt with a planning application and an application for a certificate of lawfulness of proposed use or development (CLOPUD). Mr X says the Council failed to consult him about the applications and the developments will impact his property.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start or continue an investigation if we decide:
 - there is not enough evidence of fault to justify investigating, or
 - any injustice is not significant enough to justify our involvement.(Local Government Act 1974, section 24A(6), as amended, section 34(B))

How I considered this complaint

3. I considered information provided by Mr X and the Council.
4. I considered the Ombudsman's Assessment Code.

My assessment

5. Councils are required to give publicity to planning applications. The publicity required depends on the nature of the development. However, in all cases the application must be published on the Council's website.
6. Mr X disagrees with the Council's decision to grant the CLOPUD application and says the Council should have consulted him as the proposal will impact his property. However, there was no requirement for the Council to notify neighbouring residents about the application. I am also satisfied the application

was properly considered in line with the relevant legislation before the Council decided the proposal was permitted development and therefore Mr X's neighbour did not need to apply for planning permission to change the use of the property.

7. Mr X says he was also not told about an application to extend the property. However, even if I did consider the Council failed to notify Mr X about this application as it should have, I do not consider he has suffered any significant injustice as a result.
8. I am satisfied the Council properly assessed the acceptability of the development before granting planning permission. The case officer's report referred to the impact on neighbouring properties and the surrounding area. However, the officer decided there would not be a detrimental impact on neighbouring amenity.
9. I understand Mr X disagrees. But the Council was entitled to use its professional judgment to decide the application was acceptable. As the Council properly considered the acceptability of the development, I consider it likely the decision to grant planning permission would be the same had Mr X known about the application and objected.

Final decision

10. We will not investigate Mr X's complaint because he has not suffered significant injustice as a result of the alleged fault.

Investigator's decision on behalf of the Ombudsman

