

Public Document Pack

AGENDA FOR PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

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

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 28 May 2024
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF THE MEETING HELD ON THE 16TH APRIL 2024 (*Pages 3 - 4*)

The Minutes of the meeting held on Tuesday the 16th April 2024 are attached.

4 PLANNING APPLICATIONS (*Pages 5 - 22*)

Reports attached.

5 DELEGATED DECISIONS (*Pages 23 - 36*)

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 37 - 58*)

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: 16th April 2024

Present: Councillor S Thorpe (in the Chair)
Councillors D Berry, C Boles, D Duncalfe, U Farooq, M Hayes,
B Ibrahim, D Quinn, G Staples-Jones and D Vernon

Public Attendance: 2 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors J Harris and M Walsh. Councillor D. Berry acted as a substitute representative for Councillor Walsh.

PCC.2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.3 MINUTES OF THE MEETING HELD ON THE 19TH MARCH 2024

Delegated decision:

That the Minutes of the meeting held on the 19th March 2024 be approved as a correct record and signed by the Chair.

PCC.4 PLANNING APPLICATIONS

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

There was supplementary information to add in respect of application number 70353.

The Committee heard representations from a speaker in objection of an application submitted. This was limited to three minutes for the speaker.

Delegated decisions:

1. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted with an amended condition 4 in relation to biodiversity to also include swift bricks, and subject to all other conditions included:

2-4 Kestrel Close, Whitefield, Manchester, M45 6SB

Demolition of end terraced dwelling (2 Kestrel Close) and construction of 1no. detached dwelling; Two storey side extension to 4 Kestrel Close

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

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

External alterations to doors and windows; Erection of 2.4 metre high and 3 metre high V mesh fencing; Installation of CCTV

PCC.5 DELEGATED DECISIONS

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

Delegated decision:

That the report and appendices be noted.

PCC.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR S THORPE

Chair

(Note: The meeting started at 7.00pm and ended at 7.35pm)

Title	Planning Applications
To:	Planning Control Committee
On:	28 May 2024
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

01 Township Forum - Ward: Radcliffe - East

App No. 70455

Location: 6 Sandford Street, Radcliffe, Manchester, M26 2PT

Proposal: Change of use of ground floor from public house to 3 no. apartments (Use Class C3) with associated alterations

Recommendation: Approve with Conditions

Site Visit: N

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Ward: Radcliffe - East

Item 01

Applicant: HG Old Tower Ltd

Location: 6 Sandford Street, Radcliffe, Manchester, M26 2PT

Proposal: Change of use of ground floor from public house to 3 no. apartments (Use Class C3) with associated alterations

Application Ref: 70455/Full

Target Date: 27/03/2024

Recommendation: Approve with Conditions

Description

The application relates to a former Public House, the Old Tower Inn. The ground floor has a lawful use as a public house and at the first and second floors, there are 8 self-contained flats (7 at 1st floor and 1 at 2nd floor) which were granted a Lawful Development Certificate in 2021.

The surrounding area is characterised by a mix of residential and commercial uses. Next to the site to the north is a building which has use as a children's nursery with a block of apartments to the south. Across Sandford Street to the east are houses and to the rear is Potter Street which is a cobbled back alley beyond which is an industrial building.

The application seeks the change of use of the ground floor from public house to 3 no. self contained flats with associated alterations.

Each flat would be 1 bed roomed with a kitchen, lounge and bathroom facilities.

A bin and cycle store would be provided in the rear yard area and an external staircase on the rear elevation would serve as an emergency access.

Alterations to the building comprise window and door openings to facilitate the proposed residential use.

There would be no change to the upper floors.

Relevant Planning History

02276/E - Conversion of public house into 8 no. 1 bedroom apartments - Enquiry completed 02/05/2019

57444 - Erection of 2.4 metre high fence (revised scheme) and gates to alley at rear of 9-17 Sandford Street - Approve with Conditions 20/05/2014

57673 - Conservation works to Radcliffe Tower and landscaping of surrounding land including timber raised planters, boundary treatments and planting - Approve with Conditions 07/08/2014

60549 - Increasing eaves height and pitch of roof. Construction of rear dormers to create living accommodation - Approve with Conditions 04/11/2016

66671 - Application for a Certificate of Lawfulness for the change of use from a public house with ancillary accommodation above to a mixed use public house and 8 self-contained flats - Lawful Development 26/07/2021

69076 - Change of use from mixed use; public house and 8 self-contained flats to 13 bed (maximum 20 person) HMO (sui generis); demolition of existing conservatory; formation of parking space / cycle store, entrance / exit at rear and alterations to ground floor window at

rear - Refused 27/01/2023 - for 3 reasons - Sub-standard parking arrangements, lack of dedicated parking and sub-standard and unacceptable level of shared facilities, refuse and amenity.

Publicity

Letters sent to 30 properties on 1/2/24.

Three objections received.

- Lack of parking provision and Sandford Street is a busy street with different business and MOT garage all using this road to park. There is no access to the site apart from an already congested road. Parking is at its absolute maximum with no other scope for parking.
- I also believe the extra 400 plus housing provision on the old east lancs papermill site will lead to Sandford street/Tower Street/ Church Street west opening up to access this new estate and Sandford Street will possibly have double yellow lines to ensure clear access to and from causing more parking difficulties. Parking is needed but not factored in.
- I will not be in support for this building work to be continued, unless proper information is given and that includes how they will facilitate parking for the residents of the flats.
- This building work has already commenced and they have been working on the building for numerous weeks.

Comment

- When it was successfully trading as a public house it had a car park. This was sold as a piece of land and 8 flats with 10 parking spaces were built. At this time the public house had begun to fail and the owners then applied for 8 single dormer flats which didn't have planning approval and regardless they were rarely occupied.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection in principle. Recommendation to be reported in the supplementary agenda.

Environmental Health - Pollution Control - Comments made in relation to ventilation, fire escape routes and noise between flats.

Waste Management - No response received.

Environmental Health - Contaminated Land - No comments to make.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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
HT2/4	Car Parking and New Development
JP-S2	Carbon and Energy
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C5	Streets For All
JP-C6	Walking and Cycling

Issues and Analysis

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

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

Principle

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future.

This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

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

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

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

Policy JP-H3 - Type, Size and Design of New housing advocates a range of dwelling types and sizes to meet local needs and deliver more inclusive housing. Residential developments should provide an appropriate mix of dwelling types and sizes. The development proposes 3 self-contained flats which would add to the mix of housing tenure in the area.

The site is located in a sustainable urban area and within an established residential area and would therefore not conflict with the local environment in terms of the nature and character and surrounding land uses and there is existing infrastructure in place to facilitate the proposed development.

The ground floor of the property has not been in use as a public house for a number of years and the proposal to provide 3 residential flats in this area would contribute to local housing needs.

The principle of the proposed development is considered acceptable and would comply with policy principles of the NPPF.

Layout

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 50 dwellings per hectare at this site.

The proposed development would exceed this density requirement and as such would comply with Policy JS-H4.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments.

Policy H2/4 - Conversions specifically has 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.

Externally, it is proposed to locate a bin store in the side yard to serve the 3 flats separate to the bin storage facility which serves the first floor flats and this would be adequate for the level of development proposed. A cycle store for 3 cycles would also be provided to serve the development. The area for outdoor amenity space would be limited, however there would be room for outdoor seating and to hang out washing and on balance, this is considered acceptable.

The existing main entrance on the front elevation would provide access to two of the flats, with the third accessed via a new doorway at the side. Other alterations would be relatively minor to add or change window and door openings.

Each flat would be 1 x bedroomed with a lounge, kitchen, bathroom and storage areas.

Policy JP-H3 states that all new dwellings must comply with the nationally described space standards and be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The applicant has confirmed the development would accord with Document Part M4(2) for compliance with Lifetime Homes and nationally prescribed space standards and the proposed development would therefore provide acceptable levels of accommodation in compliance with planning policy.

On the matter of the use of the first and second floors, there are 8 self-contained flats which have the benefit of a Lawful Development Certificate issued in 2021 where it was established that the upper floors had been used and occupied lawfully as flats for a period of four years or more. There are no proposed changes to the 1st and 2nd floors.

Should this application be approved, the building would comprise 11 self-contained flats in total. and therefore increase the occupation and intensify the overall use of the property.

The ground floor could lawfully operate as a public house which could draw in more people at one time and it is therefore considered that the proposed change of use would not intensify the use of the building to a significant or harmful degree, especially in light of the tilted balance prescribed in paragraph 11d) of the NPPF where the onus is to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site is located in a sustainable area and the proposals have demonstrated compliance with space standards, would be accessible and adaptable to Building Regulation standards and would provide acceptable levels of bin, cycle and amenity areas.

It is therefore considered that the proposed development would be acceptable and would comply with the principles of the NPPF, PfE and UDP Policies.

Impact on the surrounding area

In terms of the character of the area, there are a mix of uses with houses opposite and apartments directly adjacent and commercial properties including a car repair garage and nursery.

The building already accommodates 8 flats and comparative to a public house which could generate activity, noise and disturbance from patrons to the pub it is considered the proposed development for residential would not be significantly more harmful and the proposed use would likely be less disturbing to local residents given the character and scale of the development.

It is therefore considered the proposed development would be acceptable and would comply with policies H2/1, H2/2 and EN1/2.

Highways

SPD 11 advises as a maximum 3 parking spaces be provide for the proposed development. The development does not propose to provide dedicated parking.

The site is located in a sustainable area, within approximately 15 minutes walk from the metrolink and there are bus stops nearby with services to town centres. There is also a Neighbourhood Shopping Centre approx 250m away and access to local services and facilities and there would be less need for and reliance on the private car as a form of transport. A secure cycle store would also encourage alternative modes of travel.

The ground floor has a lawful use as a public house which could draw significantly more people by car and add to the parking pressures in the area and much more than required for a development for 3 no. x 1 bed flats.

The NPPF at para 115 states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe.'

In this case, the site is in a sustainable and accessible location and would meet the criteria under PfE Policy JP-H4 - Density of New Housing which is used as a measure to determine if a site is in a sustainable area.

As such, it is considered that given the location, scale and character of development, the proposal would not add significantly to the parking pressures in the area.

Traffic Regulation Orders are not considered necessary given the scale of development proposed, but such matters can be reviewed in the future.

The implications from the East Lancashire Paper Mill (ELPM) development will need to consider its own ramifications and these cannot be conflated with this application.

The Highway Section have raised no objection to the proposed development in principle.

It is therefore considered that on balance, the proposed development would be acceptable and comply with policies JP-C5, JP-C6 and EN1/2.

Environmental Health Pollution Control

The comments made by this section refer to fire precautions and means of escape which are all matters covered by Building Regulations.

The flats would have cavity wall insulation and would also need to comply with Building Regulations.

Digital connectivity

JP-C2 - Digital Connectivity supports the provision of affordable, high quality, digital infrastructure

Each of the new residential units would be provided with cable duct from the external pavement to a up to a network termination point for high-speed electronic communications networks.

As such the proposal would comply with Policy JP-C2.

Carbon and energy

The applicant has provided a statement to detail how the proposed development would incorporate energy efficient measures which would include insulation installed internally to comply with the current Part L of the building regulations. This will also result in the added benefit of reduced heat loss from the first floor residential units. Heating will be provided by energy efficient thermostatically controlled electric radiators with timer provision. All lighting will be from LED low energy lamps and fittings.

As such the proposed development would comply with Policy JP-S2.

Response to objectors

The issues raised in relation to parking have been covered in the above report.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

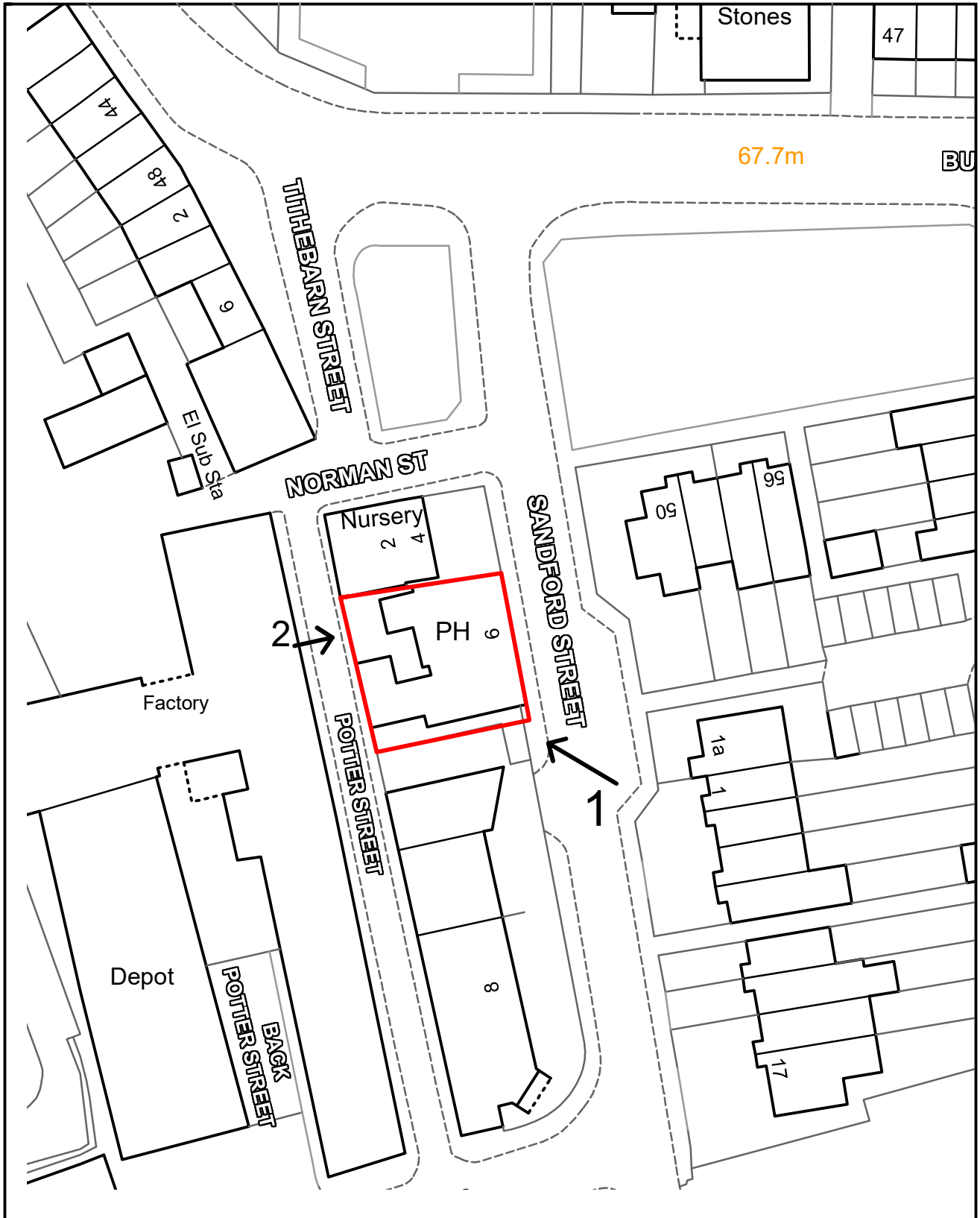
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings -
Plans as existing 114.1;
Elevations as existing 114.2;
Plans as proposed 114.3 rev A
Elevations as proposed 114.4,
Location plan 0114.5;
Proposed site plan 0114.6
Statement Addressing PfE Policies received 14/5/24

and the development shall not be carried out except in accordance with the drawings hereby approved.

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

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 70455

ADDRESS: 6 Sandford Street Radcliffe



Bury
Council

Planning, Environmental and Regulatory Services

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70455

Photo 1



Photo 2

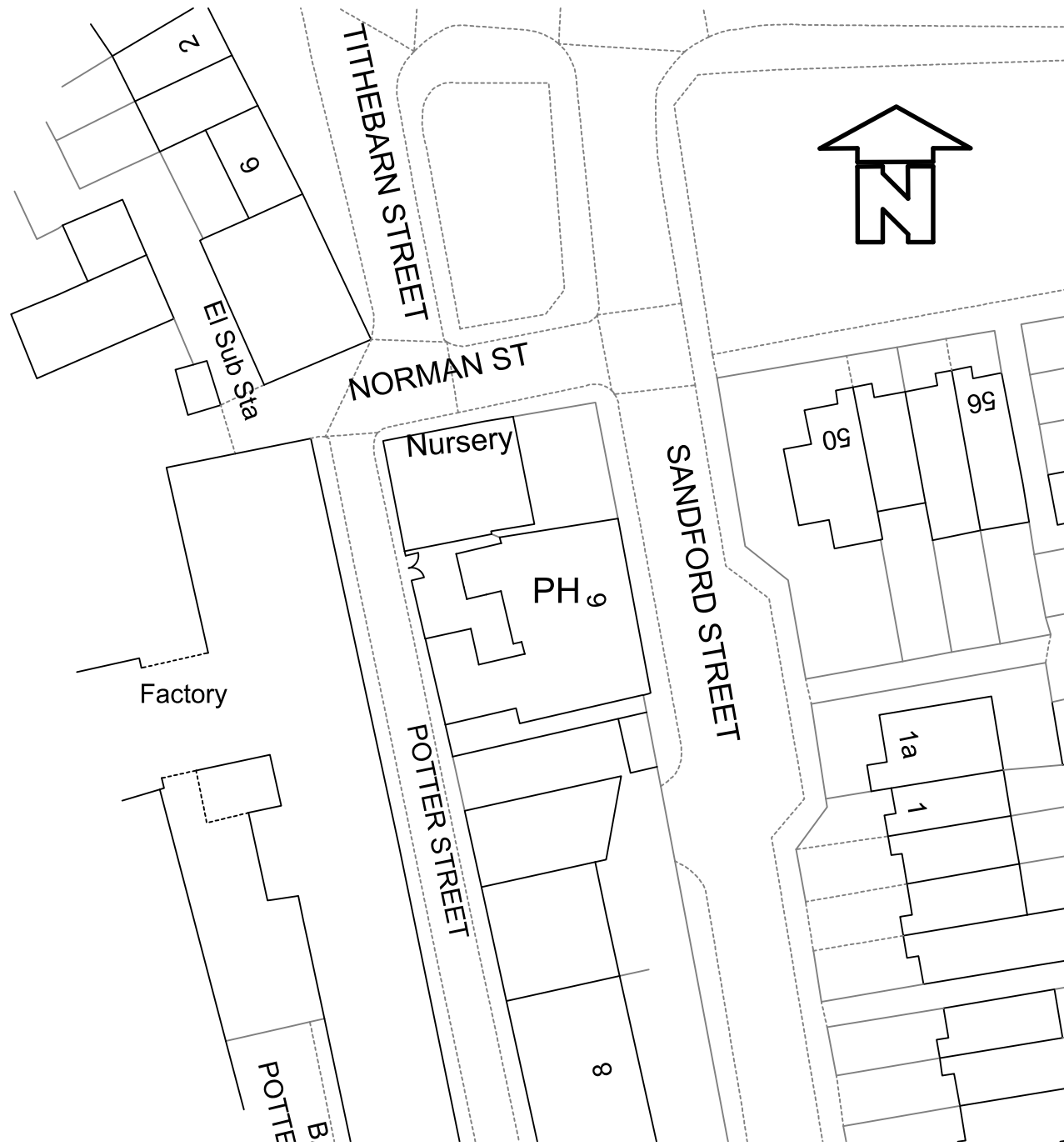


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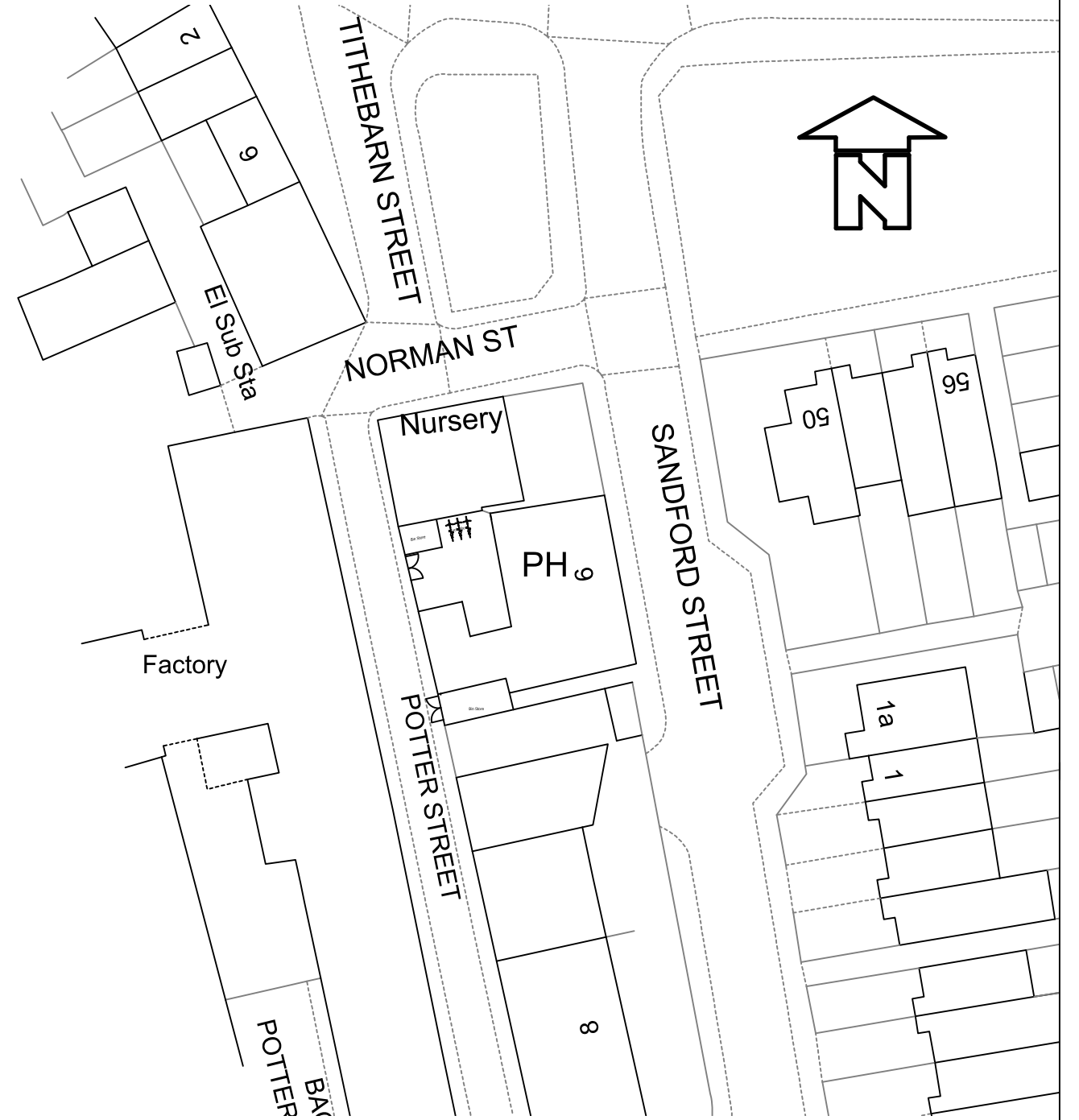
site plans

SCALE

1/500 @ A3



Existing Site Plan



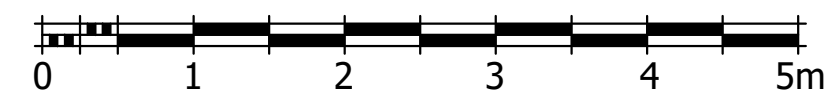
Proposed Site Plan

PROJECT
 The Old Tower Inn
 6 Sandford Street
 Radcliffe M26 2PT

DATE Jan 24
 DRAWN AD
 REVISION

NUMBER
 0114.6

AS PROPOSED



SCALE 1:50

NOTES

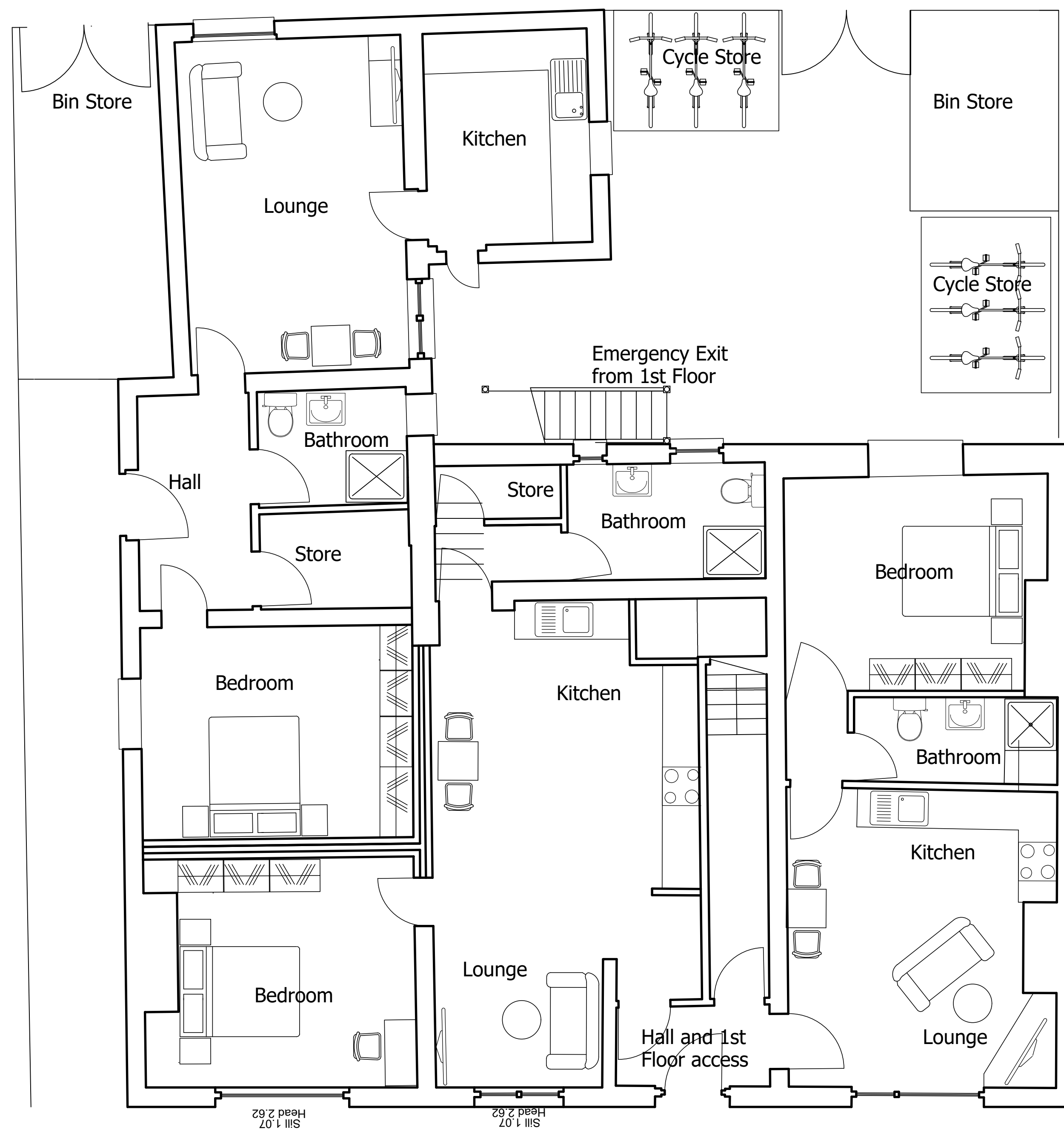
All dimensions to be checked on site and any discrepancies notified prior to commencement of work.

Do not scale from this drawing

REVISIONS

Date	Ref.	By
May 24	A	

Bin store doors reversed
additional cycle storage added



GROUND FLOOR

PROJECT	
Old Tower Inn Sandford Street Radcliffe M26 2PT	
DRAWING TITLE	
Plans as Proposed	
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NUMBER	REVISION
114.3	A

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FRONT ELEVATION



SIDE ELEVATION

NOTES
 All dimensions to be checked on site and any discrepancies notified prior to commencement of work.
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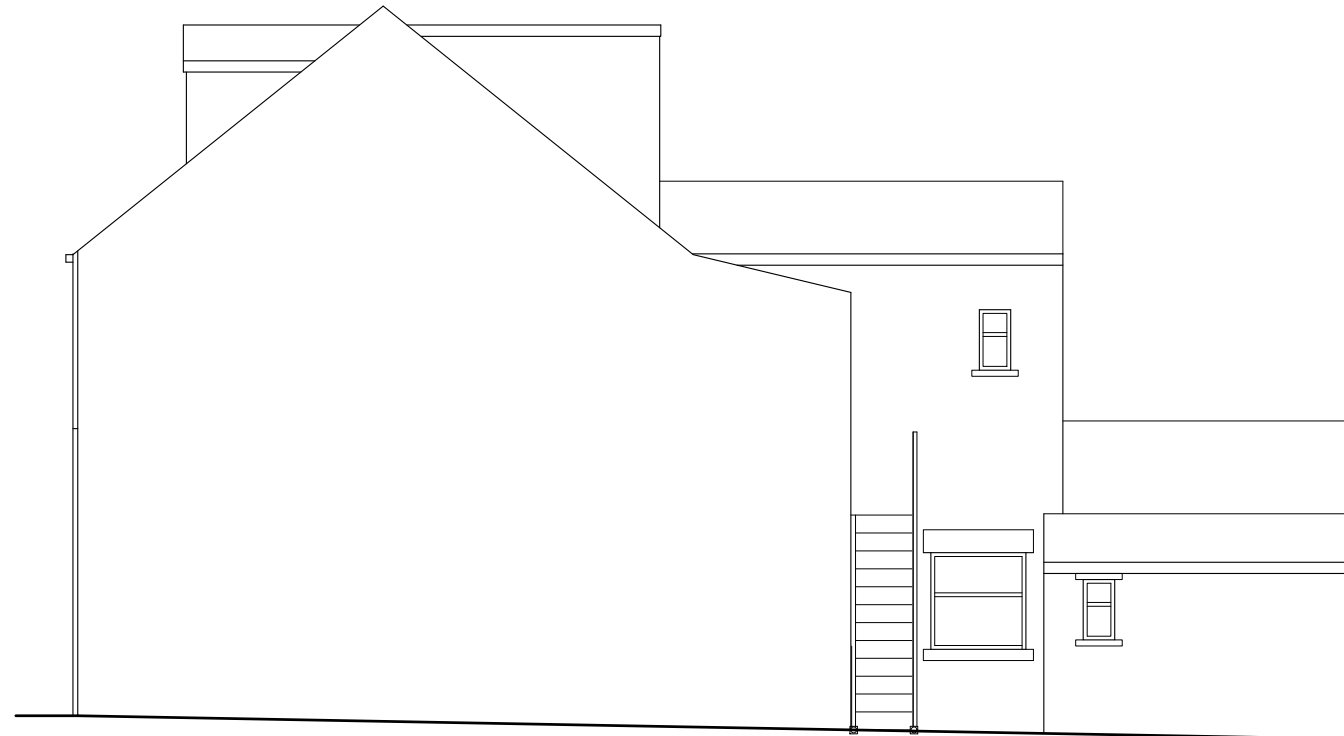
REVISIONS

Date	Ref.	By

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REAR ELEVATION



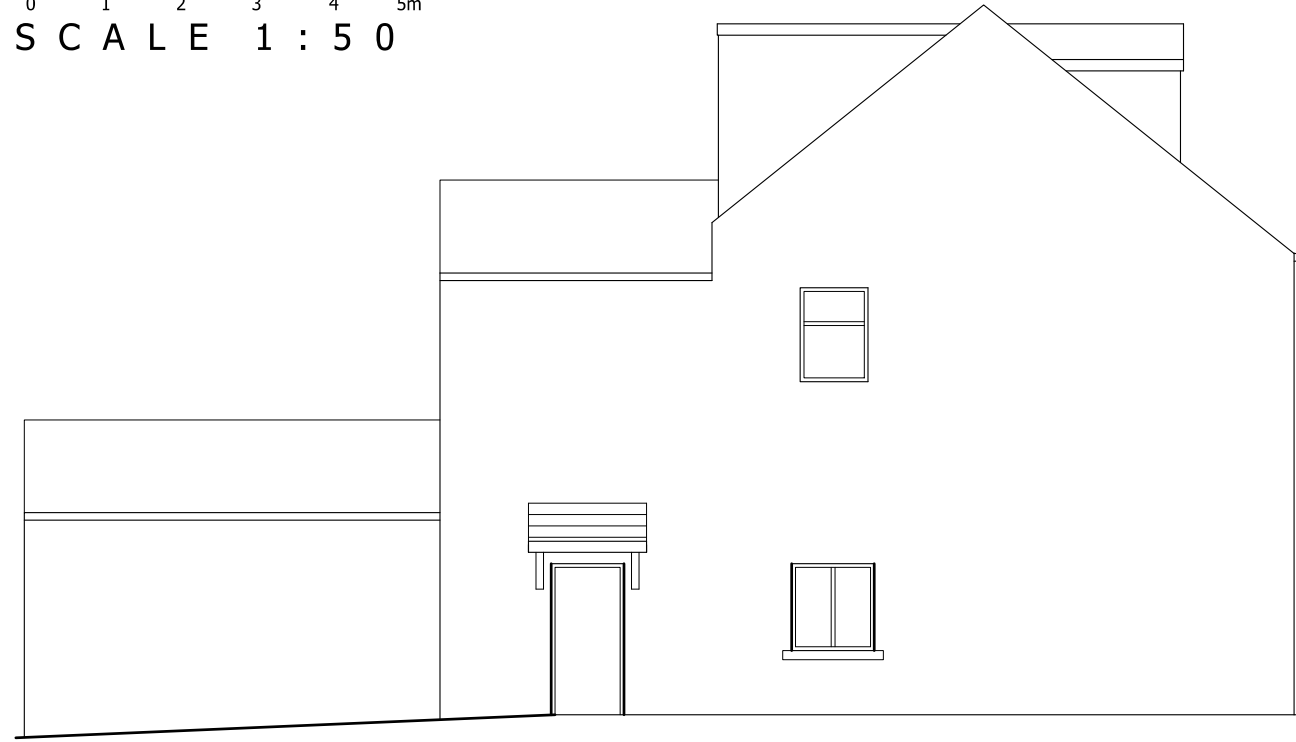
SIDE ELEVATION

PROJECT	
Old Tower Inn Sandford Street Radcliffe M26 2PT	
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Elevations as Existing	
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NUMBER	REVISION
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FRONT ELEVATION

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SCALE 1:50



SIDE ELEVATION

NOTES
All dimensions to be checked on site and any discrepancies notified prior to commencement of work.
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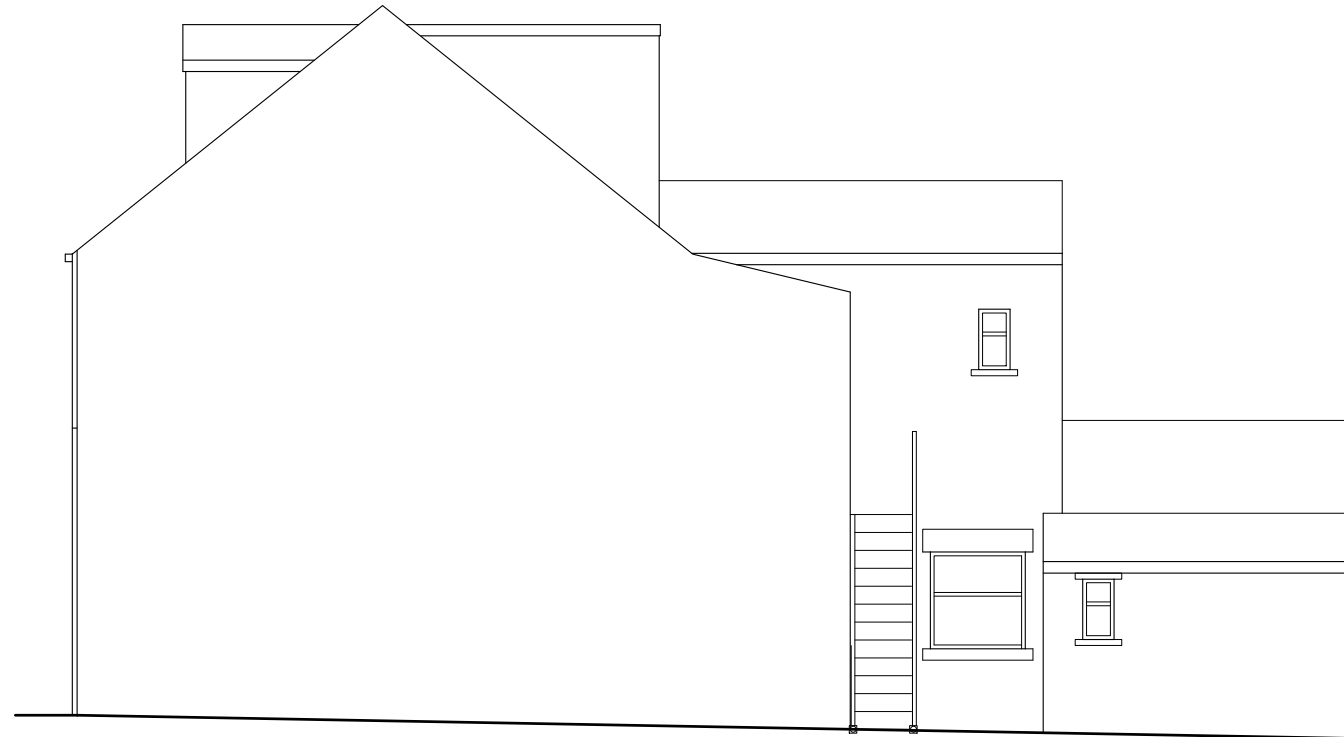
REVISIONS

Date	Ref.	By

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REAR ELEVATION



SIDE ELEVATION

PROJECT	
Old Tower Inn Sandford Street Radcliffe M26 2PT	
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Elevations as Proposed	
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REPORT FOR NOTING

Agenda Item	5
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28 May 2024
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning applications decided using Delegated Powers
Between 08/04/2024 and 19/05/2024**



Ward: **Bury East**

Application No.: 70514 **App. Type:** PIAPA 10/04/2024 Prior Approval Required and Granted
Location: 28 Haymarket Street, Bury, BL9 0AY
Proposal: Prior approval for proposed change of use of first and second floors from commercial (Use Class E) to 4 no. flats (Use Class C3)

Application No.: 70532 **App. Type:** ADV 24/04/2024 Refused
Location: Pavement between 3-5 & 10 Union Street, Bury, BL9 0NY
Proposal: Installation of Free-Standing Advertising Unit (FSU) with double-sided internally illuminated digital display

Application No.: 70545 **App. Type:** FUL 08/05/2024 Approve with Conditions
Location: 12 Bolton Street, Bury, BL9 0LQ
Proposal: Change of use of ground floor shop (Class E) to sports bar with first floor offices (Sui Generis)

Application No.: 70557 **App. Type:** FUL 02/05/2024 Approve with Conditions
Location: 2 Ferngrove House, Rochdale Old Road, Bury, BL9 7LS
Proposal: Change of use of existing 6 bedroom House in Multiple Occupation (HMO) (Class C4) to 10 bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis) together with external works and hard landscaping to create car parking spaces

Application No.: 70598 **App. Type:** ADV 09/05/2024 Approve with Conditions
Location: 10 Central Street, Bury, BL9 0JN
Proposal: Internally illuminated projecting sign; internally illuminated fascia sign; internally illuminated ATM surround signage and safety manifestation vinyl

Application No.: 70627 **App. Type:** FUL 15/05/2024 Approve with Conditions
Location: 71 The Rock, Bury, BL9 0NB
Proposal: Conversion of first/second/third floors to 1 no. self-contained flat (Class C3)

Application No.: 70642 **App. Type:** FUL 16/05/2024 Approve with Conditions
Location: The Art Picture House, Haymarket Street, Bury, BL9 0AY
Proposal: Erection of additional condenser on the rear elevation

Application No.: 70653 **App. Type:** FUL 09/05/2024 Approve with Conditions
Location: 10 Tinline Street, Pimhole, Bury, BL9 7HG
Proposal: Single storey rear extension

Ward: **Bury East - Moorside**

Application No.: 69825 **App. Type:** FUL 03/05/2024 Refused

Location: Land at Huntley Mount Road, Bury, BL9 6HY

Proposal: Erection of 2 no. commercial units (Use Class B8) and associated parking

Application No.: 70500 **App. Type:** FUL 19/04/2024 Approve with Conditions

Location: 62 Milbourne Road, Bury, BL9 6PU

Proposal: Loft conversion with dormer ar at rear; Replacement of existing flat roof at side with pitched roof and conversion of garage to living accommodation; Alterations to windows/doors including new first floor window to side elevation and render to all external elevations.

Application No.: 70529 **App. Type:** GPDE 29/04/2024 Prior Approval Required Refused - Ext

Location: 37 Griffin Close, Bury, BL9 6LG

Proposal: Prior approval for proposed single storey rear extension

Application No.: 70536 **App. Type:** FUL 12/04/2024 Refused

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

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

Application No.: 70567 **App. Type:** GPDE 12/04/2024 Prior Approval Not Required - Extension

Location: 252 Walmersley Road, Bury, BL9 6NH

Proposal: Prior approval for proposed single storey rear extension

Application No.: 70660 **App. Type:** FUL 09/05/2024 Approve with Conditions

Location: 3 Ruth Street, Bury, BL9 6LU

Proposal: Garage conversion to include link to main house with single storey rear extension

Ward: **Bury East - Redvales**

Application No.: 70503 **App. Type:** FUL 17/04/2024 Approve with Conditions

Location: 19 Ascot Meadows, Bury, BL9 0UD

Proposal: Erection of 3m fence and raised decking to the rear

Application No.: 70599 **App. Type:** GPDE 17/04/2024 Prior Approval Not Required - Extension

Location: 220 Gigg Lane, Bury, BL9 9EW

Proposal: Prior approval for proposed single storey rear extension

Ward: **Bury West - Elton**

Application No.: 70560 **App. Type:** TEL 10/04/2024 Prior Approval Required and Granted

Location: 26 Whitelegge Street, Bury, BL8 1SW

Proposal: Prior approval for proposal removal and replacement of the existing 15m monopole tower (Antenna top height of 17.8m) with a new 20m tower to host 6no. new antennas, 1no. existing transmission dish alongside ancillary works both to the tower and base.

Application No.: 70640 **App. Type:** LDCP 24/04/2024 Lawful Development

Location: 8 Horsham Close, Bury, BL8 1XY

Proposal: Lawful development certificate for proposed single storey flat roof rear extension

Application No.: 70662 **App. Type:** FUL 17/05/2024 Approve with Conditions

Location: Elton Fold Working Mens Club, Leigh Lane, Bury, BL8 2RH

Proposal: Variation of condition no. 2 (approved plans) and no. 7 (landscaping plan) of p/p 69668: Remove the conifers running along rear boundary and replace with a 450mm high trellis above the existing fencing and plant growing vines up the fence and into the trellis, creating a green screen over time.

Ward: **Bury West - West**

Application No.: 69299 **App. Type:** FUL 11/04/2024 Refused

Location: Unit 2, Victoria Retail Park, Victoria Street, Bury, BL8 2EQ

Proposal: Proposed alteration to the external façade of existing building, including partial demolition and external works to accommodate a Drive-Thru Lane

Application No.: 70306 **App. Type:** FUL 08/05/2024 Approve with Conditions

Location: Albion Mill, Albion Street, Bury, BL8 2AD

Proposal: Alteration to fenestration; Replace existing windows; Replace existing roof with hidden valley gutter removed

Application No.: 70508 **App. Type:** FUL 12/04/2024 Approve with Conditions

Location: 8 Heapy Close, Bury, BL8 2HW

Proposal: Demolition of conservatory & rear extension; Single storey/two storey front & rear extensions; Front porch; Raised paved area to rear garden; Erection of front boundary wall with gates; Replace existing boundary fencing 2m high; Render to all elevations & boundary wall

Application No.: 70515 **App. Type:** FUL 17/04/2024 Approve with Conditions

Location: 69 Newington Drive, Bury, BL8 2DZ

Proposal: Extension of existing front dormer

Application No.: 70594 **App. Type:** FUL 15/05/2024 Approve with Conditions

Location: 37 Ashington Drive, Bury, BL8 2TS

Proposal: Erection of 1.9 metre high boundary fence at side and rear

Application No.: 70620 **App. Type:** FUL 09/05/2024 Approve with Conditions

Location: 34 Newington Drive, Bury, BL8 2NE

Proposal: Front porch; Single storey rear extension (0.295 metres larger); Dormer extension at rear; Extension to existing 2 no. front dormers to form 1 no. dormer with new balcony, to be clad using uPVC; extension to front bay window; Relocation of front door and removal of side door; garage conversion including change from garage door to window; alterations to the existing vehicular access and replacement of dropped kerb; Alterations to rear garden and retaining wall/boundary.

Application No.: 70638 **App. Type:** FUL 03/05/2024 Approve with Conditions
Location: 104 Fieldhead Avenue, Bury, BL8 2NA
Proposal: First floor side extension

Ward: **North Manor**

Application No.: 70358 **App. Type:** LDCE 23/04/2024 Lawful Development
Location: Cragg Farm, Cragg Lane, Summerseat, BL9 5NR
Proposal: Lawful development certificate for existing use - establishment of lawful extent of residential land use

Application No.: 70586 **App. Type:** FUL 19/04/2024 Approve with Conditions
Location: 13 Southfield Road, Ramsbottom, Bury, BL0 9ST
Proposal: Single storey extension at side; single storey infill extension at rear; first floor extension at side / rear and external alterations

Application No.: 70592 **App. Type:** FUL 26/04/2024 Approve with Conditions
Location: 9 Larkfield Close, Tottington, Bury, BL8 4QJ
Proposal: Two/single storey extension at rear with juliet balcony and alterations to first floor rear windows; Single storey extension at front and installation of new first floor window at front

Application No.: 70632 **App. Type:** FUL 07/05/2024 Approve with Conditions
Location: Windacre Farm, Mather Road, Bury, BL9 6RB
Proposal: Variation of condition 2 following approval of original planning permission 64651 (and variations 66958/70252) - to amend the design of plots 2, 3 & 4

Ward: **Prestwich - Holyrood**

Application No.: 70600 **App. Type:** FUL 13/05/2024 Refused
Location: 15 Guest Road, Prestwich, Manchester, M25 3DJ
Proposal: Side dormer; Rear dormer; Single storey rear pitch roof to flat roof with parapet wall

Application No.: 70694 **App. Type:** FUL 14/05/2024 Approve with Conditions
Location: 24 Beeston Grove, Whitefield, Manchester, M45 6UF
Proposal: Single storey side extension

Ward: **Prestwich - Sedgley**

Application No.: 69329 **App. Type:** FUL 17/04/2024 Approve with Conditions
Location: 281 Middleton Road Service Road, Prestwich, Manchester, M8 4LY
Proposal: Change of use of existing public house (Sui Generis) to Podiatry Clinic(Class E(e)) on ground floor and 4 bed HMO (house in multiple occupation) at first floor (Class C4) including two storey extension at side/rear, alterations to roof layout of existing rear outbuilding; formation of new first floor access and door at rear with external staircase and render to external elevations

Application No.:	70339	App. Type:	FUL	19/04/2024	Approve with Conditions
Location:	68-70 Bury New Road, Prestwich, Manchester, M25 0JU				
Proposal:	Change of use of 2 no. dwellings to an office (Class E)				
Application No.:	70413	App. Type:	FUL	17/04/2024	Approve with Conditions
Location:	7 Russell Street, Prestwich, Manchester, M25 1EQ				
Proposal:	Two storey side/rear extension along with a Front porch				
Application No.:	70505	App. Type:	FUL	16/04/2024	Approve with Conditions
Location:	88 Meade Hill Road, Prestwich, Manchester, M8 4LP				
Proposal:	Erection of 2.5 metre high boundary security fence/gates				
Application No.:	70511	App. Type:	FUL	17/04/2024	Approve with Conditions
Location:	Mikvah, 102-104 Albert Avenue, Prestwich, Manchester, M25 0LU				
Proposal:	Single storey rear/side extension for use as changing room and shower area				
Application No.:	70525	App. Type:	FUL	12/04/2024	Approve with Conditions
Location:	17 Sedgley Park Road, Prestwich, Manchester, M25 0BJ				
Proposal:	Two storey side/rear extension to include garage; 2 no. rear juliette balconies & front balustrade balcony; Single storey rear extension				
Application No.:	70527	App. Type:	FUL	07/05/2024	Approve with Conditions
Location:	12A Rectory Avenue, Prestwich, Manchester, M25 1DE				
Proposal:	Two storey/single storey wrap around extension; Front porch				
Application No.:	70558	App. Type:	FUL	29/04/2024	Approve with Conditions
Location:	1 Wells Avenue, Prestwich, Manchester, M25 0GN				
Proposal:	Demolition of porch; Single storey side and rear extensions, first floor side extension, loft conversion with hip-to-gable roof extensions; formation of driveway with new access and dropped kerb				
Application No.:	70571	App. Type:	FUL	02/05/2024	Approve with Conditions
Location:	51 Tewkesbury Drive, Prestwich, Manchester, M25 0JN				
Proposal:	New front Porch; two storey extension at side / rear; first floor extension at rear and single storey extension at rear				
Application No.:	70575	App. Type:	FUL	14/05/2024	Approve with Conditions
Location:	64 Kings Road, Prestwich, Manchester, M25 0LN				
Proposal:	Loft conversion with dormers at front and rear along with alterations to windows				
Application No.:	70582	App. Type:	FUL	08/05/2024	Approve with Conditions
Location:	3 Northurst Drive, Prestwich, Manchester, M8 4LS				
Proposal:	Single storey / two storey extension at rear and external alterations				

Application No.: 70597 **App. Type:** FUL 17/05/2024 Approve with Conditions
Location: 54 Windsor Road, Prestwich, Manchester, M25 0FF
Proposal: Two storey infill extension at front; single storey / two storey extension at side/rear; single storey extension at rear; Front porch extension; Loft conversion with rear dormer; alterations to roof and White render to all elevations

Application No.: 70605 **App. Type:** FUL 24/04/2024 Approve with Conditions
Location: 33 Charlbury Avenue, Prestwich, Manchester, M25 0FJ
Proposal: Single storey side/rear extension

Application No.: 70609 **App. Type:** FUL 07/05/2024 Approve with Conditions
Location: 10 Meadfoot Avenue, Prestwich, Manchester, M25 0AR
Proposal: Front dormer

Application No.: 70625 **App. Type:** FUL 17/05/2024 Approve with Conditions
Location: 14 Ravens Close, Prestwich, Manchester, M25 0FU
Proposal: Part first floor / two storey side and rear extension; single storey rear extension and front porch

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

Application No.: 70414 **App. Type:** FUL 09/04/2024 Approve with Conditions
Location: 6 Hamilton Road, Prestwich, Manchester, M25 9GG
Proposal: Single storey side extension; Two storey rear extension; Widen existing footway crossing

Application No.: 70440 **App. Type:** LDCE 22/04/2024 Lawful Development
Location: 44 Shrewsbury Road, Prestwich, Manchester, M25 9GQ
Proposal: Lawful development certificate for existing raised decked areas to front and side of property

Application No.: 70522 **App. Type:** FUL 09/04/2024 Approve with Conditions
Location: Land adjacent to Flashfields, Prestwich, M25 9XW
Proposal: Erection of 2 no. dwellings

Application No.: 70530 **App. Type:** LDCEP 19/04/2024 Lawful Development
Location: 61 Prestwich Hills, Prestwich, Manchester, M25 9PY
Proposal: Lawful Development Certificate for proposed change of use of dwelling (Class C3a) to a residential home (Class C2) for a maximum of three children with up to three carers who would sleep overnight on a rota basis

Application No.: 70539 **App. Type:** FUL 19/04/2024 Approve with Conditions
Location: 118 Woodward Road, Prestwich, Manchester, M25 9TZ
Proposal: 1.8m high timber fence at side/front

Application No.: 70595 **App. Type:** FUL 07/05/2024 Approve with Conditions
Location: 24 Church Lane, Prestwich, Manchester, M25 1AJ
Proposal: Alterations to existing structural openings and replacement windows and doors to rear elevation with internal refurbishment/reconfiguration works

Ward: **Radcliffe - East**

Application No.: 70333 **App. Type:** FUL 24/04/2024 Approve with Conditions
Location: Land at Green Street, Radcliffe
Proposal: Variation of condition no. 3 (affordable housing statement) following approval of planning permission 68998 - amendment to the tenure and unit mix

Application No.: 70519 **App. Type:** FUL 10/04/2024 Approve with Conditions
Location: 5 Hackney Close, Radcliffe, Manchester, M26 4UG
Proposal: Single storey rear extension and garage conversion including change from garage door to window with new vaulted roof

Application No.: 70566 **App. Type:** FUL 02/05/2024 Refused
Location: Land between 20 & 22 Farcroft Avenue, Radcliffe, Manchester, M26 2XJ
Proposal: Erection of 7 no. garages with security gates and landscaping

Ward: **Radcliffe - North and Ainsworth**

Application No.: 69792 **App. Type:** FUL 19/04/2024 Approve with Conditions
Location: Ainsworth Hall Farm, Ainsworth Hall Road, Ainsworth, Radcliffe, Bolton, BL2 5QT
Proposal: Erection of a 1 no. dwelling with associated works

Application No.: 70350 **App. Type:** FUL 24/04/2024 Approve with Conditions
Location: Former Tarmac Building Materials, Stopes Road, Bolton, BL3 1NR
Proposal: Full planning permission for site access (as approved under p/p 66064 & 67864 in association with the redevelopment of the site for a future residential development of up to 132 no. dwellings)

Application No.: 70517 **App. Type:** LDGP 12/04/2024 Lawful Development
Location: 6 Connaught Avenue, Radcliffe, M26 4XB
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 70580 **App. Type:** FUL 25/04/2024 Refused
Location: Land opposite 41 Arthur Lane, Ainsworth, Bolton, BL2 5PR
Proposal: Replacement of stable with 1 no. detached dwelling

Application No.: 70581 **App. Type:** FUL 15/05/2024 Approve with Conditions
Location: 51 Church Street, Ainsworth, Bolton, BL2 5RA
Proposal: Conversion of existing double fronted terrace property into two single fronted terraced properties and for a single storey rear extension

Application No.: 70591 **App. Type:** FUL 08/05/2024 Approve with Conditions
Location: 28 Salisbury Road, Radcliffe, Manchester, M26 4QD
Proposal: Single storey extension at side/rear

Application No.: 70608 **App. Type:** FUL 26/04/2024 Approve with Conditions
Location: 157 Bury New Road, Radcliffe, Bolton, BL2 6QQ
Proposal: Two storey extension at side and rear

Application No.: 70614 **App. Type:** AG 08/05/2024 Prior Approval Required and Granted
Location: Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, BL2 5PX
Proposal: Prior approval for proposed agricultural building

Ward: **Radcliffe - West**

Application No.: 70477 **App. Type:** FUL 17/05/2024 Refused
Location: Land at Harper Fold Road & Canute Street, Radcliffe, M26 3BX
Proposal: Erection of 2 no. dwellings

Application No.: 70542 **App. Type:** FUL 15/05/2024 Refused
Location: Land adjacent to 4 King Street, Radcliffe, Manchester, M26 1ND
Proposal: Erection of 1 no. dwelling

Application No.: 70543 **App. Type:** LDCP 12/04/2024 Lawful Development
Location: 35 Outwood Road, Radcliffe, Manchester, M26 1AQ
Proposal: Lawful development certificate for proposed construction of a rear dormer within the roof space to provide an additional bedroom and construct a detached single storey shed in rear garden area

Application No.: 70611 **App. Type:** LDCP 07/05/2024 Lawful Development
Location: Radcliffe 132kV Substation, Outwood, M26 1YN
Proposal: Lawful development certificate for proposed installation of a replacement grid transformer, in a different location on site to the existing transformer (which will be removed)

Application No.: 70646 **App. Type:** FUL 17/05/2024 Approve with Conditions
Location: 1 Ringwood Avenue, Radcliffe, Manchester, M26 1BP
Proposal: Demolition of existing single storey side extension; Two storey side extension

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 70524 **App. Type:** FUL 14/05/2024 Approve with Conditions
Location: Land off Bentley Hall Road, Radcliffe, BL8 3PH
Proposal: Erection of 2 no. stable buildings (retrospective) and construction of a new manege

Application No.: 70574 **App. Type:** FUL 12/04/2024 Approve with Conditions
Location: 35 Thornfield Road, Tottington, Bury, BL8 4BX
Proposal: Two storey side extension with render to front & rear elevations

Application No.: 70577 **App. Type:** FUL 19/04/2024 Approve with Conditions
Location: 40 Brookwater Close, Tottington, Bury, BL8 3LD
Proposal: Two storey side extension; Single storey side/front extension; Front porch

Application No.: 70587 **App. Type:** LDCP 03/05/2024 Lawful Development
Location: 4 Prenton Way, Tottington, Bury, BL8 3BZ
Proposal: Lawful development certificate for proposed demolition and construction of garden room

Application No.: 70643 **App. Type:** LDCP 15/05/2024 Lawful Development
Location: 84 Moyse Avenue, Tottington, Bury, BL8 3BL
Proposal: Lawful development certificate for proposed loft conversion including rear dormer

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 70476 **App. Type:** FUL 23/04/2024 Approve with Conditions
Location: 39 Bye Road, Shuttleworth, Ramsbottom, Bury, BL0 0HH
Proposal: Front porch, single storey side extension, decking and boundary fence.

Application No.: 70585 **App. Type:** FUL 16/05/2024 Approve with Conditions
Location: 161 Bolton Street, Ramsbottom, Bury, BL0 9JD
Proposal: Single storey extension at side / rear

Ward: **Whitefield + Unsworth - Besses**

Application No.: 70487 **App. Type:** FUL 09/04/2024 Approve with Conditions
Location: 38 Swinton Crescent, Bury, BL9 8PB
Proposal: Demolition of existing conservatory; Single storey rear/first floor rear extension; Alterations to existing roof to include loft conversion with rear dormer

Application No.: 70501 **App. Type:** FUL 29/04/2024 Approve with Conditions
Location: 77 Cunningham Drive, Bury, BL9 8PD
Proposal: Two storey extension at side/rear and single storey extension at rear

Application No.: 70521 **App. Type:** FUL 19/04/2024 Approve with Conditions
Location: Grass verge opposite 1 Pilkington Drive, Whitefield, M45 8JX
Proposal: Erection of 1.25m high timber fencing to create a bin storage area

Application No.: 70537 **App. Type:** FUL 16/04/2024 Approve with Conditions
Location: 15 Windsor Avenue, Whitefield, Manchester, M45 6AZ
Proposal: Part single, part two storey side/rear extension

Application No.: 70555 **App. Type:** LDCEP 17/04/2024 Lawful Development
Location: 9 Waterdale Drive, Whitefield, Manchester, M45 8SB
Proposal: Lawful development certificate for proposed single storey extension at rear

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

Application No.: 70114 **App. Type:** OUT 11/04/2024 Refused
Location: Clarkes Hill House, Clarkes Hill, Whitefield, Manchester, M45 7TG
Proposal: Outline application for the erection of 1 no. dwelling (all matters reserved)

Application No.: 70425 **App. Type:** FUL 25/04/2024 Approve with Conditions
Location: 26 Hamilton Road, Whitefield, Manchester, M45 7WF
Proposal: Two storey side/rear extension and external alterations

Application No.: 70468 **App. Type:** FUL 09/04/2024 Approve with Conditions
Location: 50 Hillingdon Road, Whitefield, Manchester, M45 7QN
Proposal: Two storey side extension; Single storey front extension; Render to all elevations

Application No.: 70601 **App. Type:** FUL 26/04/2024 Approve with Conditions
Location: 7 Bellerby Close, Whitefield, Manchester, M45 7UB
Proposal: Two/single storey rear extension and first floor side extension

Application No.: 70604 **App. Type:** FUL 29/04/2024 Approve with Conditions
Location: 11 Marle Croft, Whitefield, Manchester, M45 7NB
Proposal: First floor front extension; Front porch

Application No.: 70637 **App. Type:** FUL 15/05/2024 Refused
Location: 8 Parkstone Avenue, Whitefield, Manchester, M45 7QH
Proposal: 2 no. side dormers; Single storey side extension

Application No.: 70677 **App. Type:** FUL 16/05/2024 Approve with Conditions
Location: 25 Bury New Road, Whitefield, Manchester, M45 7FL
Proposal: Two storey/single storey rear extension; Two storey front extension

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 69563 **App. Type:** FUL 08/05/2024 Approve with Conditions
Location: Brick House Farm, Griffe Lane, Bury, BL9 8QS
Proposal: Variation of condition no. 2 following approval of planning permission 65439 - lean-to roof above the single storey part (approved plans) to a terrace in place of the lean-to roof, plus minor changes to windows and an external door.

Application No.: 70218 **App. Type:** FUL 14/05/2024 Approve with Conditions
Location: Gateway House, Pilsworth Road, Bury, BL9 8RD
Proposal: Single storey extension of existing industrial unit (Class B2/B8) including recladding of the existing building roof; Externally will include storage tanks, extension to existing site access points, new service yard, additional cycle and car parking with electrical vehicle charging spaces with associated infrastructure and new external seating area

Application No.: 70460 **App. Type:** FUL 02/05/2024 Approve with Conditions
Location: 118 Sunny Bank Road, Bury, BL9 8LJ
Proposal: Single storey front extension and new front porch; Conversion of existing garage to living accommodation; Installation of new front first floor window and alterations to existing windows/doors; Alterations to driveway/parking at front

Application No.: 70535 **App. Type:** LDGP 17/04/2024 Lawful Development
Location: 39 Heathfield Road, Bury, BL9 8HB
Proposal: Lawful development certificate for proposed single storey extension at rear

Total Number of Applications Decided: 92

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REPORT FOR NOTING

**Agenda
Item**
6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28 May 2024
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

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

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

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning Appeals Lodged
between 08/04/2024 and 19/05/2024**



Application No.: 70422/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: In Focus Ltd

Location Pavement outside 46 Haymarket, Bury, BL9 0BX

Proposal Installation of 1no. multifunctional communication hub including defibrillator and advertisement display

Appeal lodged: 08/05/2024

Appeal Type: Written Representations

Application No.: 70423/ADV

Decision level: DEL

Recommended Decision: Refuse

Applicant: In Focus Ltd

Location Pavement outside 46 Haymarket, Bury, BL9 0BX

Proposal Advertisement consent for display integrated into multifunctional communication hub unit

Appeal lodged: 08/05/2024

Appeal Type:

Application No.: 70426/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: In Focus Ltd

Location Pavement outside 61 The Rock, Bury, BL9 0NB

Proposal Installation of 1no. multifunctional communication hub including defibrillator and advertisement display

Appeal lodged: 08/05/2024

Appeal Type: Written Representations

Application No.: 70427/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: In Focus Ltd

Location Pavement outside 1 Union Street, Bury, BL9 0NY

Proposal Installation of 1no. multifunctional communication hub including defibrillator and advertisement display

Appeal lodged: 08/05/2024

Appeal Type: Written Representations

Application No.: 70443/ADV
Decision level: DEL
Recommended Decision: Refuse

Appeal lodged: 08/05/2024
Appeal Type: Written Representations

Applicant: In Focus Ltd
Location Pavement outside 61 The Rock, Bury, BL9 0NB

Proposal Advertisement consent for display integrated into multifunctional communication hub unit

Application No.: 70444/ADV
Decision level: DEL
Recommended Decision: Refuse

Appeal lodged: 08/05/2024
Appeal Type:

Applicant: In Focus Ltd
Location Pavement outside 1 Union Street, Bury, BL9 0NY

Proposal Advertisement consent for display integrated into multifunctional communication hub unit

Total Number of Appeals Lodged: 6

**Planning Appeals Decided
between 08/04/2024 and 19/05/2024**



Application No.: 69415/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr Phil Johnston
Location: Smith Fold Farm, Taylors Lane, Radcliffe, Bolton, BL2 6QS
Proposal: Replacement of existing stables with erection of new stable block (retrospective).
Appeal Decision: Allowed
Date: 11/04/2024
Appeal type: Written Representations

Application No.: 69725/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Beech House Developments Ltd
Location: Land adjacent to 73 Higher Lane, Whitefield, Manchester, M45 7EZ
Proposal: Erection of one detached house to be accessed from Higher Lane
Appeal Decision: Dismissed
Date: 26/04/2024
Appeal type: Written Representations

Application No.: 70154/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr and Mrs Walker
Location: 44A Newcombe Road, Ramsbottom, Bury, BL0 9UT
Proposal: Proposed Loft Conversion with Front and Rear Dormers
Appeal Decision: Dismissed
Date: 14/05/2024
Appeal type: Written Representations



Appeal Decision

Site visit made on 9 April 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/T4210/W/23/3330749

Smith Fold Farm, Taylors Lane, Bury, Radcliffe, BL2 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Johnston against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69415.
 - The development proposed is described as "Single storey Stables to replace existing stables".
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey stables to replace existing stables at Smith Fold Farm, Taylors Lane, BL2 6QS in accordance with the terms of the application, Ref 69415.

Preliminary Matters

2. The development to which this appeal relates has already taken place and I was able to see it on my site visit.
3. The description of development in the heading above has been taken from the planning application form with the narrative element removed. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. In considering Green Belt issues, both the Council and the appellant have referred to paragraph numbers from the previous version of the National Planning Policy Framework (the Framework). In my decision I have referred to the paragraph numbers from the most recent version. The content of these paragraphs has not changed, so I am satisfied that no parties are prejudiced as a result.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.

- Whether or not emissions from the proposal could be properly dealt with.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The Framework is clear that new buildings in the Green Belt should be regarded as inappropriate, but for certain exceptions. Both the Council and the appellant set out that the appeal development could fall under either the exception at paragraph 154b of the Framework or that at paragraph 154d.
7. However, given the description of the appeal development, the wording of the Framework and the facts of the case, I consider that the second cited exception, in paragraph 154d, is the relevant one. It is not in doubt that the appeal development is in the same use as the building it replaces, so the first part of that test is passed.
8. As for whether or not it is materially larger, whilst it is on the same footprint as the previous stable, it is taller, having a pitched roof rather than the previous mono-pitched roof. However, whilst the appeal development is plainly larger than the building it replaces having a greater overall volume, given the eaves height is similar, the footprint is the same and its relationship to its surroundings is acceptable, I do not find that it is materially so.
9. As such, the appeal development is not inappropriate in the Green Belt. It would therefore not conflict with Policy OL1/2 of the Bury Unitary Development Plan, adopted in 1997 (the UDP) or national policy in the Framework.

Openness

10. I have found that the appeal development is not inappropriate development in the Green Belt. In line with the relevant exception in the Framework no consideration of openness is required.

Character and appearance

11. The appeal development is a single storey brick-faced stable with a dual-pitched roof under a slate roof. In this, its form, materials, scale and appearance are wholly consistent with those of the other closely located buildings within the same complex and immediate context, as well as the wider area. Although the Council has made specific reference to the facing brickwork being distinct from that used elsewhere in the complex, I do not find any inconsistency in appearance or character. There is plainly a variety of age, type and colour of brickwork within the complex and wider area, and the bricks used in the appeal development are not significantly or harmfully different.
12. The Council has drawn my attention to the Development Control Policy Guidance Note 10 – Planning for Equestrian Development, adopted 2007 (the DCP Note), notably the sections within it concerning roof form and facing materials considered suitable for stables. Whilst I note this, I also note that one of its aims is to ensure that equestrian-related development is sympathetic to its surroundings in terms of, amongst other things, siting, appearance, design, materials and wider landscape effects.

13. As I have set out above, the form, materials, scale and appearance of the appeal development are wholly consistent with its surroundings, causing it to blend in to those surroundings. Its siting is also appropriate, being both in the same location as the building it replaces, and within a well-established complex with limited longer views. In any longer views in which it may appear, it does so as a cohesive part of that already well-established complex. Any wider landscape effect is extremely limited by both its scale, surrounding built form, landscape planting and the form of the landscape itself.
14. I therefore find that the appeal development is not discordant or intrusive, nor does it have a detrimental and long-term harmful impact on the character and appearance of the area, or the Special Landscape Area. The appeal development does not therefore conflict with Policies EN1/1, EN1/2, EN9/1, OL1/2, OL4/7 of the UDP, or national policy in the Framework. The proposal would also not conflict with guidance in the DCP Note.

Emissions

15. As set out in my consideration of Green Belt issues above, the appeal development is a replacement stable. As such, waste management, surface-water run-off and drainage associated with the appeal development simply replicates the previous arrangements. Even if the appeal development had not occurred these would be taking place and there is no suggestion that those arrangements were harmful or otherwise unacceptable. The carrying out of the appeal development has not altered the situation on the site in this respect, and as such, I do not consider that the appeal development therefore conflicts with policies EN7/3, EN7/4 or EN7/5 of the UDP, the guidance in the DCP Note or the principles of the Framework.

Whether very special circumstances exist

16. As I have found that the appeal development is not inappropriate development in the Green Belt, in line with the Framework, it is not necessary to consider whether very special circumstances exist.

Conditions

17. As the appeal development has already taken place, it is not necessary to impose conditions relating to implementation or compliance with plans. The Council has requested the submission of a waste management, surface-water run-off and drainage strategy. However, as the appeal development is a replacement for a previous stable, such a condition would be seeking to address a pre-existing situation, and would therefore fail the tests of necessity, reasonableness and relevance. It has not therefore been imposed.

Conclusion

18. For the reasons given above I conclude that the appeal development accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR



Appeal Decision

Site visit made on 25 April 2024

by **C Rafferty LLB (Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/T4210/W/23/3330962

Land adjacent to 73 Higher Lane, Whitefield M45 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Ridley (Beech House Developments Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 69725, dated 5 June 2023, was refused by notice dated 3 August 2023.
 - The development proposed is the erection of one detached house to be accessed from Higher Lane (amended house type to planning permission 68474)
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

3. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of the occupiers of No. 69 Higher Lane, with regard to outlook and privacy.

Reasons

Character and appearance

4. The site is land off Higher Lane to the north of the single storey dwelling at No. 69 Higher Lane, which is accessed via a long driveway abutting the eastern boundary of the site. Additional properties are located to the west, including the Grade II listed building of No. 73 Higher Lane. Planning permission has previously been granted for a detached two-storey dwelling at the site, which would feature a catslide roof on its eastern side.
5. The proposal seeks permission for a dwelling of the same footprint and siting to that approved, but with a different design, incorporating a continuous double pitched roof with gables. While it would have a comparable ridge height it would therefore introduce additional bulk, resulting in built form at roof level

immediately abutting the driveway to No. 69 and extending in front of the front elevation of that dwelling to a greater extent than the approved scheme.

6. The residential surrounds of the site feature a range of dwelling designs, with numerous two storey double pitched properties. However, even acknowledging surrounding examples of development set back from Higher Lane behind other properties, there nevertheless remains an overall legibility of the dwellings on this side of the road, and a sense of spaciousness among the neighbouring plots alongside which the proposal would primarily be experienced.
7. The approved dwelling at the site ensures that this sense of character would be retained. The catslide roof would limit the overall visual obstruction of the dwelling at No. 69 Higher Lane and, in providing an offset of upper storey built form from the eastern boundary of the site, would retain an sense of spaciousness in the surrounds. Overall, it would read as a well thought design that integrates with, and respects, its immediate surrounds.
8. By contrast, the proposal would have an increased prominence due to the additional upper bulk proposed. Even acknowledging the trees along the boundary with No. 69 and the fencing proposed, in further obscuring No. 69 due to its roof design the proposal would appear as an awkward addition, reducing the legibility of this immediate section of the streetscene and failing to successfully respond to existing surrounding development. In addition, even with the offset of the proposal from the western boundary of the site and its set back from Higher Lane, the placement of the proposed upper storey built form relative to both No. 69 and the eastern boundary of the site would nevertheless create a cramped appearance at this section of the streetscene.
9. The proposal would have a symmetrical appearance and its height, design and materials would be comparable to surrounding dwellings. Nevertheless, for the site specific reasons given, I find that its increased prominence at the site when compared with the approved dwelling, particularly in relation to its placement relative to the dwelling of No. 69 Higher Lane, would be detrimental to the immediate character and appearance.
10. For the reasons given, the proposal would therefore have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policies EN1/2 and H2/1 of the Bury Unitary Development Plan 1997 (the UDP) and Development Control Policy Guidance Note 16 Design and Layout of New Development in Bury (the DCPGN) insofar as they seek to ensure development does not have an adverse effect on character and makes a positive contribution to the form and quality of the area, with regard to: its scale, density and layout; its relationship to the surrounding area; and the position and proximity of neighbouring properties.

Living Conditions

11. The proposal would extend in front of the facing elevation of No. 69 Higher Lane to a greater extent than the approved scheme, projecting in front of a first floor dormer window that facing the site. The appellant asserts that this window serves a bathroom rather than habitable rooms. There is nothing substantive before me to suggest that this would not be the case such that the additional built form relative to the location of this window would not result in detrimental effects to the outlook from a habitable room. In addition, on the evidence, this window is required to be of obscured glazing.

12. Views of the proposal would be possible from the other first floor windows at No. 69 when looking in the direction of the site. However, due to the positioning of the dwelling the main outlook from these rooms would remain unchanged, providing unobstructed views down the driveway associated with the property. Accordingly, there would be no significant harm to the outlook experienced from these spaces. In addition, due to the proposed 2 metre close boarded fence and the presence of existing trees to the rear of the appeal site, views of the additional built form of the proposal would be largely screened from the front garden space of No. 69.
13. I acknowledge that the proposal would result in additional built form through the introduction of a 2 storey gable end abutting the boundary of the appeal site with the driveway of No. 69. From this location this additional bulk would be much more prominent when compared with the catslide roof of the approved dwelling. However, given the long nature of this driveway, and its primary use as an access point to No. 69 rather than dedicated amenity space, I do not consider that the additional built form at a limited section of this driveway would appear unduly overbearing or enclosing.
14. For similar reasons, I do not find that the proposal would result in unacceptable impacts on the living conditions of the occupiers of No. 69 Higher Lane with regard to privacy. The intervening distance between the proposal and this property, in addition to the screening provided along the boundary by the existing trees, would ensure that no undue overlooking of the habitable rooms or amenity space at No. 69 would occur. In addition, the main parties agree that the proposed rooflights, whilst facing across the rear garden of the site, would not have a serious impact on overlooking given their distance from the boundary. Based on my observations, I have no reason to disagree.
15. For the reasons given, the proposal would not have a significant adverse effect on the living conditions of occupiers of No. 69 Higher Lane with regard to outlook and privacy. As such, there would be no conflict with Policy H2/1 of the UDP and the DCPGN insofar as they seek to ensure development makes a positive contribution to the form and quality of the area with regard to the impact of developments on residential amenity.

Other Matters

16. With regard to the listed building of No. 73 Higher Lane to the west of the site, the main parties agree that, as the proposed changes to the approved dwelling are located on the eastern boundary of the site, there would be no resulting significant impact on the setting of this heritage asset. Based on my observations, I have no reason to disagree.

Conclusion

17. I have found that the proposal would not result in significant adverse harm to the living conditions of occupiers of No. 69 Higher Lane with regard to outlook or privacy. This represents a lack of harm, neutral in the planning balance. Even when taken with the other matters outlined above, this would not outweigh the harm identified to the character and appearance of the area.
18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the

appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR



Appeal Decision

Site visit made on 22 April 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/T4210/D/24/3337734

44A Newcombe Road, Ramsbottom, Bury, BL09UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Walker against the decision of Bury Metropolitan Borough Council.
 - The application Ref 70154, dated 3 October 2023, was refused by notice dated 22 January 2024.
 - The development proposed is loft conversion with front and rear dormers.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the dwelling and the area. The appeal site comprises a three bedroomed detached house that has a boxy form and a contemporary appearance, located within a residential area that includes a variety of dwelling sizes and styles. It is set back in the street scene between a two storey semi-detached house and on the other side a two storey building that comprises a shop unit with living accommodation above.
3. The proposed development would extend the ridge height of the existing pitched roof with a loft conversion and dormers to provide an additional bedroom with en-suite bathroom. The bedroom would have two windows to the rear in a flat roof dormer that would extend across most of the rear roof slope. The Council has not raised any objection to the rear dormer which it says could be built as permitted development and would not be prominent in the street scene. From what I have seen, I have no reason to disagree and that part of the proposal would be acceptable.
4. The Council's Supplementary Planning Document 6 'Alterations and Extensions to Residential Properties' requires that dormers facing a highway should not occupy a disproportionately large portion of the roof. In addition, they should be set in at least 0.5 metres from side/party walls and set back at least 1m behind the main wall. The roof of the dormer should be 0.5 metres or more below the main ridge line. Dormer windows should seek to line up vertically with existing windows and match their style and proportions.
5. The two proposed front dormers would sit only very slightly below the main ridge and would be set back only very slightly from the front eaves and set in only very slightly from the side of the roof. Their width and the placement of

windows would not relate well to the existing dwelling. As such, those dormers would appear disproportionate in size and scale to the dwelling which would appear 'top heavy'. Although the dwelling is set back by some 6.6m according to the appellant from the adjacent shop unit and dwelling in the street scene, it is located on a busy road with bus stops adjacent and opposite and can be clearly seen from the street.

6. I have noted the appellants' wish to increase the head height of the loft space and allow the staircase to work above the existing. They say that the dormer size has been designed to accommodate the stairs and if moved or made smaller it will not allow the stairs to work. However, given the size of the dormer to the rear I am not persuaded that there is no other means of achieving that and the additional accommodation provided by the front dormers would be a private benefit that would not outweigh the wider public harm that would be caused in this case.
7. I conclude then that by reason of the size, scale and windows of the front dormers, the proposed development would cause significant harm to the character and appearance of the dwelling and the area. This would be contrary to the Council's SPD referred to earlier and to development plan policy H2/3 in the Bury Unitary Development Plan (1997) which seeks to ensure that extensions and alterations consider the character of the property and the surrounding area.
8. It is not clear to me that the proposed rear dormer is clearly severable from the front dormer and I am therefore unable to issue a split decision.

Conclusion

9. For the reasons given above, the proposal is contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector

**Details of Enforcement Appeal Decisions
between 08/04/2024 and 19/05/2024**



Location: Land at side of 122 Venwood Road & 16 River View Close, Prestwich
M25 CTE (from junction to 220m Butterfield Lane, Prestwich)

Case Ref:
0012 / 23

Issue: Breach of Condition no.2 of Planning Approval 62489, not built in accordance with the approved drawings.

Appeal Decision: Dismissed 29/04/2024



Appeal Decision

Site visit made on 19 February 2024

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2024

Appeal Ref: APP/T4210/C/23/3317629

Land at the side of 122 Venwood Road and 16 River View Close, Prestwich, Manchester M25 9TE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Martin Gerard Wright against an enforcement notice issued by Bury Metropolitan Borough Council.
 - The notice, numbered 23/0012, was issued on 1 February 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a building to be used as a residential dwelling on the land.
 - The requirements of the notice are:
 - a) Demolish and permanently remove the building and all garden structures/retaining walls.
 - b) Following demolition required by step 5 (a) above, remove all resulting materials from the site and reinstate to its former condition.
 - The period for compliance with the requirements is 60 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice is corrected by:
 - (i) deleting the word 'Ventwood' and replacing it with 'Venwood'; and
 - (ii) Deleting '60 days' as the period for compliance and replacing it with '6 months'.
2. Subject to that correction and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

Address

3. The notice incorrectly refers to 'Ventwood Road' rather than 'Venwood Road'. The site targeted by the notice is clear from the map attached to it and I am able to correct this minor error without causing injustice to either party.

Revised drawings

4. The appeal property is a new detached house. It is built in an elevated position, facing Butterstile Lane. A parking area has been created between the house

and the road. The parking area is built roughly at grade with the road and is contained by a retaining wall to the rear. Steps lead up to a pathway which runs along the front of the house.

5. The appellant has submitted drawings showing how the building could be modified. The appellant raises the scheme in respect of the appeal on ground (f) but, since it concerns a revised scheme for which planning permission would be required, it appears to me to be particularly relevant to the appeal on ground (a) and the related deemed planning application.
6. In accordance with section 177(1)(a) of the 1990 Act, under ground (a) I am able to consider granting planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. Comparing the revised scheme with what has been built, the key differences are a reduced eaves height and an extended parking area. It appears fundamentally similar to the scheme enforced against and, at first glance, could be regarded as falling within the scope of s177(1)(a).
7. However, I have concerns about the drawings. In particular, they are not fully annotated with dimensions, and I am consequently unable to understand how the increase in the parking area has been achieved. Since the front of the parking space is contained by the footway, its depth can only be increased by moving the retaining wall to the rear. That would narrow the pedestrian access to the front of the house. But, as the Council points out, the access appears to be wider on the drawing than it currently is on site. Thus, it is not clear whether the revised scheme could actually be implemented. Furthermore, there are no plans to show how the internal layout of the building would be affected by the lowering of the eaves. I cannot, therefore, be sure that that would be a viable change to the building as proposed.
8. Overall, I am not satisfied that I can rely on the drawings either for a modified ground (a) proposal or revised requirement under ground (f). It is important that the enforcement notice creates certainty, and that cannot be achieved with these drawings. I have therefore taken no further account of the drawings in determining the appeal.

Ground (a)

Main issues

9. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - parking and road/pedestrian safety.

Character and appearance

10. Planning permission was granted to construct a dwelling on the site in April 2018. The dwelling now built differs from the permitted dwelling in a number of respects. I am told that it is sited about 1.45 metres further forward and, as a result, there is a reduced parking area at the front. The building is about 0.75m higher and the front elevation has changed, with a bay window feature omitted. Additionally, the pedestrian access arrangements have changed and windows have been added to a side elevation.

11. The higher eaves of the house as built has resulted in an excessive expanse of brickwork above the first-floor windows, resulting in a top-heavy appearance. Furthermore, the front elevation as a whole is bland, lacking variation in form and with minimal detailing to add visual interest. The bay windows of the permitted building would have added visual interest and reflected a characteristic of other dwellings in the locality. The building is highly prominent, occupying an elevated position fronting a road, and it was thus important that a satisfactory design was achieved.
12. I do not share the Council's concern about the location of the steps to the side of the site. I also accept that the siting of the building is in general accordance with the pattern of development on Venwood Road and will have increased the size of the rear garden. Nevertheless, for the reasons given above I find that the building constructed harms the character and appearance of the area. This brings it into conflict with the design aims of policies H2/1 and EN1/2 of the Bury Unitary Development Plan (UDP).

Parking and road/pedestrian safety

13. The scheme as built has created a car parking area with a depth of about 4.55m. This compares to the 6m of the permitted scheme. The house is on higher land and the parking space is contained by a retaining wall. The appellant has provided details of the length of a range of cars which shows that a modest family car, such as a Ford Focus, could fit within the available space. However, I cannot assume that every occupier of the dwelling, either now or in the future, will have only modest-sized cars. Moreover, the retaining wall means that any larger car could only be accommodated by overhanging the footway. Indeed, even a modest car would need to be parked very close to the retaining wall in order to avoid doing so. In practice, it seems likely to me that drivers would tend to leave a gap to the wall to avoid the risk of damaging their car and thereby overhang the footway.
14. Although the footway is reasonably wide at this point, it is plainly desirable that it is retained for its intended purpose, in the interests of the safety and convenience of pedestrians. It is possible that the occupiers of the house could choose not to use the parking space and park elsewhere if necessary, perhaps on Butterstile Lane immediately in front of the property, where there are no parking restrictions. However, that appeared to me to be a reasonably well-used section of road, and is close to a mini roundabout. Consequently, it seems likely to me that people would park at least partially on the footway in order to avoid disrupting the flow of traffic, thereby impinging on the space available for pedestrians. In any event, most car owners are likely to want to make use of the parking space in my view, for their own convenience and for the security of their car. The provision of this space, plainly with car parking in mind, would encourage them to do so.
15. It has not been demonstrated that there is any conflict with local parking requirements. I have been referred to the Council's *Development Control Policy Guidance Note 11 – Parking Standards in Bury*, but this has maximum rather than minimum standards, the maximum for a 4 bedroomed house such as this being 3 spaces. Consequently, there is no conflict with UDP Policy HT2/4, which requires parking provision to be made in accordance with Council standards.
16. In any event, the Guidance Note is now out of date, pre-dating the National Planning Policy Framework (The Framework) and referring to now-cancelled

national policy. In fact, the Framework now discourages the use of maximum car parking standards unless there is clear and compelling justification. Little weight can be attached to compliance or otherwise with the Guidance Note in these circumstances. I am also mindful that the site is located in a reasonably accessible location, with local bus services and a neighbourhood shopping centre nearby. Thus, occupiers of the property need not be wholly reliant on cars for transportation.

17. Nevertheless, the development as built includes unsatisfactory parking arrangements which, in my view, is likely to encourage parking that will overhang the footway. It amounts to poor planning of the site and will potentially lead to conflict with pedestrians. This puts it at odds with UDP Policy H2/2, which requires new residential development to have an acceptable layout, including in terms of car parking provision. There is conflict with the Framework as well, which advises that developments should give priority first to pedestrian and cycle movements and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other considerations

18. Although unoccupied when the notice was issued, I understand that the house is now occupied by a family of 2 adults and 2 children. I am told that they have recently signed a contract to extend their tenancy. Thus, it appears that the family's desire is to remain at the property. I have borne in mind the concern that it could prove difficult to find alternative accommodation in the area, which could cause disruption to work arrangements and the schooling of the children. It appears to me that the best interests of the children will lie in remaining in the area, in alignment with the apparent wishes of the adult family members and in order to avoid disruption to schooling. No planning issue is inherently more important than the best interests of a child.
19. Overall, I have no doubt of the important implications of upholding the notice for the occupiers of the property. Loss of their home would represent a serious interference with their right to respect for their private and family life and home in accordance with Article 8 of the European Convention on Human Rights, as set out in Schedule 1 of the Human Rights Act 1998.
20. However, that is a qualified right. The interference in this case is in accordance with the law, given the provisions of the Town and Country Planning Act 1990. The disruption that compliance with the notice would cause must be weighed against the public interest of ensuring the proper planning of the locality. In my judgement, and bearing in mind also my decision in relation to the ground (g) appeal, dismissal of the ground (a) appeal is a necessary and proportionate response, and would not result in any violation of the rights of the individuals concerned.

Conclusion – ground (a)

21. I have been referred to various other development plan policies, but those I have highlighted are the most relevant in my judgement. The conflict I have found leads me to the view that there is conflict with the development plan as a whole. That conflict is not outweighed by material considerations. Accordingly, the appeal on ground (a) fails.

Ground (f)

22. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the allegation concerns the construction of a building and the notice requires its removal. This is consistent with remedying the breach of planning control in accordance with s174(4)(a). Consequently, I do not regard the requirement as excessive.
23. The appeal on ground (f) is made on the basis that the harm arising from the development could be mitigated by modifying it in accordance with the revised plans submitted. However, as I have already indicated, the plans cannot be relied upon and it is important that the requirements of the notice do not lead to uncertainty. Accordingly, the appeal on ground (f) fails.

Ground (g)

24. The notice specifies 60 days for compliance. In support of this, the Council says that advice was sought from the Building Control department and that similar timeframes have been accepted by the Magistrates Court.
25. Be that as it may, it seems to me that 60 days is a very short timescale for the extent of the work required. It is reasonable to allow the owners the opportunity to get competitive quotes for the work. The selected contractor cannot be expected to start instantaneously and will need to programme in the work. The work required is not insignificant and may take some time to complete.
26. Moreover, since the property is apparently now occupied, it is necessary to allow an appropriate period of time to allow the occupiers to look for alternative accommodation. Given this change in circumstances since the notice was issued, the Council now accepts that a longer period for compliance is appropriate. The appellant suggests a period of 6 months¹. In my judgement, that would strike a proper balance between the needs of the occupiers of the property and practical considerations on the one hand, and the desirability of ensuring the breach of planning control is remedied without undue delay on the other. Accordingly, the appeal on ground (g) succeeds.

Conclusion

27. For the reasons given above, I conclude that the appeal should not succeed on ground (a) or (f). In my judgement, the refusal of planning permission and the requirements of the notice are a proportionate response to the significant harm arising from the breach of planning control that has occurred, subject to a longer period for compliance. I shall uphold the enforcement notice with a correction and variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Peter Willows

INSPECTOR

¹ A period of 9 months is suggested only in the event of success on ground (f)

The Ombudsman's final decision

Summary: We will not investigate this complaint about how the Council dealt with a breach of planning control. This is because the complainant has not suffered any significant injustice.

The complaint

1. Mr X has complained about how the Council dealt with a breach of planning control and its decision not to take enforcement action against his neighbour. He says there have been delays and the Council failed to keep him updated. Mr X says the unauthorised development impacts his privacy.

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 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 Ombudsman's Assessment Code.

My assessment

4. Planning authorities can take enforcement action where there has been a breach of planning control. A breach of planning control includes circumstances where someone has built a development without permission. It is for the council to decide if there has been a breach of planning control and if it is expedient to take further action. Government guidance stresses the importance of effective enforcement action to maintain public confidence in the planning system but says councils should act proportionately.
5. The Ombudsman does not act as an appeal body against enforcement decisions. Instead, we consider if there was any fault with how the decision was made.
6. In this case, the Council looked into Mr X's concerns and agreed the development was unauthorised. However, the Council decided that while a technical breach

had occurred, it was not significant enough to justify enforcement action and removing the decking would not be in the public interest.

7. I understand Mr X disagrees. But the Council was entitled to use its professional judgement to decide not to take enforcement action.
8. Mr X has complained about how long it took the Council to look into his concerns and says it did not keep him up to date. However, I do not consider Mr X has suffered any significant injustice because of the delays and lack of updates as the Council ultimately decided enforcement action was not necessary.

Final decision

9. We will not investigate Mr X's complaint because he has not suffered any significant injustice.

Investigator's decision on behalf of the Ombudsman