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AGENDA FOR

PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

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

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 24 June 2025
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF THE MEETING HELD ON THE 29TH MAY 2025 *(Pages 3 - 4)*

The Minutes of the meeting held on Thursday the 29th May 2025 are attached.

4 PLANNING APPLICATIONS *(Pages 5 - 102)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 103 - 112)*

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 113 - 124)*

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: 29th May 2025

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

Also in attendance: Councillors R Gold, J Rydeheard and A Quinn.

Public Attendance: 4 members of the public were present at the meeting.

PCC.1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PCC.2 DECLARATIONS OF INTEREST

Councillor D Quinn declared a prejudicial interest in relation to the planning application on the agenda 71330, Change of use from restaurant (Use Class E) to 13 bed (single occupancy) House of Multiple Occupation (HMO) (Sui-Generis), excavations to part of rear yard area and installation of steps, insertion of a window and door on rear elevation at Basement level change of rear ground floor doorway to a window, and enlargement of a first-floor window on the side elevation, 12A Whittaker Lane, Prestwich, Manchester, M25 1FX.
This was due to being a local resident and Councillor D Quinn left the meeting during deliberations on this application.

PCC.3 MINUTES OF THE MEETING HELD ON THE 22ND APRIL 2025

Delegated decision:

That the Minutes of the meeting held on the 22nd April 2025 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 71330.

The Committee heard representations from applicants, objectors and Ward Councillors in respect of the applications submitted. This was limited to three minutes for the speaker. Mr A. Quinn spoke at the meeting as a local resident and not as a Ward Councillor.

Delegated decisions:

1. That the Committee **Approved 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 additional condition in relation to seeking bat/bird boxes and impose GMEU recommended informatives and subject to all other conditions included: -

12A Whittaker Lane, Prestwich, Manchester, M25 1FX

Change of use from restaurant (Use Class E) to 13 bed (single occupancy) House of Multiple Occupation (HMO) (Sui-Generis), excavations to part of rear yard area and installation of steps, insertion of a window and door on rear elevation at Basement level change of rear ground floor doorway to a window, and enlargement of a first-floor window on the side elevation

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

89 Wood Street, Bury, BL8 2QU

Change of use from former hot food takeaway with first floor residential flat (Sui Generis/Class C3) to 3 no. bedroom (maximum 4 no. occupants) house in multiple occupation (HMO) (Class C4); External alterations

3. That the Committee **Approved with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report with an additional condition in relation to requiring a Carbon and Energy scheme to be submitted and subject to all other conditions included: -

Unsworth Primary School, Blackley Close, Bury, BL9 8LY

Change of use from F1 to E(f) and reconfiguration of exiting classroom space to form new nursery rooms; Single storey rear extension; Erection of new front canopy with polycarbonate roof; Formation of new car parking area

PCC.5 DELEGATED DECISIONS

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

Delegated decision:

That the report and appendices be noted.

PCC.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 7.50pm)

Title	Planning Applications
To:	Planning Control Committee
On:	24 June 2025
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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

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

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

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

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

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

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

Development Manager

Background Documents

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

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

01	Township Forum - Ward: Tottington	App No. 71758
	Location: Land at side of 31-33 Victoria Court, Ryecroft Avenue, Tottington, Bury, BL8 3GY	
	Proposal: Erection of 1 no. detached dwelling; Alterations to parking areas at front of 31 & 33 Victoria Court	
	Recommendation: Approve with Conditions	Site Visit: N
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02	Township Forum - Ward: Radcliffe - East	App No. 71438
	Location: 53 Bury Street, Radcliffe, Manchester, M26 2GB	
	Proposal: Change of use from care home (Class C2) to 9 bedroom (single occupancy) House of Multiple Occupation (HMO) (Sui Generis)	
	Recommendation: Approve with Conditions	Site Visit: N
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03	Township Forum - Ward: Whitefield + Unsworth - Pilkington Park	App No. 69495
	Location: Land at Old Hall Lane, Whitefield, M45 6TN	
	Proposal: Proposed burial ground	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: Prestwich - Sedgley	App No. 71520
	Location: 65 Windsor Road, Prestwich, Manchester, M25 0DB	
	Proposal: Change of use from shop to restaurant and the retention of extract flue and AC unit	
	Recommendation: Approve with Conditions	Site Visit: N
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Ward: Tottington

Item 01

Applicant: Mr & Mrs Delaney

Location: Land at side of 31-33 Victoria Court, Ryecroft Avenue, Tottington, Bury, BL8 3GY

Proposal: Erection of 1 no. detached dwelling; Alterations to parking areas at front of 31 & 33 Victoria Court

Application Ref: 71758/Full

Target Date: 20/06/2025

Recommendation: Approve with Conditions

Description

The site relates to a vacant and level piece of land and part of the side garden to No 33 Victoria Court. Victoria Court is a gated residential development built circa 2002, comprising a block of 3 storey apartments, mews and semi detached houses which are accessed via Ryecroft Avenue.

To the north is the boundary to Tottington High School, to the east is a slope down to Black Brook watercourse, beyond the southern boundary are terraced houses on New Street which are approximately a storey lower than the site and to the west is Victoria Court and the access through this development.

The site itself is overgrown with scrub and self-seeded vegetation and trees although most of the trees are located outside the development site on the slope next to the watercourse to the east.

The application seeks 1 no x 4 bed detached dwelling with alterations to the parking at the front of Nos 31 and 33 Victoria Court.

The dwelling would be positioned on the level land adjacent to No 33, approx 5m from their side elevation separated by a new 2.8m high boundary fence and would follow the front and rear building lines of this pair of semi detached houses. Three parking spaces would be provided on a new drive at the side and front of the new dwelling.

There would be a rear garden of 10m long and access down both sides of the property where bins would be stored.

A fence would be erected along the eastern boundary on top of the slope, running parallel to the side of the new property, beyond which would be a row of 6 new trees.

The dwelling would be two and a half storeys high, with living accommodation at the ground floor, 3 bedrooms at first floor and the master bedroom en-suite in the roof space.

Elevations would comprise red brick with a tiled roof, with modern Upvc window openings and a piked roof feature detail on the front elevation.

At No 33 Victoria Court, an access path would be maintained down the side of the property with the garden area located at the rear extending 10m to the boundary.

Parking for Nos 31 and 33 would be slightly reconfigured at the front, with 3 spaces provided for each house.

Relevant Planning History

02959/E - Proposed development of 2 no family dwellings on vacant land - Enquiry completed 1/8/2024

Publicity

Letters sent to 37 properties on 28/4/25

Site notice posted 8/5/25.

Six objections and 1 support have been received

Objections

- The additional traffic another dwelling will generate will have a detrimental impact on what is a quiet residential area.
- Believe we have reached the maximum number of properties in this small area.
- There is already a partially vibrant feel to the Court which is good but this would be tipping the balance to a negative effect.
- Construction will disruption affecting elderly and vulnerable disabled people, some severely disabled residents living on Victoria Court.
- Children play in the court constantly. Adding an extra residential entrance, which will presumably be obscured by existing houses, will make the passage of extra traffic dangerous to the children.
- Do not see how another property on this quiet residential area would be a good or valuable addition for the current immediate surrounding owners.
- The access from Market Street along Ryecroft Avenue to Victoria Court is congested at most times of the day by vehicles parking on both sides of the road.
- There would be no parking for any construction vehicles, or workmen's vehicles on Victoria Court as all spaces are designated parking spots given under lease agreements to residents.
- It is my understanding that only numbers 31 and 33 Victoria Court together with all utilities have right of way access through Victoria Court.
- In the event that this application is approved then there should be full consultation with residents and town planning regarding the above issues.
- Is it even their land to build on? Their fence has moved gradually outwards over the years, land grabbing. Check that out please.
- The probable damage to Black Brook where the culvert is already in danger of collapsing (again).
- There would be no possible garden space without encroaching on other people's spaces or overlooking gardens on Bury Road, so not really a "family home".
- Japanese knotweed everywhere - unless they're to dig it all out of course!

Support

- Lovely area for a new family home.
- Full support of the proposed development to build a family home within the residential courtyard.
- The proposed home will enhance the vibrancy and vitality of the neighbourhood by introducing new residents and making full use of an existing plot.
- The inclusion of appropriate parking and access arrangements demonstrates that the development has been carefully planned to respect the needs of both future occupants and current neighbours.
- This application strikes the right balance between progress and preservation, and I fully support its approval.

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

Statutory/Non-Statutory Consultations

GMCA - Minerals and Waste consultations - No objection

Traffic Section - No objections subject to conditions.

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to conditions

Waste Management - No response received

United Utilities (Water and waste) - No objection. Identify a public sewer crosses the site

Greater Manchester Ecology Unit - No objection subject to conditions/informatives

Pre-start Conditions - Agreed

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/4	Groundwater Protection
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S3	Heat and Energy Networks
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 - Housing

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

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

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

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

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

Housing Delivery Test

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

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

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

As a result of the latest published HDT result the 'tilted balance' applies and planning

permission should be granted unless the above points Para 11(d) i or ii apply.

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

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The site is located in an urban and residential area, sits outside the Green Belt and would not conflict with the local environment in terms of surrounding land uses and character of development for residential purposes. There is existing infrastructure in place to facilitate the development.

The proposal for residential development is therefore considered acceptable and would comply with the principles of the NPPF, PfE and UDP Policies.

Density

NPPF paragraph 130 seeks to ensure the efficient use of land, and to avoid homes being built at low densities.

PfE 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. It sets out minimum densities that should be considered. The site falls in an area where a minimum density of 50 dwellings per hectare should be had regard to. For this site, 1.9 dwellings (rounded up to 2) should be provided.

The policy states that lower densities may be acceptable where they can be clearly justified by:

- Local housing market issues, such as a demonstrable need for a particular type of housing that cannot be delivered at a higher density; or
- Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.

In relation to site specific issues, the nature and proximity of the steep banking to the brook would require some form of stabilisation works and utilising more land at the side would have potential impacts on its ecological value and natural character of the site and would require further encroachment of garden to No 33. A single dwelling would minimise the impact on the existing dwelling and keep the footprint away from the banking.

Whilst the proposed development is below the density set out in policy JP-H4, it is considered that the proposed density would be acceptable in view of the character and setting of the site.

Layout

Policy JP-H3 - Type, size and design states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and
2. 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 provided a space standard table to demonstrate the dwellings would comply with Nationally Described Space Standards.

A condition would be included that the dwelling be built to accessible and adaptable standards in accordance with Part M4(2) of Building Regulations.

The site is located directly adjacent to the side of Nos 31 and 33 Victoria Court which are located at the far eastern end of this residential development at Victoria Court. The footprint of the new dwelling would align with front and rear building lines of the adjacent houses with the driveway extended from the cul de sac to form 3 parking spaces.

At the rear, the garden would extend 10m to the boundary with the High School, similar to the adjacent properties and would comply with policy guidance for acceptable amenity space.

Where the land starts to fall away to Black Brook watercourse, to the south east, a fence would be erected to separate the new dwelling and the slope with a row of trees planted along this new boundary. The remaining part of the sloped land near the watercourse would be planted with native trees, shrubs and wildflowers in accordance with the landscaping scheme. It is also proposed to plant a hedge behind the drive and parking to soften and screen this part of the site.

The site is located in a corner and the far end of Victoria Court and given the development for 1 no dwelling, its position and alignment with Nos 31-33 together with the separations from the surrounding land uses to the north, east and south, the proposed development is considered acceptable and would comply with Policies H2/1, H2/2, JP-H3 and JP-H4.

Design and appearance

The proposed dwelling would be two and a half storeys in height, following the ridge height and footprint building lines of the adjacent properties and as such considered to integrate with the scale of the surrounding development and streetscene.

The front elevation would incorporate a piked roof feature and large window openings to the front and rear would portray a modern and contemporary approach. Materials are proposed as red brick and tiled roof and a condition for the submission of materials would ensure the new dwelling would assimilate within the street scene.

Given the setting of the proposed dwelling within the context of the site and streetscene the design and appearance of the dwelling is considered acceptable and would comply with Policies H2/1, EN1/2 and JP-H3.

Impact on the surrounding area

Located within a corner of the Victoria Court development, the nearest properties would be the semi-detached houses, Nos 31 and 33.

There are 4 non-habitable or secondary room windows on the side elevation of No 33 and as such not significantly affected by the position of the adjacent new dwelling and would comply with SPD6.

The driveway and parking for Nos 31 and 33 would be reconfigured to ensure adequate

parking for each of these properties would continue to be provided without obstructing or restricting access to the new dwelling.

In terms of separation distances to other surrounding properties, there would be a distance of over 30m to the houses on New Street to the south west and more than 25m to the houses and their gardens on Brookwater Close.

To the rear of the site are the grounds of Tottington High School 10m away and as such separations would be acceptable.

It is therefore considered that the proposed development would not have a significantly harmful impact on adjacent occupiers or those living at Victoria Court.

The proposed development would therefore accord with Policies H2/1, H2/2 and EN1/2.

Highway issues

The development proposes 3 parking spaces for the new 4 bed property which would comply with the guidance in SPD11. The driveways to the adjacent houses Nos 31 and 33 would be reconfigured to similarly provide 3 spaces each.

Some of the objections raised by neighbours refer to the increase in traffic and parking which would be generated by the additional dwelling. Given the proposal would be for only one property within Victoria Court, it is considered that the scale of development would not add significantly to traffic in the area or in Victoria Court itself or parking pressures in the area.

In terms of construction traffic, whilst there would be some disruptions within Victoria Court and access to it, this would be temporary and for a short period of time. The applicant would be required by condition to submit a Construction Traffic Management Plan (CTMP) for approval to ensure the site would be built out safely and with minimum impacts on neighbours from vehicles entering and leaving the site and from the parking of operatives vehicles and storage of materials for the development.

The Highway authority have raised no objections subject to conditions for a CTMP and provision of the parking and turning facilities.

It is therefore considered the proposed development would be acceptable and comply with Policies JP-C5, JP-C8 and HT2/4.

Ecology

Bats

The Preliminary Ecological Appraisal (CCNW - Feb 2025) assessed the trees and shrubs on the plot to be developed as having negligible potential to support roosting bats. GM Ecology Unit (GMEU) have no reason to question the findings of the ecologist and no further surveys for bats are required.

An informative is suggested that if a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Bats & lighting

Artificial lighting can affect the feeding and commuting behaviour of bats. Bats have been recorded foraging along the brook and are likely to use the retained trees on site for commuting.

As the development is for a single residential dwelling and not a commercial business where lighting may cause an issue to bats, a condition to restrict domestic lighting is not considered necessary or reasonable in this instance.

Birds

The vegetation on the site had the potential to support nesting birds.

GMEU recommend a condition be added to restrict the removal of vegetation between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works.

Black Brook - Construction Runoff

While Black Brook is not registered as a Main River, GMEU advise the submission of a Construction Environmental Management Plan (CEMP) to protect the Black Brook from accidental spillages, runoff, dust and debris. This can be conditioned.

Invasive Species

The Preliminary Ecological Appraisal identified Giant Blackberry *Rubus Armeniacus* and Himalayan Balsam were present on site.

A condition is recommended for a method statement detailing eradication or avoidance measures for Himalayan balsam and Giant Blackberry.

Amphibians and mammals

The applicant's ecologist has recommended reasonable avoidance measures for amphibians and hedgehog. GMEU are satisfied with this approach which can be conditioned.

Biodiversity Net Gain

The information submitted with the application includes Biodiversity Net Gain (BNG) report and statutory Biodiversity Metric from CCNW (Feb 2025).

The appraisal found the site had some ecological value, consisting of grassland, scrub and trees.

GMEU have examined the Biodiversity Net Gain (BNG) metric spreadsheet and are satisfied with the calculations provided.

After construction of the development, on site biodiversity remediation and the 10% net gain requirement there is due to be a deficit of 0.42 Area Habitat units and a gain of 0.06 linear hedgerow units;

The unit deficit would need to be purchased off site. Given the maturing off site BNG market, this appears to be a realistic achievement for the site and therefore the LPA can be reasonably confident that the statutory biodiversity requirements could be discharged.

GMEU would not consider the on site biodiversity mitigation/enhancement to be significant but a Habitat Management and Monitoring Plan should be conditioned.

If approved, the Biodiversity Gain Plan (BGP), Habitat Management and Monitoring Plan (HMMP) and metric should be updated to show how the biodiversity gain will be managed and achieved over the next 30 years and approved by the LPA, before any condition can be released.

For guidance the HMMP should include;

- Description and evaluation of features to be managed.
- Aims and objectives of management.

- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period and for a minimum total period of 30 years).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

It is therefore considered that subject to conditions, the proposed development would be acceptable and would comply with the principles of the NPPF and Policy JP-G8.

United Utilities

Identify a public sewer crosses the site and building over it would not be permitted. It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact the proposed site. The applicant has been made aware of UU's response. This is a private matter for the applicant to address this constraint but would not stop the grant of a planning permission.

The applicant has since provided a United Utilities plan to show that UU have already undertaken work to realign existing culvert which flows into a water course and the applicant has confirmed that no assets run under the application site.

In terms of drainage, UU encourage all developments to include SuDS and advise the applicant consider their drainage plan in accordance with the drainage hierarchy of the NPPF.

Greater Manchester Minerals and Waste team

The Greater Manchester Minerals Plan (adopted 2013) forms part of Bury's Development Plan and sets out policies relating to minerals, including the safeguarding of mineral resources.

The proposed development is located within a Mineral Safeguarding Area for sand and gravel, sandstone, surface coal and brick clay and therefore Greater Manchester Minerals Plan Policy 8 - Prior Extraction of Mineral Resources Within Mineral Safeguarding Areas is relevant. This policy seeks to protect mineral resources from sterilisation by other forms of development. Policy 8 sets out a number of exemptions (criteria i-viii) for when the safeguarding policy is not relevant, but none apply here. Policy 8 sets out that proposals for non-mineral development within the Mineral Safeguarding Areas that do not allow for the prior extraction of minerals will only be permitted in certain circumstances (criteria 1 - 4). The application does not appear to make any reference to safeguarded minerals or Policy 8.

It is noted however that the proposed development site is relatively small and constrained by proximity to existing dwellings and a school. It is unlikely that prior extraction of any mineral would be feasible in this case and there are no objections in terms of Minerals Plan Policy 8.

Carbon and Energy

Policy JP-S2: Carbon and Energy - requires development to be net zero carbon with regard to operational carbon emissions and achieve energy demand reductions in accordance with the criteria in policy JP-S2.

The proposals would involve the use of wall, floor and roof elements that incorporate high levels of insulation, as well as high efficiency heating, lighting and electrical systems which are all to be installed in accordance with the requirements of Approved Document Part L of the Building Regulations (England) 2021.

The proposed house will utilise a fabric first approach with high efficiency heat pump technology to achieve compliance with Approved Document Part L1.

The proposed development is therefore considered acceptable and in compliance with policy JP-S2.

Digital connectivity

Policy JP-C2: Digital Connectivity - requires all new development to have full fibre to premises connections unless technically infeasible or unviable.

The applicant states the development would connect to the Ultrafast broadband which is available in the area.

The proposed development is therefore considered acceptable and in compliance with JP-C2.

Response to objections

- Rights of access are private matters and not material planning considerations
- The development would provide adequate parking in line with SPD11
- It is considered that the scale of development for 1 no dwelling would not significantly add to traffic or put pressure on parking in the area.
- The applicant has signed certificate B and served notice on all other properties on Victoria Court.
- The submitted ecological assessment identified the invasive species, Giant Blackberry *Rubus Armeniacus* and Himalyan Balsam were present on site. A condition (condition 7) has been added for the submission of a method statement detailing eradication or avoidance measures.
- All other issues 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 numbered -

Site location plan R0823-00 rev A
Proposed site plan R0823 01 Rev C

Proposed dwelling floor plans and elevations R0823-02 rev A
Site sections R0823-03 Rev A
Existing site plan R0826-04
Arboricultural Survey TCP/5239/Y/100
Proposed landscape plan by dwg 7593.01 by tba
Construction Environmental Management Plan R0823-05

Preliminary Ecological Appraisal, Bat Roost Assessment and BNG Draft Plan
dated 26/2/2025 ref JE8459-25
Digital connectivity statement
Carbon and energy statement
Phase 1 Desk Study by GeoAssist Nov 2024
Construction Environmental Method Statement dated 3rd June 2025

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

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

3. Prior to any above ground works, details/samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design
4. No tree or shrub clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. No development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement via a Construction Environmental Management Plan (CEMP) to protect the Black Brook from accidental spillages, runoff, dust and debris has been supplied to and agreed by the Local Planning Authority. All measures shall be implemented and maintained for the duration of the construction period and for future operations in accordance with the approved details.
Reason. Information not submitted at application stage. To ensure a safe and satisfactory development of the site in relation to the protection of the adjacent watercourse from any pollutants and construction disturbance which may cause risk, pursuant to chapter 15 - Conserving and enhancing the natural environment of the NPPF.
6. Prior to any earthworks, vegetation clearance or demolition a method statement detailing eradication or avoidance measures for Himalayan Balsam and Giant Blackberry should be supplied to and approved in writing to the Local Planning Authority. The approved method statement shall be adhered to and implemented in full.

Reason. Information not submitted at application stage. To ensure the safe and satisfactory development of the site pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

7. Prior to development a reasonable avoidance measures method statement (RAMS) for amphibians and small mammals shall be provided to and approved in writing by the Local Planning Authority. The mitigation measures recommended in the RAMS shall be implemented prior to the commencement of the development and shall thereafter be retained for the duration of the construction of the development hereby approved.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 – Features of Ecological Value and JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and Section 11 of the National Planning Policy Framework.

8. The Biodiversity Gain Plan shall include:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.

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

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

has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and

2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

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

11. Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

12. No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the Local Planning Authority for approval:

I. Preliminary Risk Assessment (PRA). Submission of this document is the minimum requirement.

II. Generic Quantitative Risk Assessment (GQRA). Submission of this document only if PRA requires it.

III. Detailed Quantitative Risk Assessment (DQRA). Submission of this document if GQRA requires it.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

13. No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:
In accordance with the findings of site characterisation and risk assessment as previously approved, documents from the following shall be submitted to the Local Planning Authority for approval:

I. Remedial Options Appraisal.

II. Remediation Strategy.

III. Verification Plan.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

14. The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:
Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.
A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.
Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

15. Prior to occupation the applicant shall provide:

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space.
- Details of the proposed EV charging points to be installed including the information sheet detailing the make and model, to demonstrate that they meet the required specification.
- Evidence of the installation of the chosen EV charging points, such as photographs.

The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

16. The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.

Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

17. In addition to the measures and facilities indicated in the approved 'Construction and Environmental Method Statement' to be implemented, no development shall commence unless and until the following additional details have been confirmed:

1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site access from Ryecroft Avenue and the private access route from Ryecroft Avenue to the site in the event that subsequent remedial works are

required following construction of the development and as a result of any statutory undertakers connections that may be required to/within the site;

2. Access route for all construction vehicles to the site from the Key Route Network utilising the section of Ryecroft Avenue between the access to Victoria Court and Market Street;

3. All temporary works that may be required to facilitate access for construction vehicles and retain access for existing residents;

4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;

5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Ryecroft Avenue;

6. Confirmation of delivery & construction vehicle sizes that can be accommodated on/enter and leave Victoria Court in a forward gear and number of vehicle movements;

7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and measures to control/manage delivery vehicle manoeuvres;

8. Parking on site or on land within the applicant's control of all operatives' and construction vehicles;

9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site in the event that the measures proposed are not sufficient, and measures to minimise dust nuisance caused by the operations.

The submitted and approved details shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and private shared access, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, all in the interests of highway safety pursuant to Policies EN1/2 and JP-C8.

18. The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policies H2/2 and JP- C8.

19. The car parking alterations indicated on the approved plans shall be surfaced, demarcated and made available for use prior to first occupation of the dwelling hereby approved and thereafter maintained at all times

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

20. The refuse storage and access arrangements to be provided within the curtilage of the site for the new and existing dwellings shall be made available for use prior to first occupation of the dwelling hereby approved and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within

the curtilage of each dwelling pursuant to policies EN1/2 and JP-C8.

21. The proposed air source heat pump shall comply with MCS Planning Standards, and the volume of the air source heat pump's outdoor compressor unit (including any housing) shall not exceed 0.6 cubic metres.

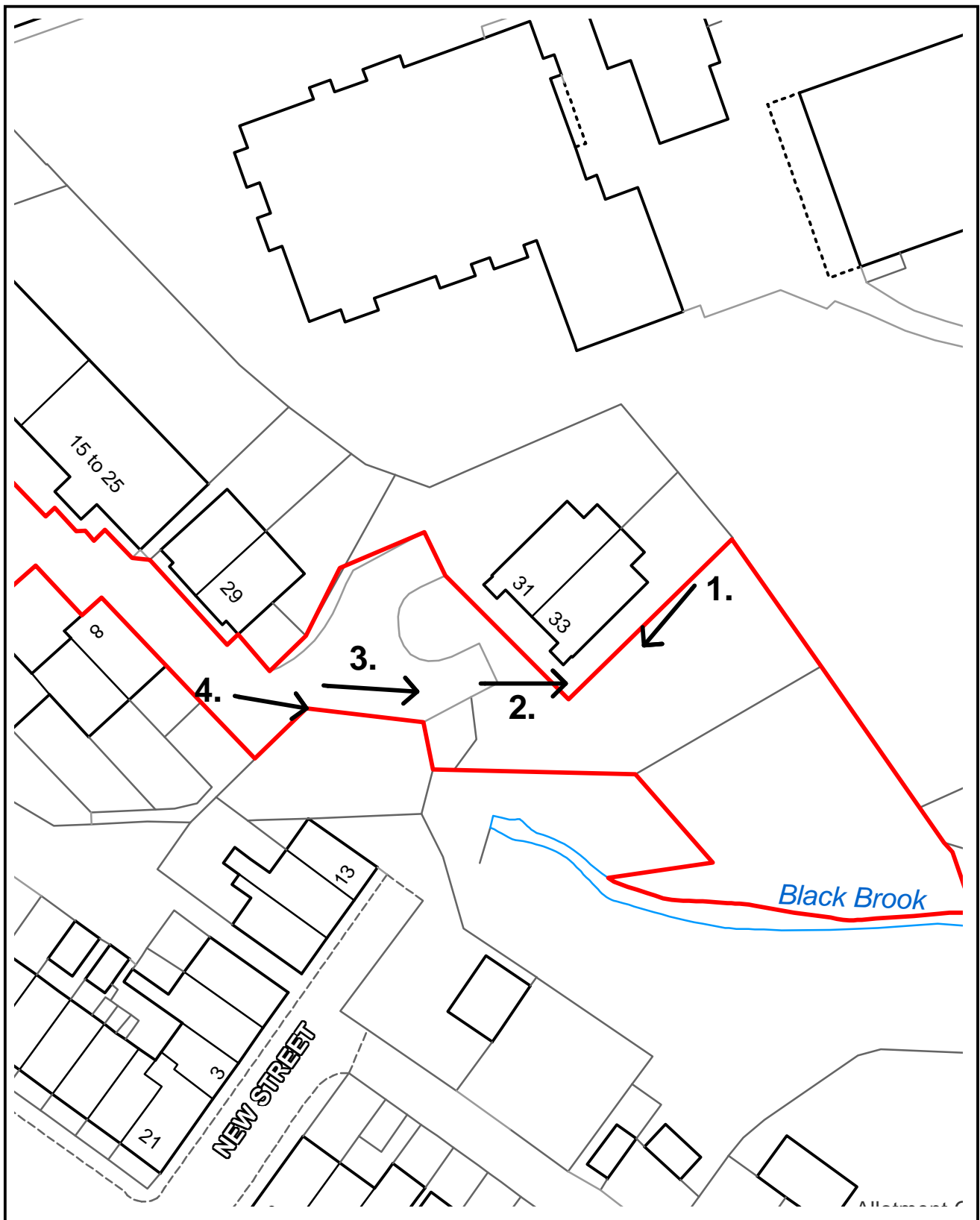
Reason. No details have been submitted with the proposed application and to protect the amenity of neighbouring occupiers pursuant to Development Plan Policy EN7/2 - Noise Pollution.

22. The landscaping scheme hereby approved shall be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season, whichever is the sooner. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy JP-G8.

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

71758 - Viewpoints



Land at side of 31-33 Victoria
ADDRESS: Court, Ryecroft Avenue,
Tottington, Bury, BL8 3GY



Bury
Council

Planning, Environmental and Regulatory Services

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71758

Photo 1



Photo 2



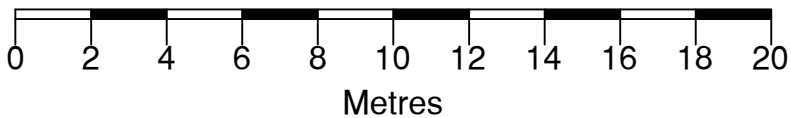
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Photo 3



Photo 4





CH	Cable Height
CL	Cover Level
DK	Drop Kerb
EH	Eaves Height
GU	Gully
IC	Inspection Cover
LP	Lamp Post
MH	Man Hole
RH	Ridge/Roof Height
TF	Top of Fence
TW	Top of Wall
WL	Water Level
WV	Water Valve

A diagram showing a light ray entering a triangular prism from the left. The ray bends towards the normal as it enters the denser medium (the prism) and bends away from the normal as it exits the prism on the right side. The incident ray, the refracted ray inside the prism, and the emergent ray are all shown.

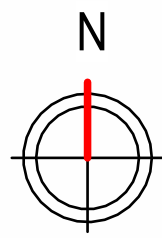
Site Address
Victoria Court
Bury
BL8 3GY
Project Description
Site Survey

Drawing Title

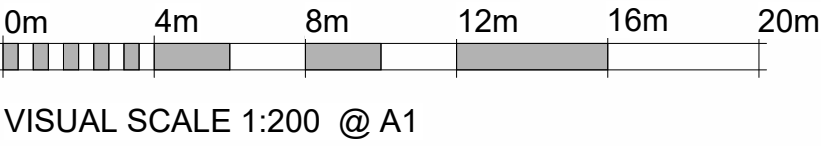
Existing
Site Layout

Scale 1:200@A1	Date 19/12/2014	Drawn By JB
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TRI-4662-01



Proposed Site Layout
1:200



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Do not scale from this drawing.

All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architect for clarification.

All materials and workmanship to be in accordance with the current British Standards and codes of practice.

This drawing is to be read in conjunction with all relevant Architectural, Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.

As with all construction projects the CDM 2015 regulations apply and the work on this project may require both the issue of a notification to the HSE (because of the duration of the works on site) and the client may also need to appoint a Principal Designer because there may be more than one contractor working on site.

The Principal Designer will be able to coordinate the pre-construction information and also ensure that all duty holders under CDM comply with their relevant duties.

The building owner is to serve a Party Wall Act Notice as applicable to adjoining property owners as outlined in The Party Wall Act 1996. The Building Contractor is to verify the thickness of the party walls prior to commencement of the proposed works.

Schedule of Accommodation:

Type	Accommodation	sqm	sqft	no
A	4B7P House	157	1690	1

Car Parking - 300%

DRAWING STATUS:			
Rev	Description	Check	Date
B	Fence line revised to allow for BNG mitigation		12.02.2025
C	Parking to no 31 revised		03.06.2025

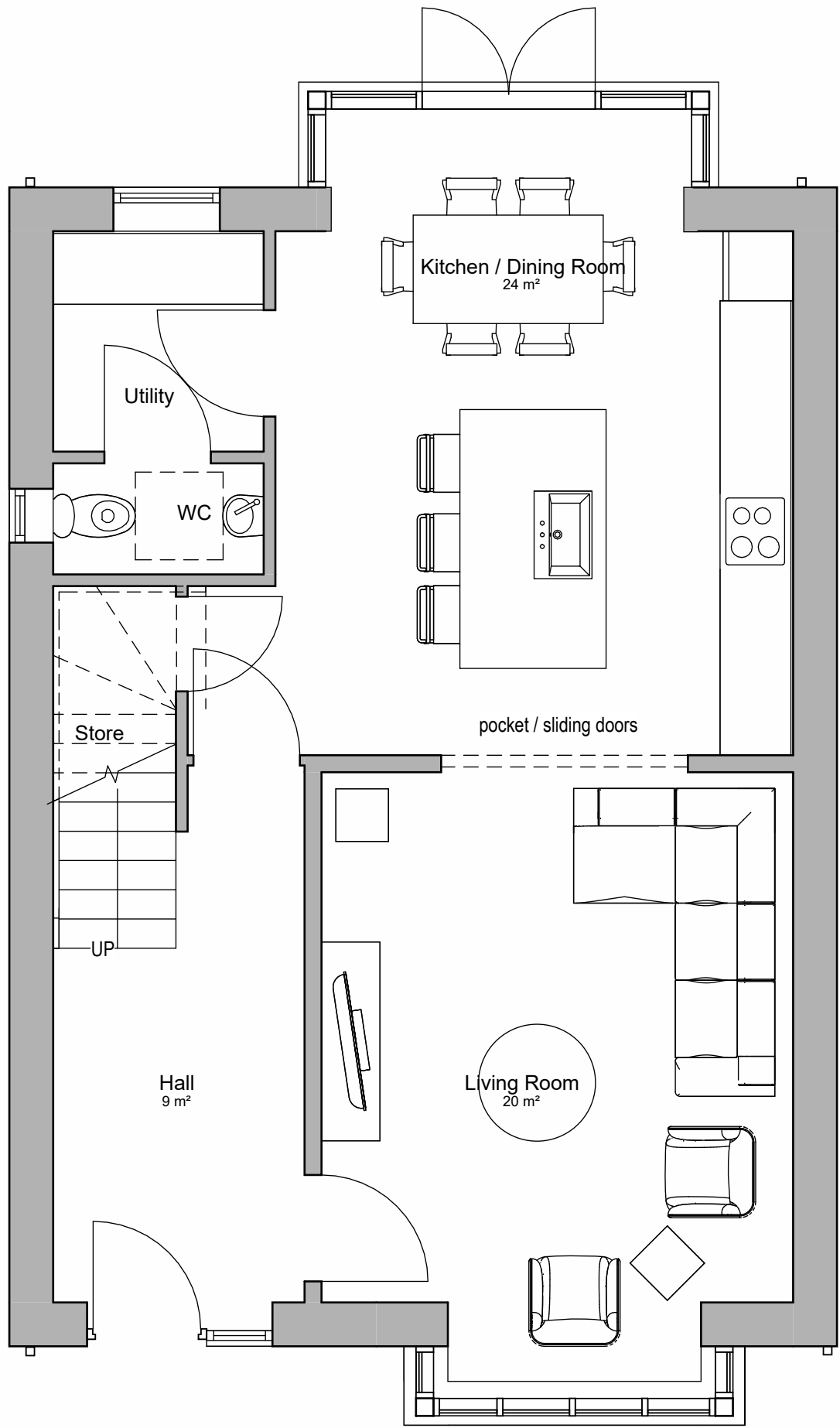
CLIENT:
Mrs A. Delaney

PROJECT:
Victoria Court, Tottington

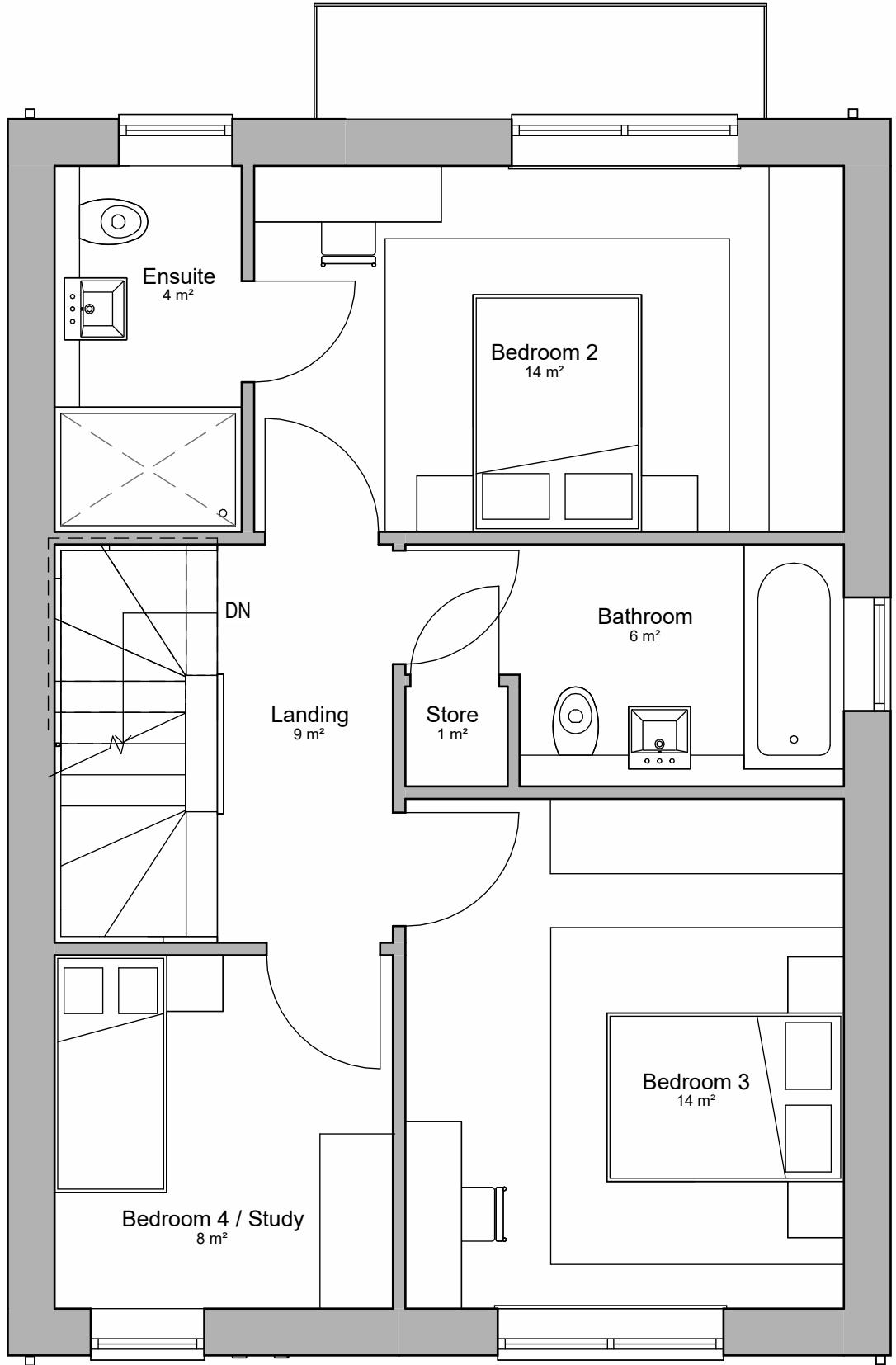
DRAWING:
Site Layout

SCALE: AS A1: 1 : 200	DATE: 13/11/2024	DRAWN: KS	CHECKED: RS
DRAWING NO: R0823-01	CAD REFERENCE NO:	REVISION: C	

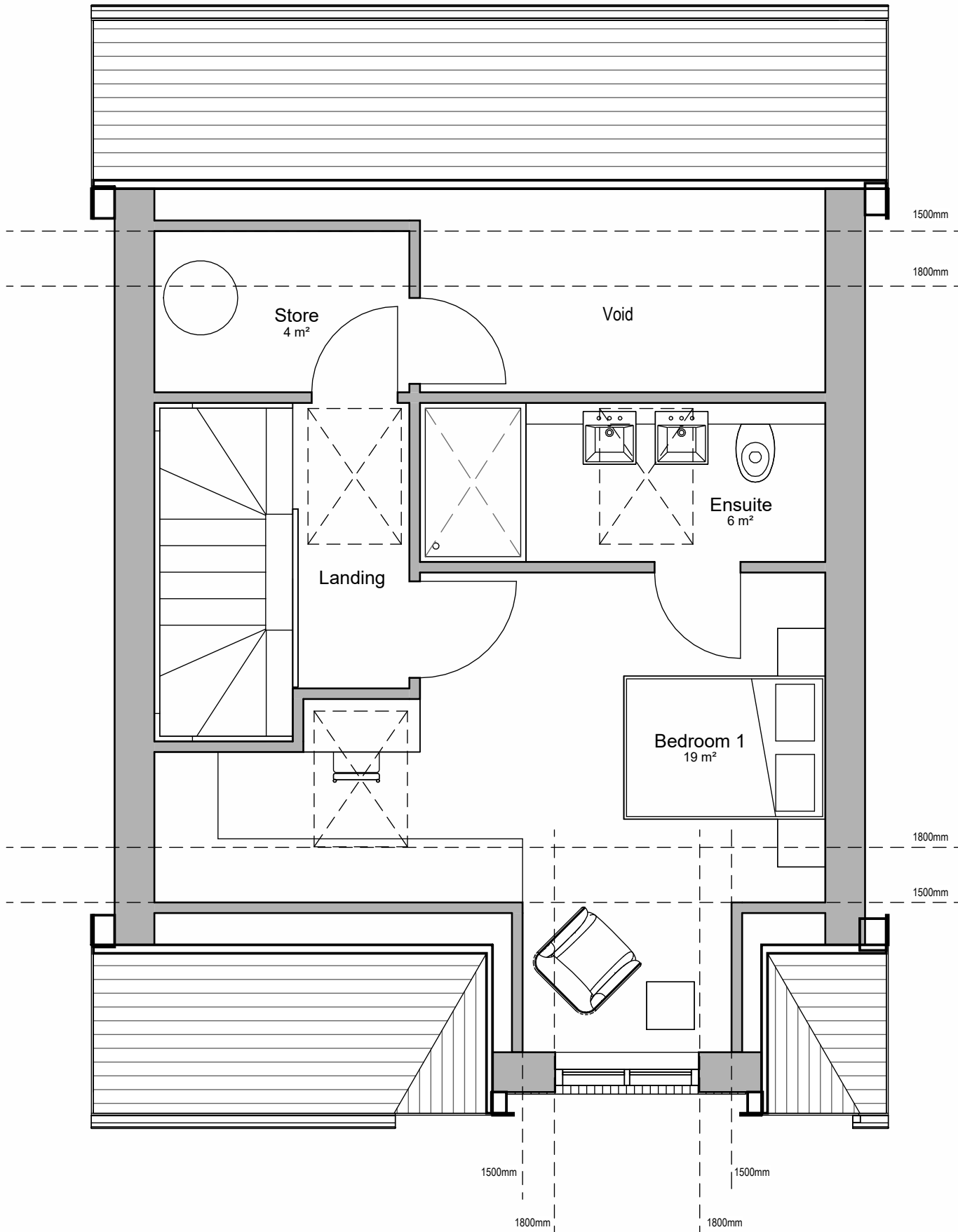




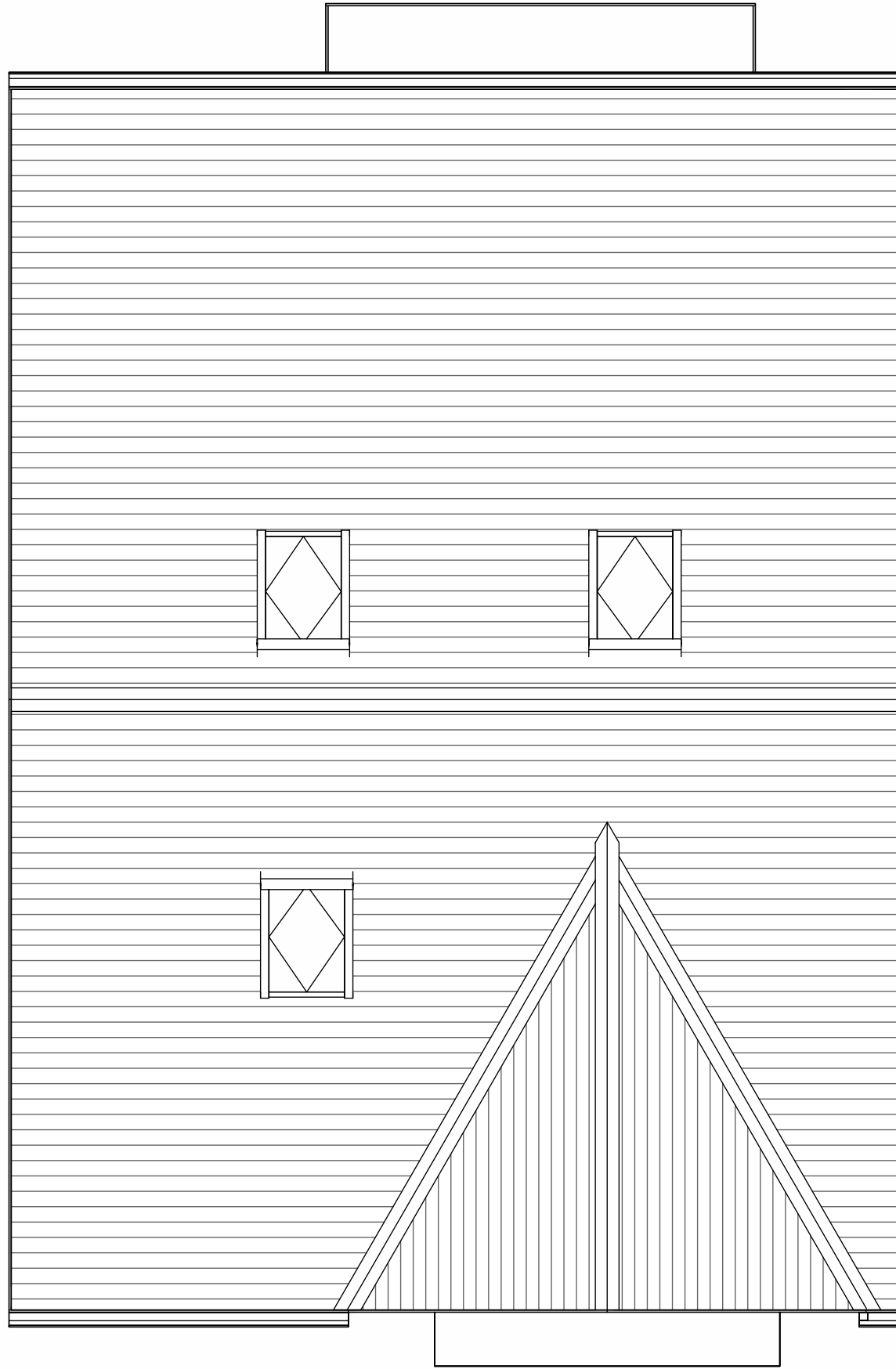
00 - Ground Floor
1:50



01 - First Floor
1:50



02 - Second Floor
1:50



03 - Roof
1:50

NOTES:

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This drawing is to be read in conjunction with all relevant Architectural, Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.

As with all construction projects the CDM 2015 regulations apply and the work on this project may require both the issue of a notification to the HSE (because of the duration of the works on site) and the client may also need to appoint a Principal Designer because there may be more than one contractor working on site.

The Principal Designer will be able to coordinate the pre-construction information and also ensure that all duty holders under CDM comply with their relevant duties.

The building owner is to serve a Party Wall Act Notice as applicable to adjoining property owners as outlined in The Party Wall Act 1996. The Building Contractor is to verify the thickness of the party walls prior to commencement of the proposed works.

House Type A

4B7P
157.05sqm - 1690.47sqft

NDSS Checklist:

	Required	Actual
Size	121.00sqm	157.05sqm
Bedroom 1 Width	2.75m	3.11m
Bedroom 1 Area	11.50sqm	18.79sqm
Bedroom 2 Width	2.55m	2.93m
Bedroom 2 Area	11.50sqm	13.87sqm
Bedroom 3 Width	2.25m	3.52m
Bedroom 3 Area	11.50sqm	14.73sqm
Bedroom 4 Width	2.15m	2.71m
Bedroom 4 Area	7.50sqm	7.55sqm
Storage	3.00sqm	6.20sqm



Front Elevation
1:50



Left Gable Elevation
1:50



Rear Elevation
1:50

DRAWING STATUS:			
Rev	Description	Check	Date
A	Ensuite added for bedroom 2		17.02.25

CLIENT:
Mrs A Delaney

PROJECT:
Victoria Court, Tottington, Bury

DRAWING:
House Type A

SCALE 1/41: 1 : 50	DATE: 08/11/2024	DRAWN: KS	CHECKED: RS
DRAWING NO: R0823-02	CAD REFERENCE NO:	REVISION: A	



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Ward: Radcliffe - East

Item 02

Applicant: Mr Usman Ali

Location: 53 Bury Street, Radcliffe, Manchester, M26 2GB

Proposal: Change of use from care home (Class C2) to 9 bedroom (single occupancy) House of Multiple Occupation (HMO) (Sui Generis)

Application Ref: 71438/Full

Target Date: 03/03/2025

Recommendation: Approve with Conditions

Description

The application site sits directly opposite the junction of Rectory Close/ Bury Street, Radcliffe.

It is a detached building, historically a Public House, located between two rows of terraces on Bury Street, opposite the junction with Rectory Close. The land to the rear of the application site contains the grounds of Radcliffe Close Methodist School and Bealey Community Hospital.

The application property has a rear garden area containing a hardstanding area abutting the rear elevation of the property and a grassed area extending to the rear of the application site. The garden and yard area contains 6 mature/ semi-mature Sycamore trees which are positioned along the rear and side boundaries of the site.

Planning permission is sought to change the use of the property from a 9-bedroom Care Home (Use Class C2) to a 9-bedroom (single occupancy) House of Multiple Occupation (HMO) (Sui Generis). The application was initially submitted seeking a 10-bedroom HMO, but the applicant has reduced the proposal to the 9-bedroom HMO being considered.

The internal layout of the property would be as follows:

Ground Floor: 3 bedrooms, one of which would be en-suite, an office, a kitchen, a living room and a separate shower/ W/C room.

First Floor: 5 bedrooms with a bathroom, that future occupants would share. This floor would remain as the existing property is currently laid out.

No external alterations are proposed to the building.

To the rear of the property, it is proposed to remove part of the rear garden area and reduce its level in order to provide parking for four cars and to provide an external amenity area and refuse storage provision for the use proposed. The proposal seeks to retain all except one of the trees.

Relevant Planning History

26103 - Change of use of light industrial premises to care home. Approved, 05/09/1991.

Publicity

The application has been advertised by Site Notice on the 29/01/2025, and 14 no. neighbouring properties and businesses were notified by letter on the 14/01/2025. Neighbours have not been notified of the proposed reduction to 9 single occupancy bedrooms.

7 representations have been received raising the following objections:

Concentration of HMOs and associated issues

- Raises concerns about the number of HMO properties within the town and the impact this is having on streets, residents and local resources.
- Asserts approving another HMO would add to challenges already being faced by existing residents; on-street car parking, anti-social behaviour and the character of the area.

Parking and Highway Safety

- Queries where the cars of up to 10 occupants, would park, and raises concern that there is a lack of parking provision in the locality, particularly when Close Park is in use.
- States that there is no parking around that area,
- States that there is already an HMO built on Sandford Street, without parking provision and asserts that the residents of that property have taken up significant parking spaces on Sandford Street, displacing Sandford Street residents.
- Advises parking is already at capacity in the area
- Raises concerns that the parking on Bury Street on the blind bend as existing is unsafe and raised concern that future occupants would make the dangerous parking situation worse.
- Advises that there is an application just up the road for 400 dwellings, and questions how the street and the area would cope with so much traffic, parking and congestion, including by this proposal, stating that it is putting the school children in danger already as they have to walk into the road.
- Queries whether occupants can safely egress the site and manoeuvre easily within the site.

Proximity to Primary School

- Asserts it would be irresponsible to approve this application in such proximity to Radcliffe Methodist School asserting the increased foot traffic from this proposal and potential disturbance could create an unsafe environment for students and their families, particularly when children and parents walk to and from school.

Crime and Disorder

- Raises the concern that the proposal, considering the number of existing HMOs, will increase crime and disorder in the locality.

Noise and Amenity

- Raises concerns that shared accommodation leads to increased noise and disruption in the area.

Other Matters

- Asserts that Radcliffe is becoming a town of ruin, where it's easy to just build houses whilst not think about the citizens that already live there.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the conditions securing the proposed car parking

bays, cycle storage and bin storage provision all being implemented prior to any use commencing and securing removal of the existing gate.

Waste Management - Verbally advised of the bin storage requirements.

Adult Care Services - No comments or observations received.

Housing - Public Protection - No objections, subject to the amended layout being implemented.

Greater Manchester Police - designforsecurity - Recommends a Crime Impact Statement is secured through the planning process.

Pre-start Conditions - Not applicable.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution
EN7/2	Noise Pollution
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
NPPF	National Planning Policy Framework

Issues and Analysis

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

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

Principle of Development

Housing Land Supply and Principle of Residential Development

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions and emphasises the Government's objective of significantly boosting the supply of homes. NPPF paragraph 61 is clear that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant undelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1: 'Scale, Distribution and Phasing of New Housing Development' sets the housing requirement for Bury.

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

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

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

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

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

The applicant is proposing 1 no. 9 bed/ 9 person HMO - for housing delivery test monitoring purposes this would equate to 1 dwelling. The proposal would therefore have a limited contribution to housing supply.

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

land uses.

NPPF paragraph 125c gives "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused".

The property is in a highly sustainable and accessible location within the urban area with access to public transport and local services and amenities. Indeed, a bus stop exists directly outside the site providing regular buses to Bury Town Centre and Bolton Town Centre.

Housing Needs

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

The Bury Housing Needs and Demand Assessment (HNDA, 2020) does not specifically identify the need for HMOs. The HNDA indicates that the greatest needs in Radcliffe are for 4-bed properties, followed by 1-bed properties. For affordable properties specifically, the greatest needs for affordable homes in Radcliffe are for 2- and 3-bedroom houses, followed by 1-bedroom flats.

Whilst HMOs are not affordable housing as defined by the NPPF, they do contribute to meeting needs by providing a lesser cost housing option and play important role in the housing market, particularly for people with limited housing choices or are looking for short stay accommodation.

Character of the area - concentration of HMOs

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 - Conversions takes into consideration the concentration of conversions for multiple occupation and the impact this can have on the character of an area.

According to the current Bury Council register of licensed HMO's, there are no licensed HMOs within 100 metres of the property. Not all HMO's require a license if occupation does not exceed 5 or more or planning permission if the property is a dwellinghouse with no more than 6 occupants. The Local Planning Authority (LPA) does not have access to records in relation to smaller HMOs that either do not require a licence, or do not need planning permission. However, based on the evidence available, there is no evidence to suggest that this proposal would result in an over concentration of HMOs in this locality. Therefore, the proposed development would be in accordance with Policy H2/4 of the Unitary Development Plan and the NPPF.

Highway Safety and Parking

It is recognised that residents have raised concerns about where future occupiers would park.

There are no specific car parking standards for HMO's in SPD11: 'Parking Standards in Bury'. SPD 13: 'The Conversion of Buildings to Houses in Multiple Occupation' gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a

detrimental impact on highway safety or harm to amenity will not be permitted.

HMOs are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand of parking. In this regard, the application site is in a highly accessible area. It is located approximately 1030 metres, a 12 minute walk, from Radcliffe Metrolink Station. The application site is on the A6053: Bury Street, one of the boroughs principle highways. A bus stop serving the 524 bus route is sited adjacent to the application site. The major stops on this bus route include: Bolton - Burnden - Little Lever - Radcliffe - Bury. In this regard, access to and from the site by future occupiers, would not have to be by private car and is considered to be suitably accessible to the public transport network

The proposal seeks to make alterations to the rear yard and garden area of the property to make space to park 4 cars. The proposal demonstrates that cars would be able to access and manoeuvre around the site, meaning all cars could enter and leave the site safely in a forward gear. The area to the rear of the property also seeks to accommodate secure and covered cycle storage provision for 5 bicycles, and to accommodate refuse storage provision that 9 occupants would need, whilst ensuring the trees within the garden area, which are of both visual amenity and biodiversity value, will survive.

In the assessment of this application, it is important to take into consideration the authorised fallback position of this property which is as a 9 bedroom care home. A care home would have had a number of staff working within it, associated delivery vehicles, and visits by doctors, health visitors and the emergency services. This property currently has only one parking space within its rear yard area. With its one parking space, this use could re-commence at any time. This is a material consideration when determining this planning application which should be given substantial weight. As such, the proposed development would have less of an impact than the current use.

The property is located in an accessible location on one of the boroughs key transport corridors within stepping distance of a bus stop and walking distance of a Metrolink station. Thus, meaning future occupants would not have to rely on a private car to access services, amenities and employment opportunities. The proposal also seeks to provide 4 off-street car parking spaces and covered and secure cycle storage provision within the rear yard and garden area to serve the development.

For all of the above reasons, the Traffic Section has no objections to the proposal, subject to conditions relating to parking, refuse provision and the removal of gates. The proposal is therefore considered to be acceptable from a car parking and highway safety perspective and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Trees

PfE Policy JP-G7: Trees and Woodland states that where development would result in the loss of existing trees, requiring replacement on the basis of two new trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area, with a preference for on-site provision; and protecting trees and woodland during the construction phase of development. UDP Policy EN8/2: Woodland and Tree Planting supports and encourage new woodland and tree planting.

At the request of Officers, the application is supported by an Arboricultural Impact Assessment with Arboricultural Method Statement. Six individual trees and two groups of trees were recorded within the application site. Two individual trees were recorded as retention category 'B'; and a mixture of three individual trees and two groups of trees were

recorded as retention category 'C'. The trees are generally found to be in a good to fair condition; however, one individual tree (T3) was classified as retention category 'U' (unsuitable for retention). The report recommends this tree be removed whether the development is approved or not.

The proposed development involves the creation of a new parking area and bin store, The report identifies the root protection area for each tree.

Minor sections of the root protection areas from trees T1, T2, T4 and T5 extend beyond the protective barrier and into the proposed car parking area, where excavation works are required. Given the small percentage of potential RPA disturbance, the proposed hard parking surface is not expected to cause any long-term harm to the adjacent trees. However, as a precautionary measure, it is recommended that the details contained within the arboricultural method statement are secured by condition, including a condition relating to tree protection measures.

The proposal would see the removal of one tree. This tree should be replaced with a native species which can be secured by planning condition. There is insufficient room to replace the tree on a 2-1 basis, as required by PfE Policy JP-G7, however, as the submitted Arboricultural Report states that T2, a Sycamore tree, needs to be removed for Arboricultural reasons only, and not due to the proposed development itself, its replacement on a 1-1 basis, is reasonable in this instance.

Therefore, the proposed development, subject to conditional control, would be in accordance with PfE Policy JP-G7: Trees and Woodland.

Design and Visual Amenity

UDP Policy EN1/2: 'Townscape and Built Design' seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1: 'Sustainable Places' aims to promote a series of beautiful, healthy and varied places. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

No external alterations to the existing building are proposed to facilitate the change of use.

The proposed site plan shows a yard area to the rear of the site for cycle storage, refuse storage off the adopted highway, an area for sitting outside for future residents and parking for 4 cars. This yard area can be accessed from the rear kitchen area of the property and via the area at the side of the property.

Due to the boundary fencing and the trees within the rear yard area, the works proposed within the rear yard and garden area would not have any significant impact on the character and appearance of the building or to visual amenity.

The proposal would require minimal amendments to facilitate the change of use, limited to the addition of 4 car parking spaces within the existing rear garden and yard area. As such it is considered that the proposal would comply with the Development Plan Policies set out above.

Residential Amenity

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

Neighbouring Occupiers

Decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The Local Planning Authority however, cannot condition who the tenants of the property would be. The management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

The application site is a detached building, historically built as a Public House. The existing property fronts onto a busy road and has residential properties on either side of the application plot. The rear of the property borders the hospital.

Given the existing authorised use of the property as a 9 bedroom care home, the proposed change of use to a 9 bedroom HMO would not cause demonstrable harm in terms of noise, overlooking of neighbouring properties and future occupiers use of entrances, over and above the authorised use of the property.

In respect of the amenity of neighbouring properties the proposal is therefore considered to be acceptable and thus complies with UDP Policy and guidance relating to HMO's.

The amenity of future occupiers

UDP Policy H2/4 - 'Conversions' seeks to consider the impact of any proposals on the amenity of the occupants. PfE Policy JP-P1: 'Sustainable Places' further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments. PfE Policy JP-H3: 'Type, Size and Design of New Housing' requires residential proposals to accord with the nationally prescribed space standards. UDP Policy EN7/2 - 'Noise Pollution' does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The proposal would provide satisfactory internal communal space in the form of providing a kitchen/ utility room, and a sitting room on the ground floor as well as an office space. 4 of the 9 bedrooms would be fitted with en-suite facilities. 5 of the 9 occupants would share 2 bathrooms and a toilet. All bedroom spaces would accord with the requirements of the nationally prescribed space standards and the space standard requirements of PfE Policy JP- H3. The rear yard area would provide sufficient space externally for occupiers to sit outside. The proposal would therefore result in satisfactorily-designed living accommodation for future occupiers. The proposal is thus considered to accord with the requirements set out in UDP Policies H2/4 and EN7/2 and PfE Policies JP-P1 and JP-H3

Carbon and Energy

Policy JP-S2: Carbon and Energy requires development to be net zero carbon with regard to operational carbon emissions and achieve energy demand reductions in accordance with the criteria in policy JP-S2. The following will be done to the property to ensure PfE Policy JP-S2 is met:

1. Cavity Wall Insulation: Any empty cavity walls will be fully filled, subject to a check for suitability from an accredited installer and approval by local authority building control.
2. Loft Insulation: loft spaces will be checked and filled with appropriate insulation.
3. Floor Insulation: uninsulated suspended timber floors, where easily accessible from underneath will be insulated.
4. HVAC (Heating controls) will be upgraded with central heating that has a programmable timer, room thermostat or thermostatic radiator valves.
5. Energy efficient lighting will be used throughout the building: rooms, halls, sitting and common areas.

The proposal therefore accords with PfE Policy JP-S2.

Digital Connectivity

To comply with PfE Policy JP-C2: 'Digital Connectivity' the supporting Design and Access Statement advises the premises would have an internet provider such as BT and Sky. This would be full fibre optic connectivity. They have also confirmed the premises' wi-fi would only be for the residents of the HMO only. The proposal therefore accords with the requirements of PfE Policy JP-C2.

Crime and Design

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy JP-P1: Sustainable Places of the Greater Manchester Places for Everyone Plan and the NPPF requires proposals to, amongst other things, design out crime and terrorism, to reduce opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster.

The Greater Manchester Police Architectural Liaison Officer has been consulted on the proposal and Greater Manchester Police has provided the following recommendation:

"Thank you for seeking the views of Design for Security on the above application. Usually, a development of this size would require a CIS, however, having looked at the drawings submitted for this proposal; I have the following comments:

- The existing boundary should be check and repaired where necessary.
- The entrances and car park of the HMO should be illuminated in the hours of darkness via the use of dusk till dawn sensors on the light fixtures.
- An intercom system should be used at the communal entrance so that residents can vet visitors before opening the door to them. There should be no unrestricted trade access into the building.
- A secure mail delivery system should be supplied, to allow delivery without access to the whole building (i.e. secure through the wall mailboxes).
- The bicycle store should be a robust, secure, and weatherproof, enclosure. Cycle stands should be Sheffield style stands, or similar, allowing both wheels and the frame to be secured.
- Any alterations to the existing building should be complete to the Secured by Design standards."

The applicant has confirmed that they will implement these recommendations from GM Police as part of the development. As such, it is considered that no conflict is found with the requirements of criterion 8 within PfE Policy JP-P1: Sustainable Places and paragraph 96 of the National Planning Policy Framework.

Response to objections

Many of the points raised have been responded to within the main report. In relation to the character of the character and building, the building is in a good state of repair and presents itself appropriately to the street. In respect of the issues relating to lack of off-street parking provision, this has been explained within the Highway Safety and Servicing section of this

report. In terms of the type of persons who would potentially occupy the building, this is not a planning consideration.

Conclusion

The proposal seeks to change the use of this property from a 9 bedroom care home to a 9 bedroom, 9 person House in Multiple Occupation. The property is in a highly accessible area of the borough and thus the proposed development would accord with the requirements of P/E Policies JP-C1: 'An Integrated Network' and JP-P1: 'Sustainable Development'.

The proposal results in no external alterations to the building itself. The works proposed within the rear yard area including the provision of 4 off-road car parking spaces, which would not cause harm to the mature trees present on the site or to visual amenity, subject to conditional control. The rear yard area can also satisfactorily accommodate the refuse storage provision necessary for 9 occupants.

The proposals also provide a satisfactory level of accommodation and communal living accommodation.

Overall, this proposal accords with the requirements of the adopted Development Plan and it therefore recommended that the application be approved subject to the recommended planning conditions discussed within this recommendation 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 permission relates to the following plans and information:

Drawing no. Location Plan;
Drawing no. 04 Rev. R2D: Proposed Site Plan;
Drawing no. 06 Rev. R2: Proposed Ground and First Floors Plan;
Drawing no. 08 Rev. R2: Proposed Sections A-A and B-B;
Drawing no. 10 Rev. R2: Existing Sections A-A and B-B;
Drawing no. 11 Rev. R2: Proposed Front and Side Elevations;
Drawing no. 12 Rev. R2: Proposed Rear and Side Elevations;
Drawing no. TPP.13960 Rev. .01 Tree Protection Plan; and,
Bike Shelter details

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

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

3. Prior to any works taking place within the rear yard and garden area, all trees to be retained on site, as defined within the Pennine Ecological Arboricultural Impact Assessment with Arboricultural Method Statement, dated March 2025, shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction", in accordance with Drawing no. TCP.13960 Rev. 1 and the Tree Protection Measures contained within the above mentioned report.

The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

4. Beneath all areas of the canopies of the trees excavations and all construction work for the proposal hereby approved must be 'hand-dig' only. No storage of materials or equipment or use of the area by vehicular traffic allowed.

Reason: To safeguard the vascular and anchoring root systems of the trees to avoid the loss of trees which are of amenity value to the area pursuant to Policies EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

5. On the removal of T3, as specified within the Pennine Ecological Arboricultural Impact Report and Arboricultural Method Statement, dated March 2025, a replacement native tree of a Select Standard size shall be planted in the first planting season following removal of the tree.

Reason. To compensate for the loss of T3, a Sycamore tree, in accordance with the requirements of Policy EN8/2: Woodland and Tree Planting of the Bury Unitary Development Plan and Policy JP-G7: Trees and Woodland of the Places for Everyone Joint Development Plan.

6. The use hereby approved shall not be commenced unless and until the access alterations (incorporating the removal of the existing gates at the junction with Bury Street), parking facilities and bin storage arrangements indicated on the approved plans have been implemented to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety and to ensure adequate cycle storage arrangements and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety, pursuant to policies H2/2 - The Layout of New Residential Development,

EN1/2 - Townscape and Built Design, H2/4 - Conversions of the Bury Unitary Development Plan, policies JP-C5: Streets For All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

7. The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

8. Prior to occupation of the development hereby approved, the gate shown on the Drawing no 02 Rev. R3 shall be removed.

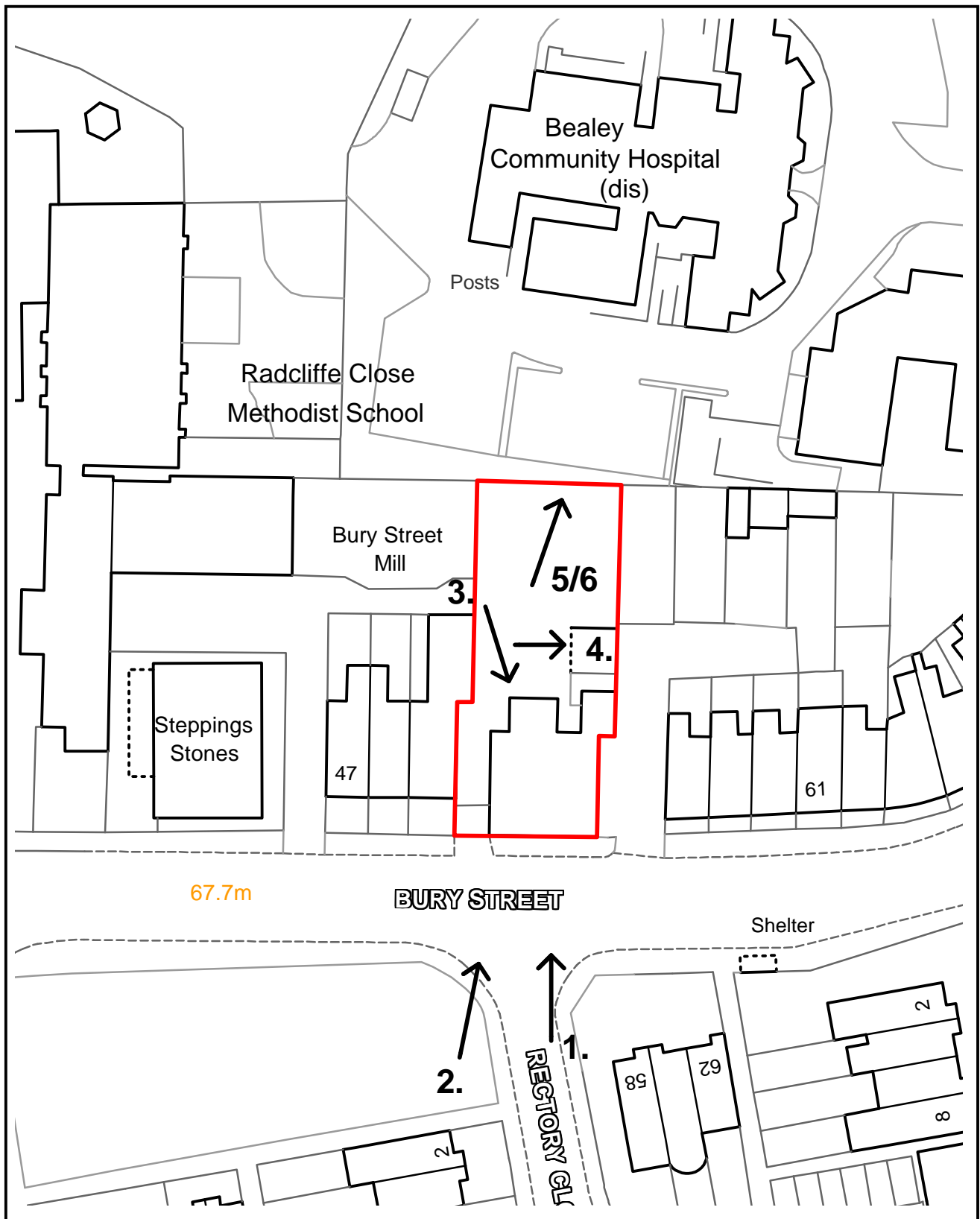
Reason. In the interest of highway safety, to ensure the vehicular access to the site is kept open to ensure cars can enter and leave the site without having to stop or encroach onto the adopted highway, pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

9. The premises to which this approval relates shall be used as an HMO for a maximum of 9 no. persons within 9 no. bedrooms.

Reason. To ensure the intensification and scale of uses in the property does not extend beyond acceptable levels which could cause impact to residential amenity and highway safety in respect of the associated parking, access and servicing requirements or general activity and disturbance pursuant to policies EN1/2 - Townscape and Built Design, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places, JP-C5 Streets for All, JP-C6 -Walking and Cycling and JP-C8 - Transport Requirements of New Development.

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

71438 - Viewpoints



53 Bury Street, Radcliffe, Manchester,
ADDRESS: M26 2GB



Bury
Council

Planning, Environmental and Regulatory Services

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Photo 1: Front Elevation



Photo 2: Front Elevation showing proposed Vehicular Access



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Photo 3 – Rear Elevation



Photo 4- Part Rear Elevation (Single storey addition)



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Photo 5: View of rear yard/ garden area towards hospital – Photo taken in Winter



Photo 6: View of rear yard/ garden area towards hospital – Photo taken in May 2025





Existing Location Plan

General Notes		
	R2	
No.	Revision/Issue	Date

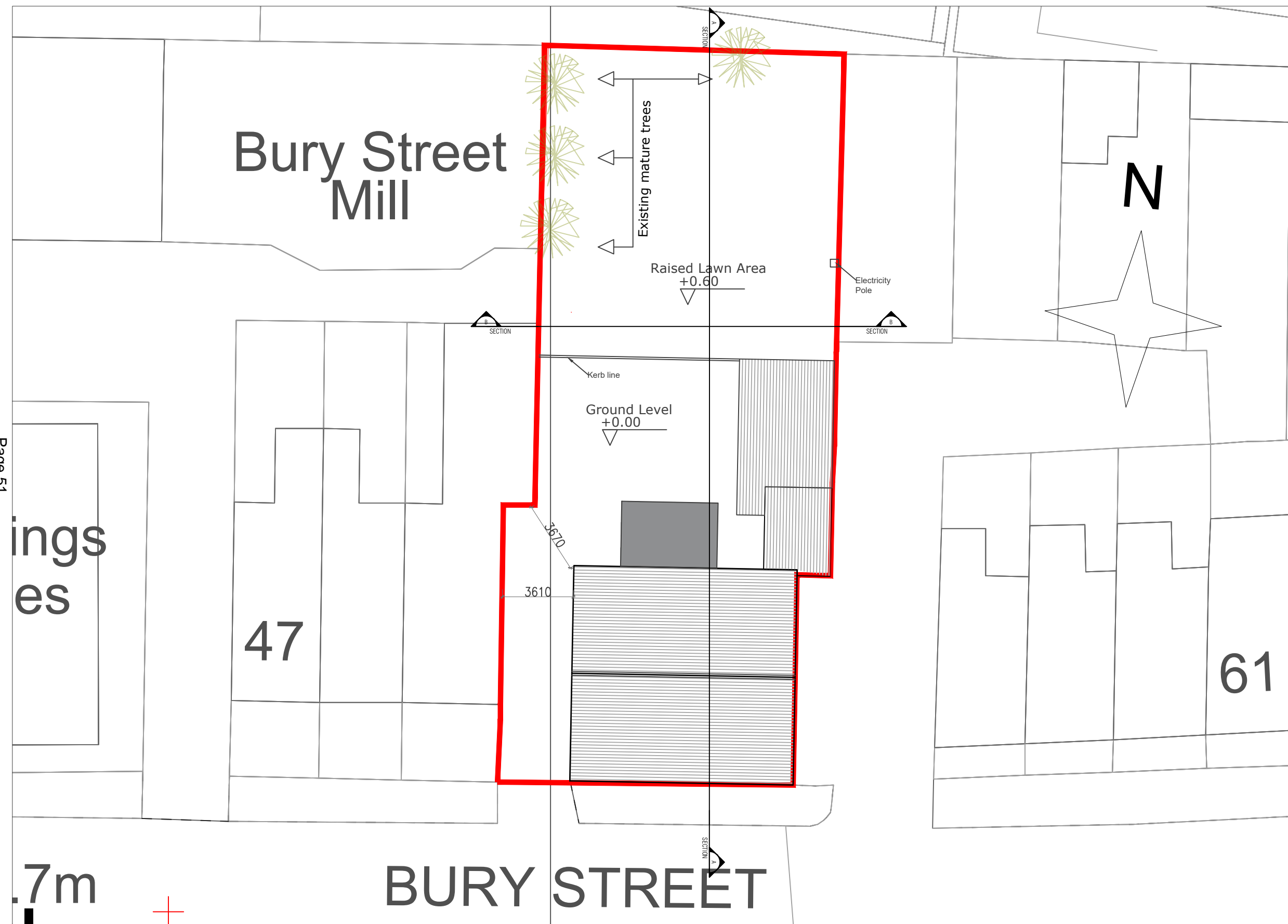
Firm Name and Address

 **Mason and Marlowe**
Mason and Marlowe Ltd.
Project Managers and Quantity Surveyors
5 Picadilly Place
Manchester, M1 3BR

Project Name and Address

53 Bury Street,
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M26 2GB.

Sheet No. 01	A3
Date 19/03/2025	
Scale 1/500	



Existing Site Plan

General Notes

	R2	
No.	Revision/Issue	Date

Firm Name and Address



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Sheet No.

02

Date

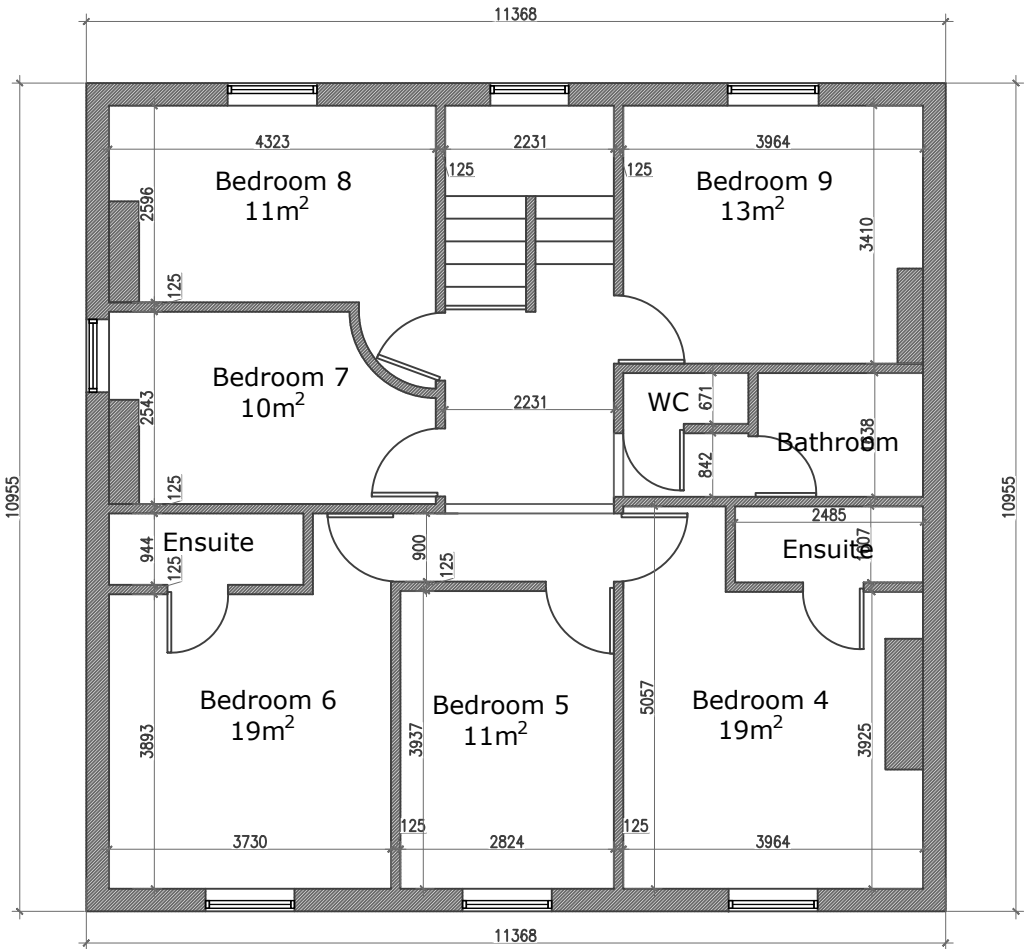
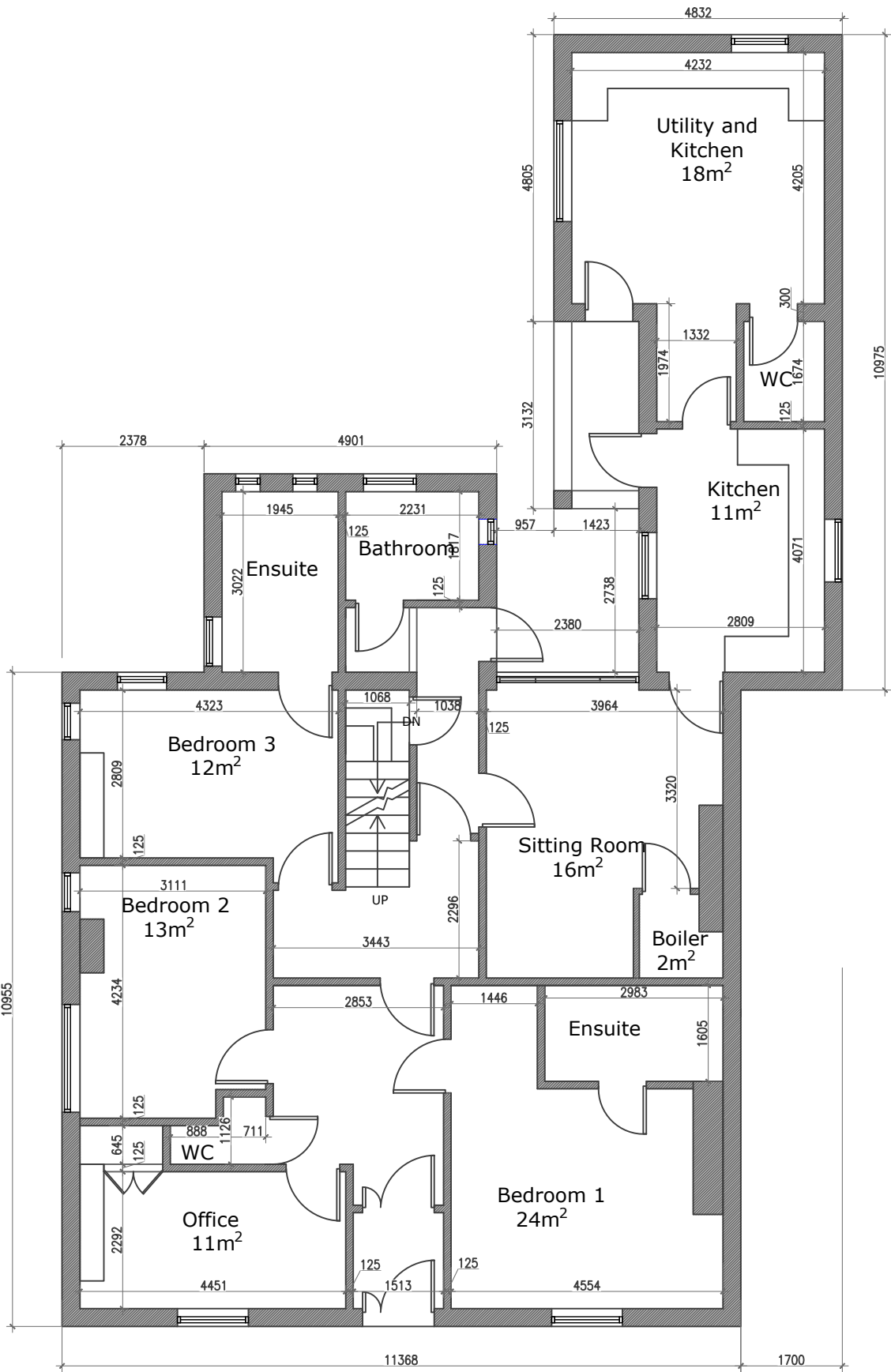
31/03/2025

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A3



General Notes

R2		
No.	Revision/Issue	Date

Firm Name and Address

 **Mason and Marlowe**

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Sheet No. 06	A3
Date 10/09/2024	
Scale 1/100	



Proposed Front Elevation




Proposed Side Elevation 2

General Notes

R2

No.	Revision/Issue	Date

Firm Name and Address

 **Mason and Marlowe**

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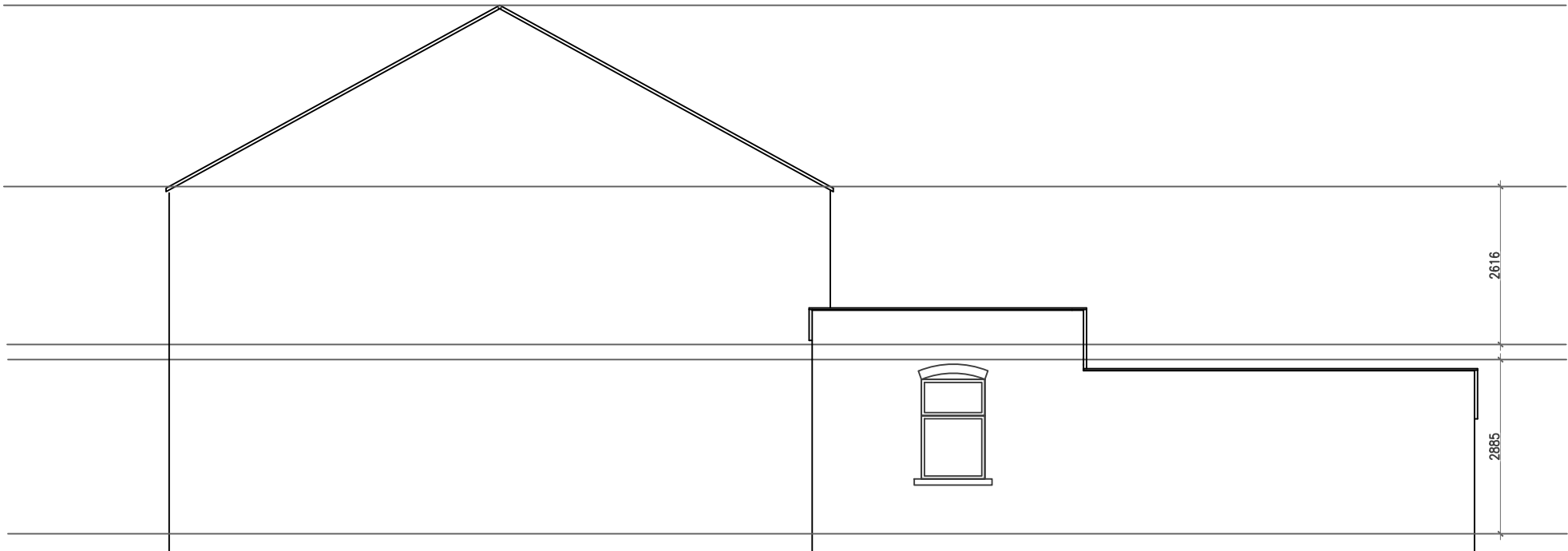
Project Name and Address

53 Bury Street,
Radcliffe, Manchester,
M26 2GB.

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Date 31/03/2025	
Scale 1/100	



Proposed Rear Elevation



Proposed Side Elevation 1

General Notes		
	R2	
No.	Revision/Issue	Date

Firm Name and Address

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Project Name and Address

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Radcliffe, Manchester,
M26 2GB.

Sheet No. 12	A3
Date 31/03/2025	
Scale 1/100	

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Ward: Whitefield + Unsworth - Pilkington Park

Item 03

Applicant: Green Fields MP Ltd

Location: Land at Old Hall Lane, Whitefield, M45 6TN

Proposal: Proposed burial ground

Application Ref: 69495/Full

Target Date: 05/06/2024

Recommendation: Approve with Conditions

Description

The application relates to a greenfield site (1.87ha) located on the west side of Old Hall Lane, across from the existing Jewish burial ground to the west of Phillips Park, Whitefield. The grassed site slopes down gradually away from Old Hall Lane.

There are two burial grounds nearby, the closest being the Meade Hill Community Cemetery on the east side of Old Hall Lane and the second, Philips Park Jewish Cemetery, further to the east of this.

It is proposed to form a new burial ground/cemetery, accessed from Old Hall Lane. pedestrian access paths and landscaping. There would be a security gate and fencing (2.2m high) along Old Hall Lane giving access to a car parking area. The car park would be constructed of a permeable grasscrete accommodating 8 parking places, 1 of which would be disabled designated, with all bays allowing parking of mini-buses. The footpaths around the burial ground would be permeable, either resin bound or bark surfaced.

It is proposed that the cemetery would be made up of pre-formed watertight concrete tombs. The slope in the land would facilitate a stepped arrangement for the rows of graves with a minor cut-and-fill working of the land. The cemetery would develop in stages over a number of years with empty tombs would being inserted into the ground (ready for use) in groups of around 12 to suite take up of the burial plots. There would be compacted stone bands providing permeable narrow walkways and standing points. There would be low level solar lighting for the paths and CCTV for security.

The proposal does not include an 'on-site' chapel as the applicant states that the existing Chapel, across Old Hall Lane, owned by Meade Hill Synagogue would be available. On-site gathering points would be provided to allow final rituals to take place without the necessity of returning to the chapel (weather permitting). In the Jewish religion, cremation is not an option so there is no cremation facilities.

The existing hedge along Old Hall Lane would be improved and a new hedge planted around the remaining perimeter of the site with additional tree and shrub planting which is detailed in a landscape plan.

Relevant Planning History

Pre-application enquiry - Application received.

Publicity

Six residents notified by initial letter dated 07/03/2024. Subsequently, eleven properties (initial residents and additional objectors) notified of amended plans. Site notice posted

12/03/2024. Press notice dated 14/03/2024.

Seven objections have been received and these are summarised below:

- Ohel chapel building is not owned by the MH community as stated but by Meade Hill Synagogue.
- Old Hall Lane not used for funerals for 15 years.
- The verge on the existing burial ground side is privately owned. There is no permission to park on the verge north of the site.
- South of the site, the verge is too soft to park on and the foul sewer from the burial ground runs under this verge from the Ohel to the main sewer on Philips Park Rd West .
- On the side of the proposed burial, the verge is too overgrown and elevated above road level to be suitable. It is also privately owned north of the site.
- A high pressure gas main, coming from the Gas Sub Station on Old Hall Lane, runs down this verge for the entire length of the road to Philips Park Road West.
- Neither verge is wide enough for a car. The plan shows an idealistic version of possible parking that is not matched in reality. The assumption that the verges can be used in this manner is ludicrous. Neither the foul sewer or the high pressure gas main are in any way protected for the weight of vehicles.
- Alternative access provided from Philips Park Road car park, belonging to Whitefield HC. All current burials take place from this site. Goldfines Funeral Services stopped using Old Hall Lane access as road was damaging hearse and subjecting coffins to bouncing and shaking, compromising dignity needed.
- Drainage: existing soakaways on Philips Park site proved to be totally inadequate and have been piped into foul sewer. Proposed soakaway at southern end of new site will not cope with volume of water present. Rainwater flows from this site onto Philips P.R.West all year round, even in dry weather. Existing soakaway at Whitefield facility never functioned, water discharges onto Philips Park Rd.
- With heightened tensions around Jewish facilities, it would be risky to advertise the location with lighting. The only time there was a permanent light left on in the existing burial ground, it attracted negative attention, resulting in attempted theft and associated damage. No exterior lights are left on within this site now. CCTV cameras do not require additional lighting to operate. The MH section at the existing site has several cameras and no night lighting. There is more than enough light pollution in the area, additional lighting is unnecessary and unwanted.
- Concerns about impact on wildlife that use the site and surroundings - deer and fox are often seen and also herons by the pond. Buzzards , kestrels and Sparrow Hawks are to be seen almost daily.
- The hedgerows are alive with many species of smaller birds and squirrels are known to nest in the trees on the opposite side of Old Hall Lane. I believe the disruption that the proposed plan will affect the daily life of the wildlife and the likely disruption to the trees and hedgerow will be extremely detrimental.
- Old Hall Lane and Philips Park Road are regularly used by walkers, cyclists, horse riders and dog walkers. The lane/road is unmade and unlit and unsuitable for cars. Increased traffic would endanger other users and be detrimental to their enjoyment of the area.
- The concreting over of the field for a car park and subsequent ground works would result in a loss of habitat for the wildlife and the loss of an amazing view for the general public.
- This development is for the benefit of the Jewish population living in the whole of Greater Manchester rather than to meet the needs of our local Jewish community. An extension to the current burial ground for the interment of local deceased people would be less disruptive and existing parking and access could be used.
- This proposal has not been widely publicised.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection received.

Public Rights of Way Officer - No objection.

Planning Policy - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - No objection

Environment Agency - No objection subject to condition.

United Utilities - No objection.

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

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

PfE Places for Everyone

OL1/2 New Buildings in the Green Belt

OL1/5 Mineral Extraction and Other Development in the Green Belt

EN1/1 Visual Amenity

EN1/3 Landscaping Provision

EN6/3 Features of Ecological Value

EN7 Pollution Control

EN9 Landscape

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

SPD11 Parking Standards in Bury

HT2/4 Car Parking and New Development

OL5/2 Development in River Valleys

Issues and Analysis

Policies - The National Planning Policy Framework (NPPF) in Section 13 Protecting Green Belt Land, indicates that the provision of outdoor facilities such as cemeteries and burial grounds are appropriate within the Green Belt as long as they preserve its openness. The NPPF also indicates in section 15 Conserving and enhancing the natural environment, that plans should promote conservation, restoration and enhancement of ecological habitats by securing biodiversity net gain.

The recently adopted plan Places for Everyone (PfE) reflects the policy and guidance within the NPPF and relates it to the regional context.

The Unitary Development Plan (UDP) remains the current local plans and the following policies are considered most relevant.

EN1/1 - Visual Amenity. Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN9 - Landscape. The Council will seek to protect, conserve and improve the landscape quality of the Borough, and will encourage the enhancement of landscapes, where appropriate.

OL1/5 - Mineral Extraction and Other Development in the Green Belt. Within the Green Belt other development, not including buildings, will be inappropriate unless:

- a) it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- b) in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Guidance with Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt supports Green Belt policies.

Green Belt - The site is located within the Green Belt, as defined within the Greater Manchester Places for Everyone Plan. Paragraph 154 of the National Planning Policy Framework states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include", amongst other things, "b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it."

With no buildings proposed, a permeable 'grasscrete style' surfacing on the car park and significant tree planting and landscaping within the site, the impact on the openness of the Green Belt is minimised and as such the proposal is deemed to be acceptable in terms of Green belt policy.

Visual amenity and Landscape - Whilst the creation of a cemetery/burial ground would have a significant visual impact when viewed from a distance, the proposed boundary hedge and associated planting, would screen the site with the low lying gravestones, quite effectively closer in. The gated entrance would also have an impact but this would be limited. The extensive new hedge and tree planting around the site would have a valuable impact into the scheme and increase its ecological benefit. The use of gravel/wood chip paths around the site lend itself to its semi-rural surroundings and the grasscrete parking area would be permeable and encourage grass growth.

In terms of visual amenity and landscape, the proposal would be acceptable and complies with the NPPF, Places for Everyone policy JPP1 and UDP Policies EN1/1 and EN1/3.

Ecology - Potential ecological issues include great crested newts, nesting birds, Himalayan balsam and mitigation for loss of low ecological value grassland.

Great Crested Newts - It is accepted that reasonable avoidance measures would suffice as whilst the development falls within a known meta population of great crested newts with known breeding ponds to the north and west and terrestrial records from the motorway embankment to the south collected during the upgrade of the M60 to a SMART motorway, the nearest ponds are known to be stocked with fish and the nature of the development and existing habitats such that the risk of an offence is very low. The updated ecological report has found no change in the sites ecological value or the value of the two ponds located within 100m. The development should be carried out in-line with the recommendations of section 6 of the gcn assessment by CES.

Other Protected Species - The trees which are primarily retained were all assessed as having negligible bat roosting potential. The only other protected species that could theoretically be present is badger, but no setts were found on or near the site. Badger are however present in the locality and there is a moderate to high risk of them foraging across the site. Given the nature of the development, the risk of badgers coming to harm is very

low and no further information or measures are required.

Nesting Birds - Trees and hedges around the boundary of the site will provide bird nesting habitat and whilst these are primarily retained, given the unmanaged nature of the hedge line and proposed development, that some tidying up will occur. It is therefore reasonable to attach a condition restricting tree works in the nesting season.

Other Wildlife - Other wildlife likely traverses the site on occasion, again however given this is a proposed burial area, with no major earthworks, the risks are very low. No further measures are required.

Himalayan Balsam - This species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was previously recorded in the vicinity of the site. The updated ecological survey has not recorded this species. Given the nature of the development I am satisfied that an informative will suffice.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)
Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Both ecological reports have recorded the site as low ecological value grassland, though the previous report in 2020 recorded it as semi-improved and the current report as arable ley. This would indicate that the field has been re seeded since the last survey. This will over time be replaced with burial plots, paths and landscaping. Wildlife issues appear to be minimal but may include loss of bird nesting opportunities and foraging habitat for other wildlife.

With regards biodiversity net gain, a BNG assessment was undertaken by an ecologist. The initial report, using the original proposals, indicated that the proposed plan would result in a +4.03% net gain in habitat units. A further assessment based on the revised landscape and parking plan suggested that the 10% target of biodiversity net gain could be achieved.

With regards the proposed landscape plan, the proposed layout would be appropriate although all species of trees and shrubs should be native. All new hedging would be hawthorn to fit with the adjacent farm landscape.

Residential Amenity - Given the rural nature of the site and that the nearest neighbours at Worsley Hill are situated about 80m to the north of the site, any lighting would need to be modest and low level to prevent light shining directly into residential properties and polluting the surrounding countryside. The proposed plans indicate low level sensor controlled lighting and this is considered a suitable option. Notwithstanding this, it is considered reasonable to attach a condition to require an ecologically suitable lighting scheme that would also reduce impact on the nearest residential property, to be submitted and approved by the Local Planning Authority.

Access and Parking - The proposed burial ground would be accessed through new gates on the west side of Old Hall Lane, in the northern section of the site. The access would lead onto a small on-site grasscrete car park, accommodating 8 cars. Although Philips Park Jewish Cemetery has an Ohel (chapel) and on-site parking on the site across Old Hall Lane, these would not be available for use by visitors to the proposed burial ground. However, the Ohel adjacent to the Machzikei Hadass Cemetery, owned by Meade Hill Synagogue, is the closest chapel to the site and the applicant states that by agreement, this will be made available when required.

Drainage - A 'provisional drainage plan' has been submitted that includes permeable surfacing, drains and a soakaway system together with below ground rainwater storage collection tanks for maintenance and plant watering. Notwithstanding details submitted, it

would be appropriate to attach a condition requiring full surface water drainage details to be submitted and approved prior to commencement of any works. The Council's Drainage section, United Utilities or the Environment Agency have objected to the proposal. In terms of drainage the proposal is considered to be acceptable subject to a suitable drainage condition.

Contaminated Land - The grave plots would be pre-formed watertight concrete tombs that would give protection to ground/water contamination. The new cemetery would be located on a Secondary A aquifer. As a consequence, The Environment Agency requires permits for new cemeteries that present a high risk to the environment or require active mitigation measures or burial controls to protect groundwater.

The Environment Agency (EA) have reviewed the revised Environmental Risk Assessment report submitted in support of this planning application. The EA have indicated that they are satisfied that it would be possible to suitably manage the risks posed to groundwater resources by this development. The proposed development would be acceptable subject to a condition that sets out minimum distances from burial plots to groundwater sources, water courses/springs, field drains and groundwater level. The applicant has agreed to this condition. The planning condition itself (No.3) may need further clarification via the Environment Agency with regard to wording in how monitoring would be carried out and, if required, any amendments to the condition will be reported in the Supplementary Planning Report.

Public comments - The material planning issues raised by objectors have been addressed in the above report. Other issues have been addressed below:

- The applicant has confirmed the Ohel across Old Hall Lane is owned by Meade Hill Synagogue.
- Whether or not Old Hall Lane has been used for funerals is not the issue. It is whether the Lane could accommodate traffic related to the proposed use.
- Parking on Old Hall Lane is possible but it is considered that the new car park would accommodate most visitors/mourners.
- Access and parking would not impact on any high pressure gas mains.
- With regard to drainage, a condition would be attached to any approval requiring full drainage details to be submitted to, and approved by, the Local Planning Authority. It is noted that neither the Council's Drainage section, United Utilities or the Environment Agency have objected to the proposal.
- Wildlife issues are addressed in the ecology section above. The Greater Manchester Ecological Unit (GMEU) have no objection subject to conditions and informatives.
- Old Hall Lane is considered suitable for the low levels of traffic that would be generated by this proposal.
- The car park would be constructed with a 'grasscrete' system that would be permeable and allow either grass or gravel to make up the majority of the surfacing.
- It is not clear exactly what area would be served by the burial ground.
- Statutory consultations were undertaken - neighbour notification letters sent. The application was advertised in the press and a site notice posted.

Recommendation: Approve with Conditions

Conditions/ Reasons

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

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

2. This decision relates to drawings numbered CPLN/02/01A, 02, 03, 04B, 05C, 06, 07, 08A, 08A, 09A, 10, 11, 12D, 13, 14, 15B and 16A and the development shall not be carried out except in accordance with the drawings hereby approved.

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

3. All burials in the cemetery shall be:

- a minimum of 50 metres from a potable groundwater supply source
 - a minimum of 30 metres from a water course or spring
 - a minimum of 10 metres distance from field drains
 - a minimum of 1 metre above the highest anticipated annual groundwater level
- To provide confidence in the groundwater level, additional groundwater level monitoring should be provided to determine true groundwater levels and an assessment of whether the tombs would be expected to be partially submerged at high groundwater levels.

Reason. To protect the quality of controlled waters in the local area and to ensure compliance with position statements L3 in 'The Environment Agency's approach to groundwater protection'.

4. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan.

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

Reason. In order to protect nesting birds pursuant to UDP Policy EN6 Ecology.

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

- Photographic dilapidation survey of the Public Right of Way leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the site;
- Access route for all construction vehicles to the site from the Key Route Network;
- Access point/arrangements for construction traffic from Old Hall Lane, all temporary works required to facilitate access for construction vehicles and retain access for existing residents;
- If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures;

- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Old Hall Lane;
- Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on/enter and leave Old Hall Lane in a forward gear and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site/Old Hall Lane and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and
- The approved plan shall be adhered to throughout the construction period and the measures shall be retained measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety.

7. The turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. In the interests of highway safety and to minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

8. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off-street car parking and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety.

9. The car park, footpaths and all areas of hardstanding shall be constructed of permeable materials.

Reason. In order to mitigate the impact of surface water run-off pursuant to the NPPF, UDP Policies EN5/1 and EN7/3 and Places for Everyone Policy JP-S4

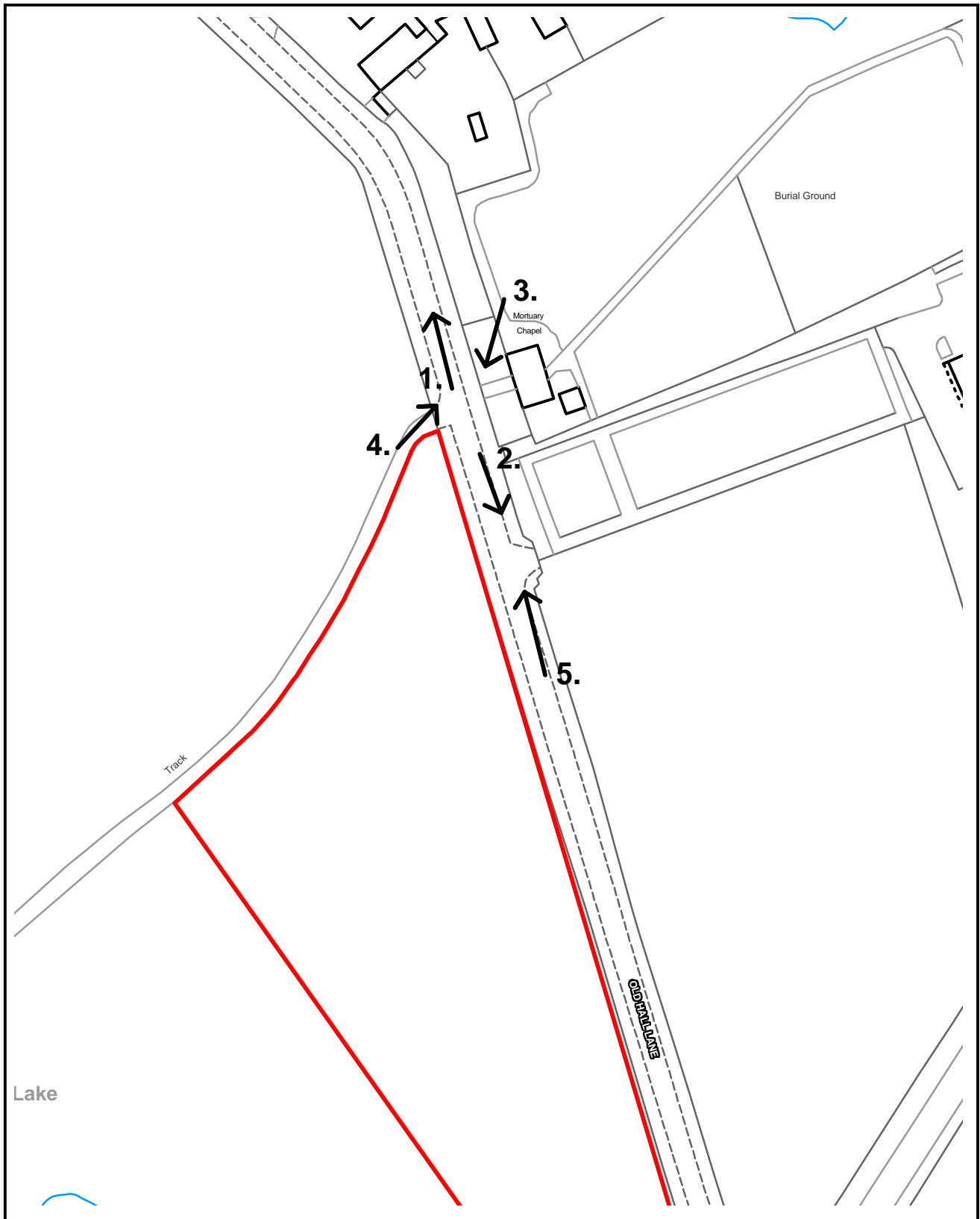
10. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in

accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to the NPPF, Places for Everyone Policies JP-S4, Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

69495 - Viewpoints



ADDRESS: Land at Old Hall Lane, Whitefield,



Bury
Council

Planning, Environmental and Regulatory Services

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69495

Photo 1



Photo 2



69495

Photo 3



Photo 4



69495

Photo 5





UNADOPTED PUPIC
HIGHWAY PROPOSED
SITE ENTRANCE
CROSSING AREA

Track

PROPOSED
SOAKAWAY

Fishing Lake

Pond

Pond

PROPOSED
SOAKAWAY

PROPOSED
SOAKAWAY

OLD HALL LANE

Mortuary
Chapel

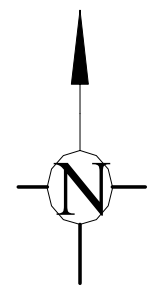
Chapel

OLD HALL LANE

PHILIPS PARK ROAD WEST


Issues

Pond



REV. A:

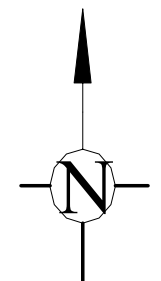
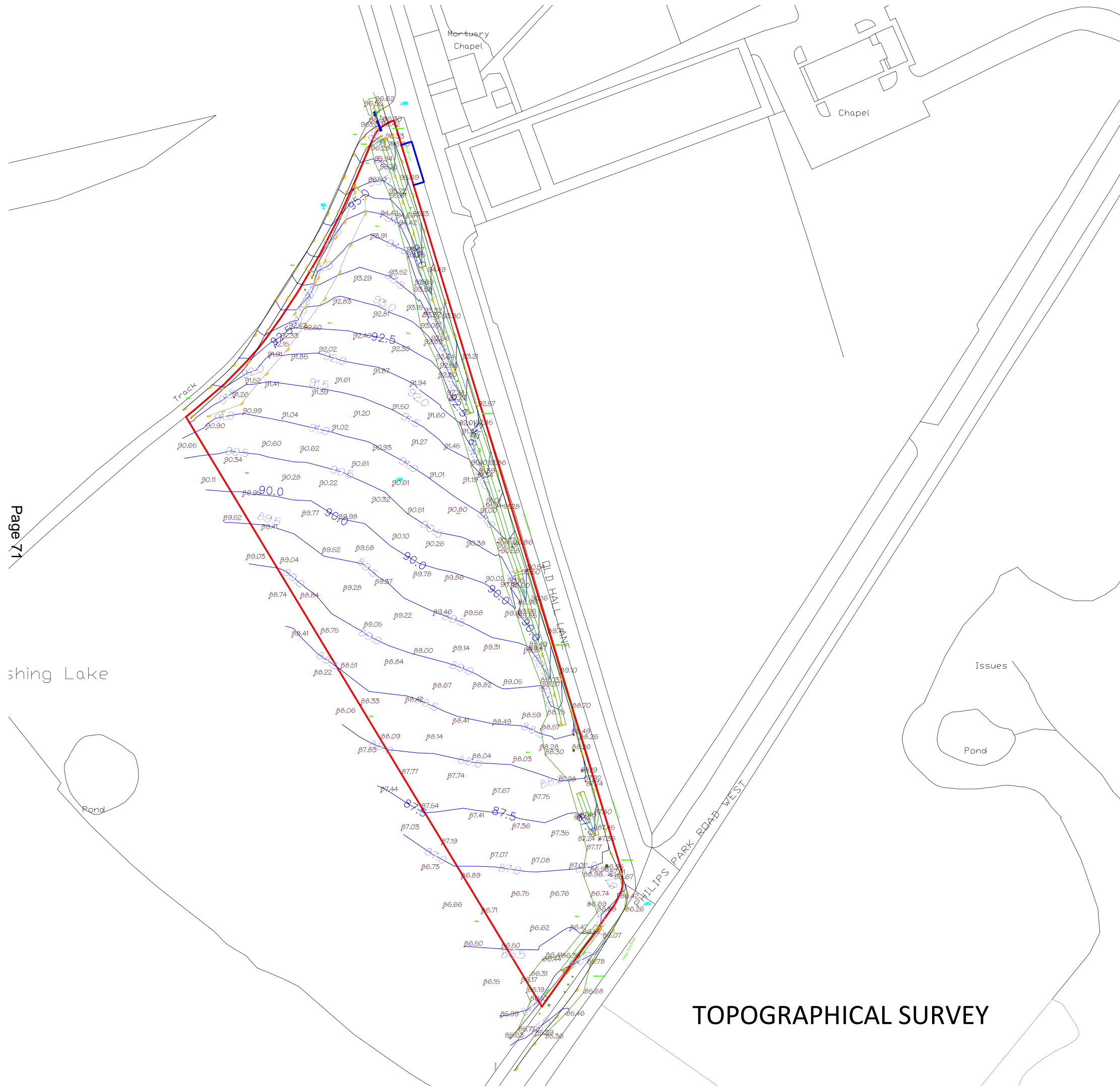
1. Drwg. scale changed from 1:1000 to 1:1250.
2. Blue boundary added around proposed soakaways and blue line weight increased to line around proposed site entrance area.

**SPA** CHARTERED BUILDING CONSULTANTS

3 SANDY LANE, PRESTWICH
MANCHESTER M25 9RU
T: 07905 766136 E: spa@live.co.uk

CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE:	DRAWING NR.	REV:
SITE / OS PLAN	SPA 1221c	CPLN/024/01 A
SCALE:	DRAWN:	ORIG. DATE
1:1250 at A3	SP	NOV 2022
		REV. DATE
		MAY 2023


architecture - quantity surveying - management



Page 71

shing Lake
Pond

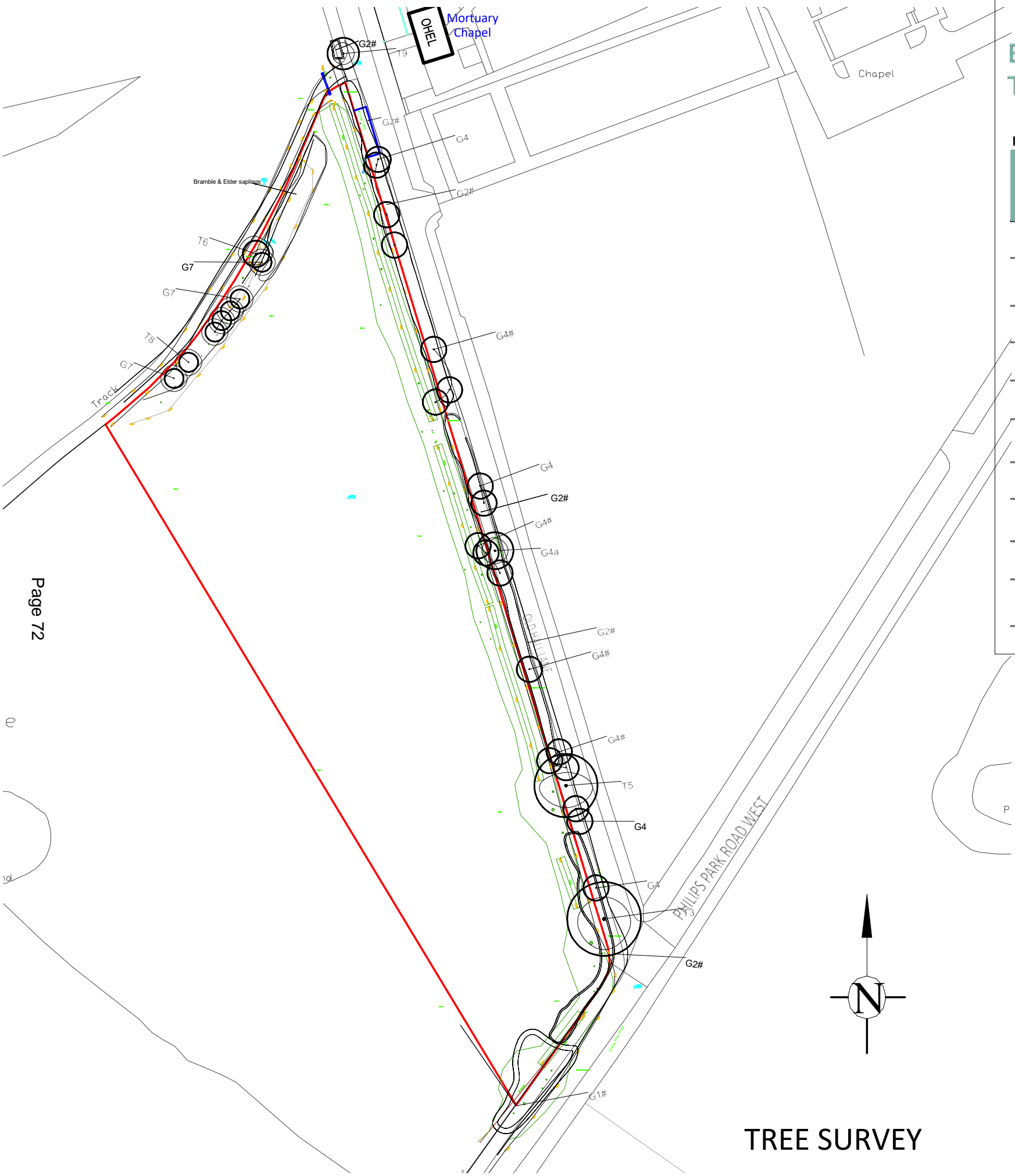
TOPOGRAPHICAL SURVEY

**SPA** CHARTERED BUILDING CONSULTANTS

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CONTRACT:		PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD	
CLIENT:		GREEN FIELDS MP LTD	
DRAWING TITLE:	DRAWING NR.	REV:	
TOPOGRAPHICAL	SPA 1221c	CPLN/024/02 -	
SCALE:	DRAWN:	ORIG. DATE	JAN 2023
1:1000 at A3	SP	REV. DATE	-

architecture - quantity surveying - management



BS5837:2012 TREE SCHEDULE

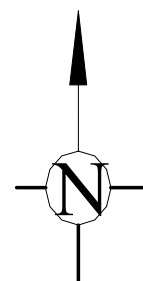


DATE OF SURVEY		JOB REFERENCE		SITE ADDRESS											
11/2023		10600.AIA.01		at Old Hall Lane											
G1#	Willow	300	41	3.6	8	EM	5555	1S	B	A mixed willow group to the south of the site	No action	20+			
G2#	Hawthorn, Holly, Various broadleaved saplings	100	5	1.2	4	Y to EM	1.51.51.51.5	0N	B	A lapsed hedge group. Unmanaged.	No action	40+			
T3	Willow	700	222	8.4	12	M	5676	2W	B	A boundary tree. Codominant form. Vitality appears normal.	No action	20+			
G4#	Sycamore, Willow, Ash	240	26	2.88	10	SM	3333	2N	A	Self-set trees within unmanaged hedge group.	No action	40+			
G4a	Sycamore	350	55	4.2	10	SM	3333	2N	A	Self-set trees within unmanaged hedge group.	No action	40+			
T5	Willow	600	163	7.2	12	EM	3656	0W	A	A field boundary tree. Codominant form. Minor deadwood. No significant risk features observed.	No action	40+			
T6	Oak	250	28	3	8	SM	4	4	2.5	4	1E	A	Boundary tree. No significant risk features observed.	No action	40+
G7	Hawthorn group	180	15	2.16	5	M	3333	0S	A	A lapsed and unmanaged old field boundary hedge group.	No action	40+			
T8	Oak	180	15	2.16	6	SM	3333	0E	A	Boundary tree. No significant risk features observed.	No action	40+			
T9	Sycamore	300	41	3.6	8	SM	2.52.52.52.5	1N	A	Multi-stemmed. Located adjacent gate.	No action	20+			

COPY ALSO FOUND IN LALLY REPORT

LEGEND

- Category A
- Category B
- Category C
- Category U
- Root Protection Area (RPA)
- # Position estimated on site



TREE SURVEY

3 SANDY LANE, PRESTWICH
MANCHESTER M25 9RU
T: 07905 766136 E: spa@live.co.uk

SPA

CHARTERED BUILDING CONSULTANTS

CONTRACT:

PROPOSED BURIAL GROUND
at
OLD HALL LANE, WHITEFIELD

CLIENT:

GREEN FIELDS MP LTD

DRAWING TITLE:

TREE SURVEY

SCALE:

1:1000 at A3

DRAWING NR.

SPA 1221c

DRAWN:

SP

REV:

CPLN/024/03 -

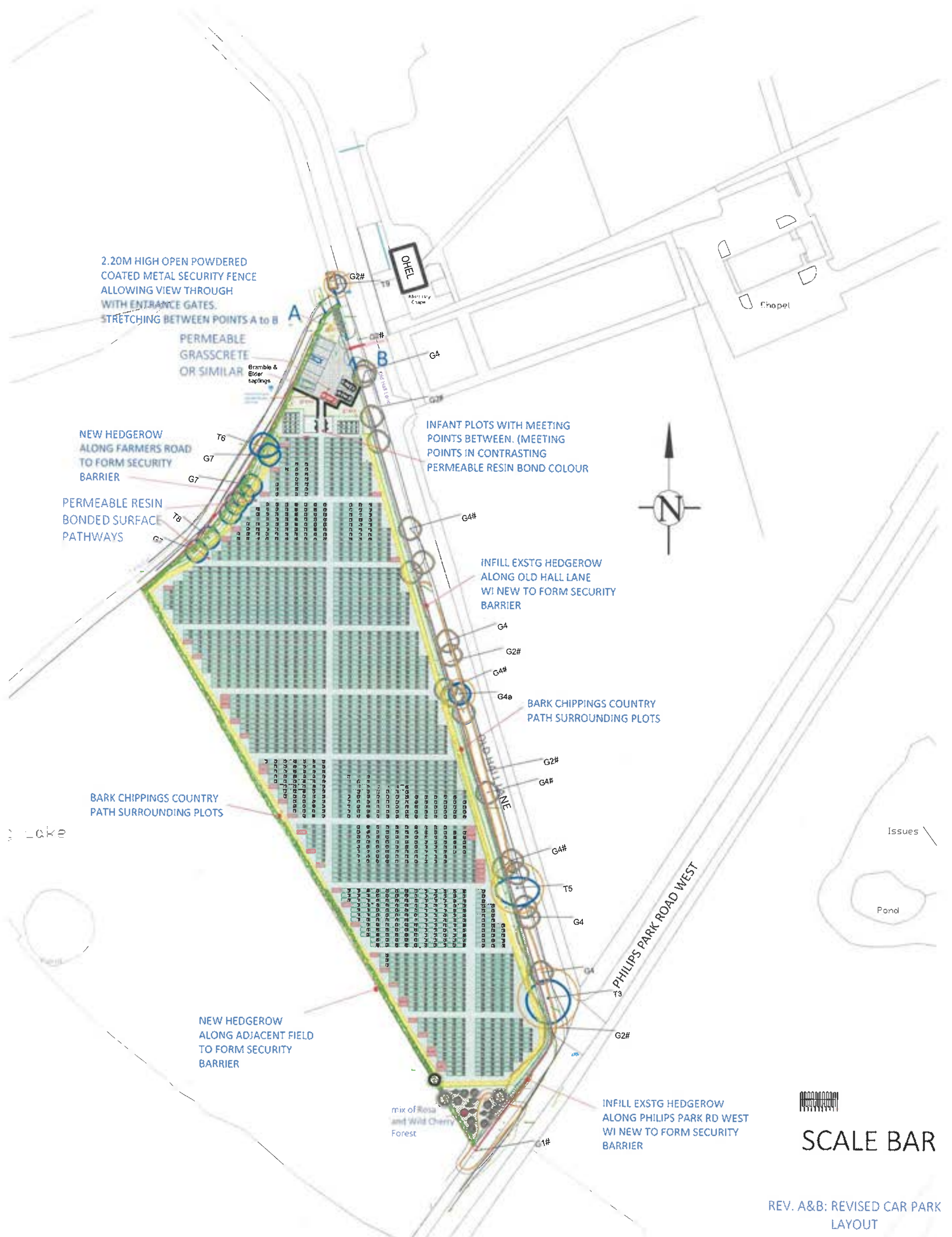
ORIG. DATE

JAN 2023

REV. DATE

-

architecture - quantity surveying - management



TO BE READ IN CONJUNCTION
WITH LANDSCAPE DRAWING

1987 PLOTS INC 27 INFANT

SPA CHARTERED BUILDING CONSULTANTS

CONTRACT: PROPOSED BURIAL GROUND
at
OLD HALL LANE, WHITEFIELD

CLIENT: GREEN FIELDS MP LTD

DRAWING TITLE: PRO. LAYOUT

DRAWING NR. SPA 1221c

REV. CPLN/024/04 B

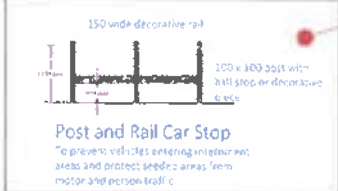
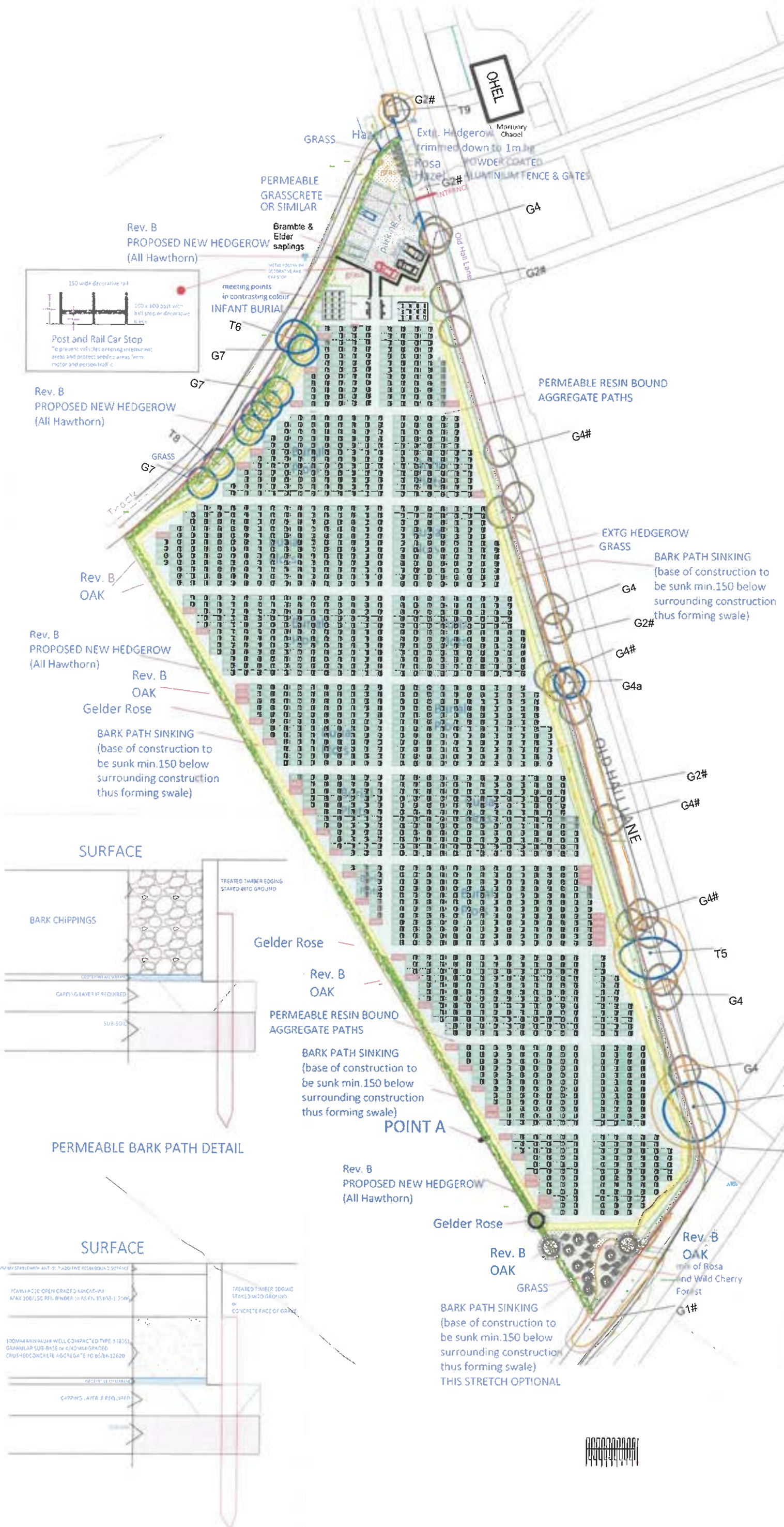
SCALE: 1:1000 at A3

DRAWN: SP

ORIG. DATE JAN 2023

REV. DATE MAY 2025

architecture - quantity surveying - management



CCTV SYSTEM TO BE SOLAR POWERED

LIGHTING TO BE SOLAR POWERED ON NIGHT TIME PIR SENSORS

- REV. A
- 1. Drawing Clarification
 - 2. Hardstanding Detail - Bound Aggregate
 - 3. Scale Change
 - 4. Further Planting Details
- REV. B
- 1. All proposed new hedgerow to be Hawthorn
 - 2. Proposed Maple trees now to be Oak
 - 3. Revised car park area shown on drawings Responsa 1 and Car Park Area - Revised
- REV C
- 1. Revised car park layout

**CHARTERED BUILDING CONSULTANTS**

CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD

CLIENT: GREEN FIELDS MP LTD

DRAWING TITLE: LANDSCAPE

SCALE: 1:750 at A3

DRAWN: RC

DRAWING NR: SPA 1221c

REV: CPLN/024/05 C -

ORIG. DATE JAN 2023

REV. DATE MAY 2025

PERMEABLE BOUND AGGREGATE PATH DETAIL



hazel



holly



common hawthorn



alder



wild cherry



rosa



guelder rose



beech



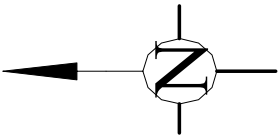
field maple

SPA CHARTERED BUILDING CONSULTANTS

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CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD	
CLIENT: GREEN FIELDS MP LTD	
DRAWING TITLE: PLANTS	DRAWING NR: SPA 1221c
SCALE: N.T.S.	REV: 06
DRAWN: RC	ORIG. DATE: OCT 2023
REV. DATE	

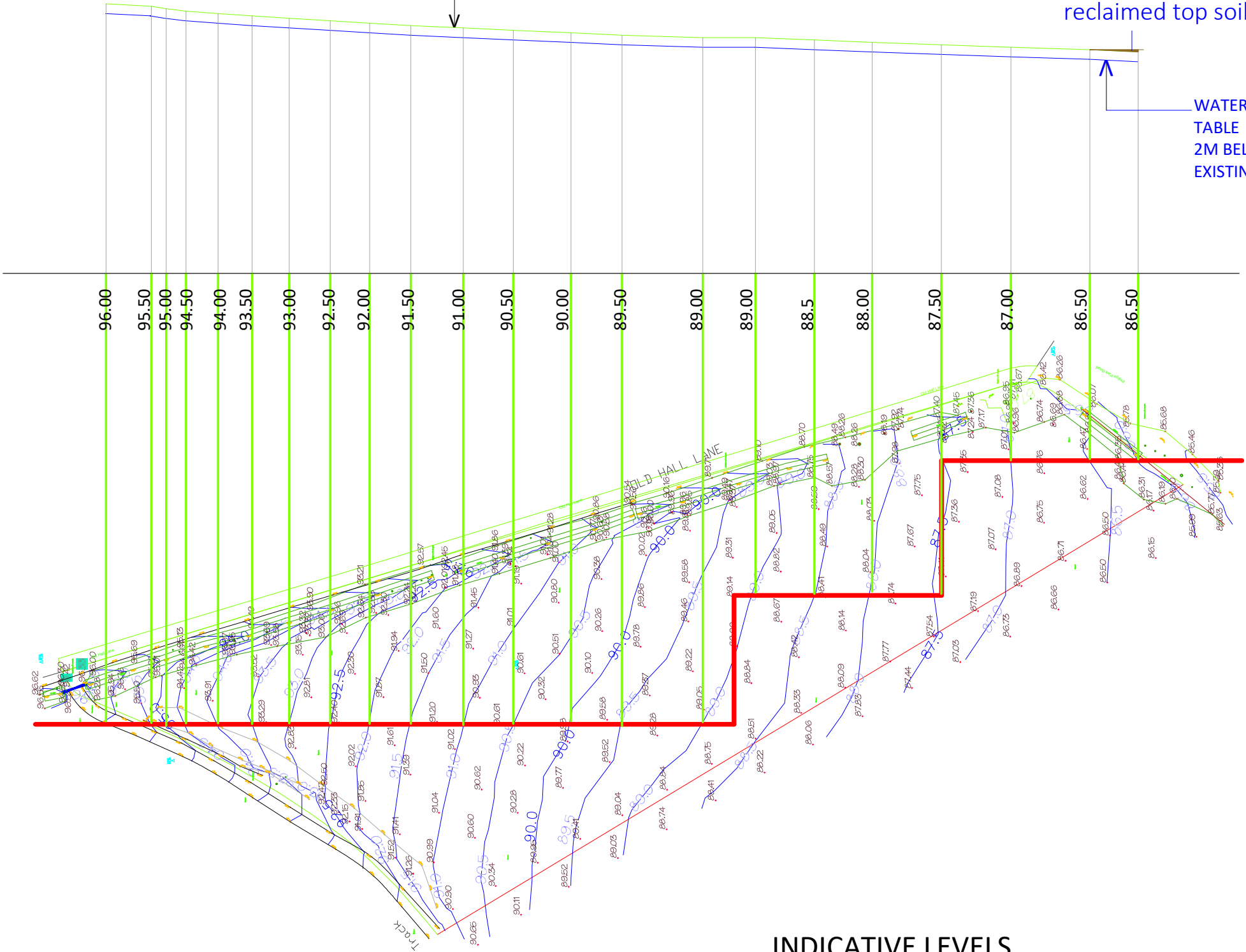
architecture quantity surveying management



EXISTING GROUND LEVEL

Area of fill with reclaimed top soil

WATER TABLE 2M BELOW EXISTING GL



INDICATIVE LEVELS

PROPOSED

land regraded to form stepped slopping platforms to facilitate burial plots directed toards east.

SPA

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CHARTERED BUILDING CONSULTANTS

CONTRACT:

PROPOSED BURIAL GROUND
at
OLD HALL LANE, WHITEFIELD

CLIENT:

GREEN FIELDS MP LTD

DRAWING TITLE:

LONG X SECTION / LEVELS

DRAWING NR.

SPA 1221c

REV:

CPLN/024/07 -

SCALE:

1:1000 at A3

DRAWN:

SP

ORIG. DATE

FEB 2023

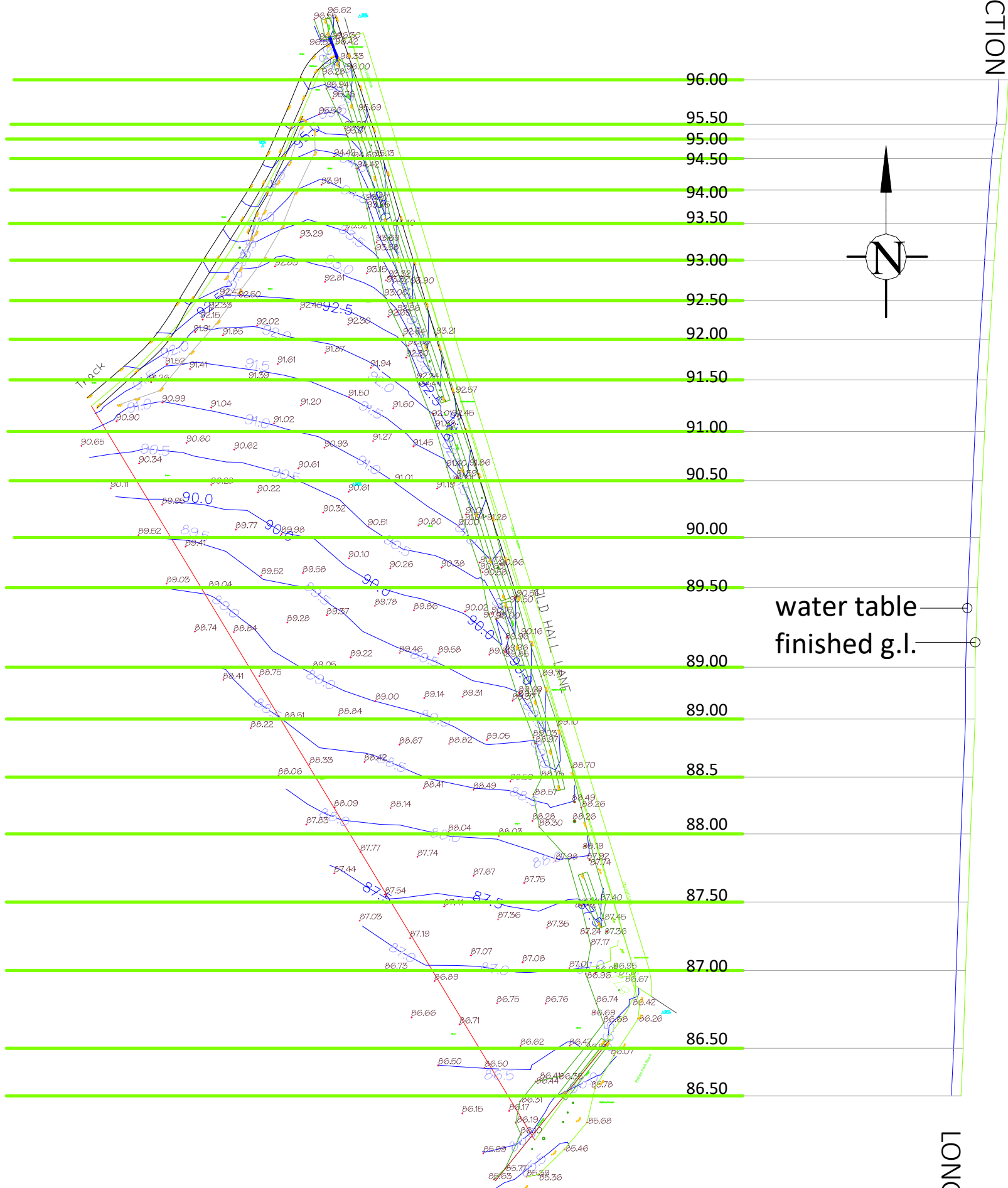
REV. DATE

-

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LONG SECTION

PROPOSED
SHELF LINES /
LEVELS




REV A: SEE DRWG. SHELVING 2 FOR
WIDTH EXTENT OF SHELVING

INDICATIVE LEVELS

PROPOSED

land regraded to
form stepped slopping
platforms to
facilitate burial plots
directed toards east.

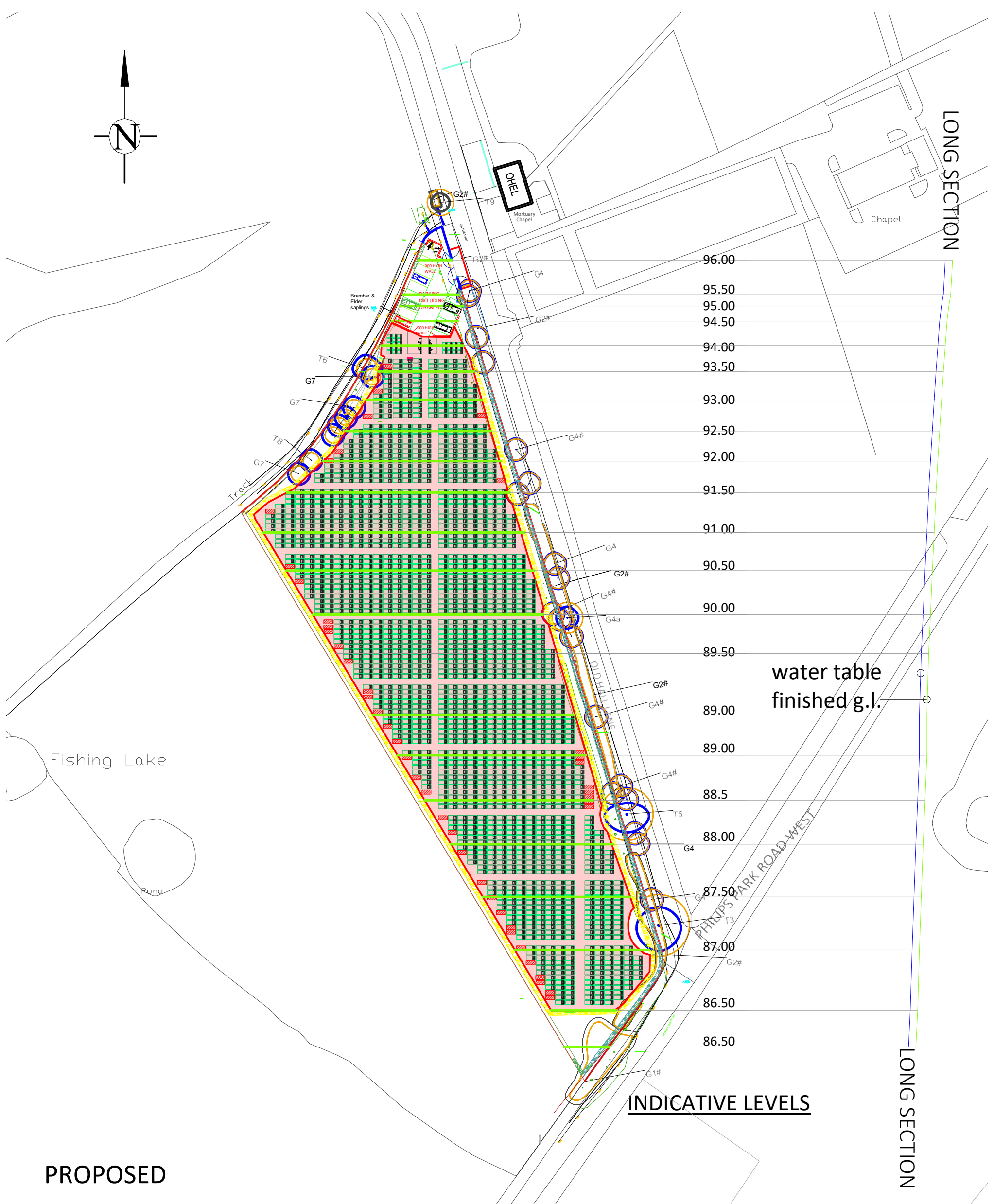
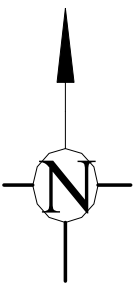


3 SANDY LANE, PRESTWICH
MANCHESTER M25 9RU
T: 07905766136 E: spa@live.co.uk

CHARTERED BUILDING CONSULTANTS

CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: SHELVING1	DRAWING NR. SPA 1221c CPLN/024/08	REV: A
SCALE: 1:1000 at A3	DRAWN: SP	ORIG. DATE FEB 2023 REV. DATE -


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PROPOSED

Land regraded to form level cross platforms but sloping down site, between platform levels shown.

REV A : Proposed shelf line width shown in green

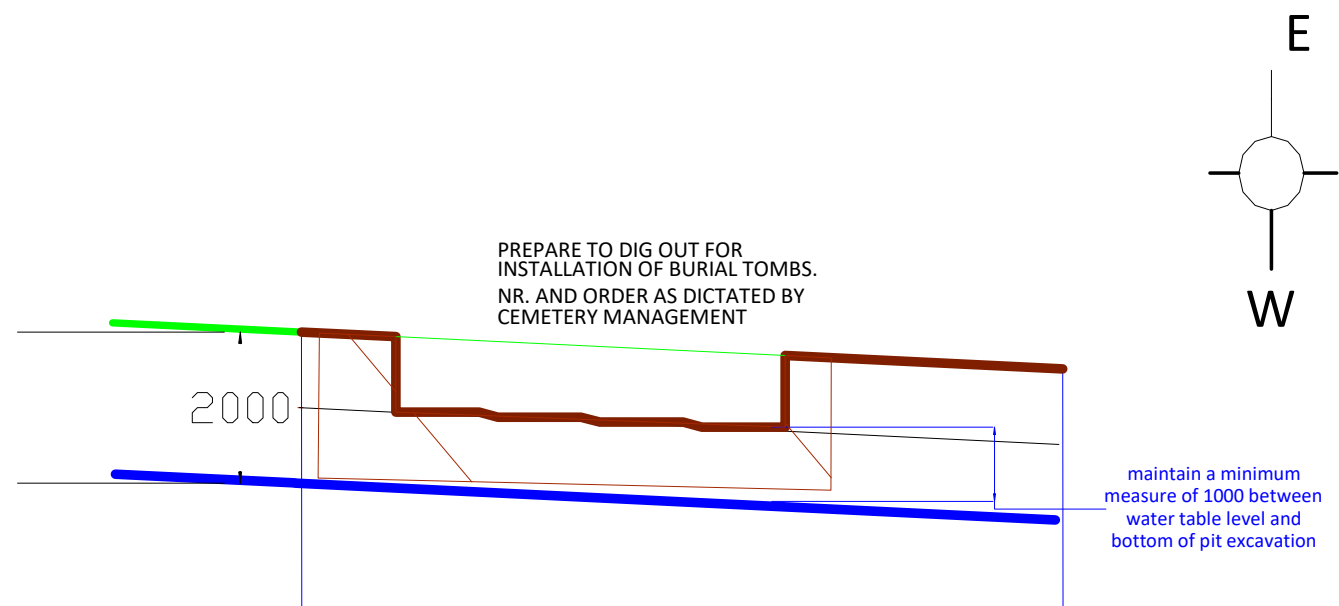
**SPA**
3 SANDY LANE, PRESTWICH
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CHARTERED BUILDING CONSULTANTS

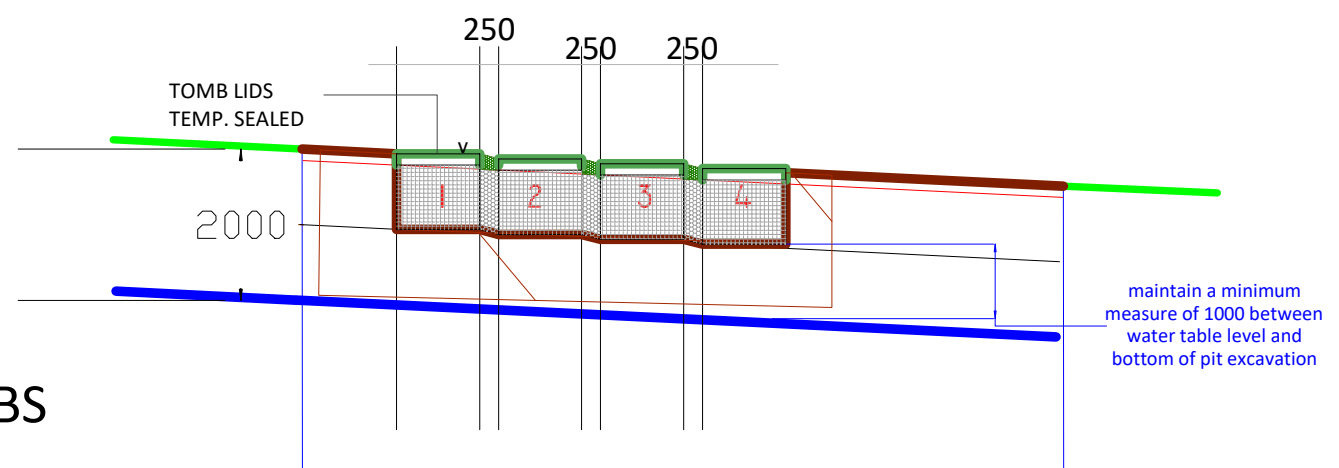
CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: SHELVING 2	DRAWING NR. SPA 1221c CPLN/024/09	REV: A
SCALE: 1:1000 at A3	DRAWN: SP	ORIG. DATE FEB 2023 REV. DATE -

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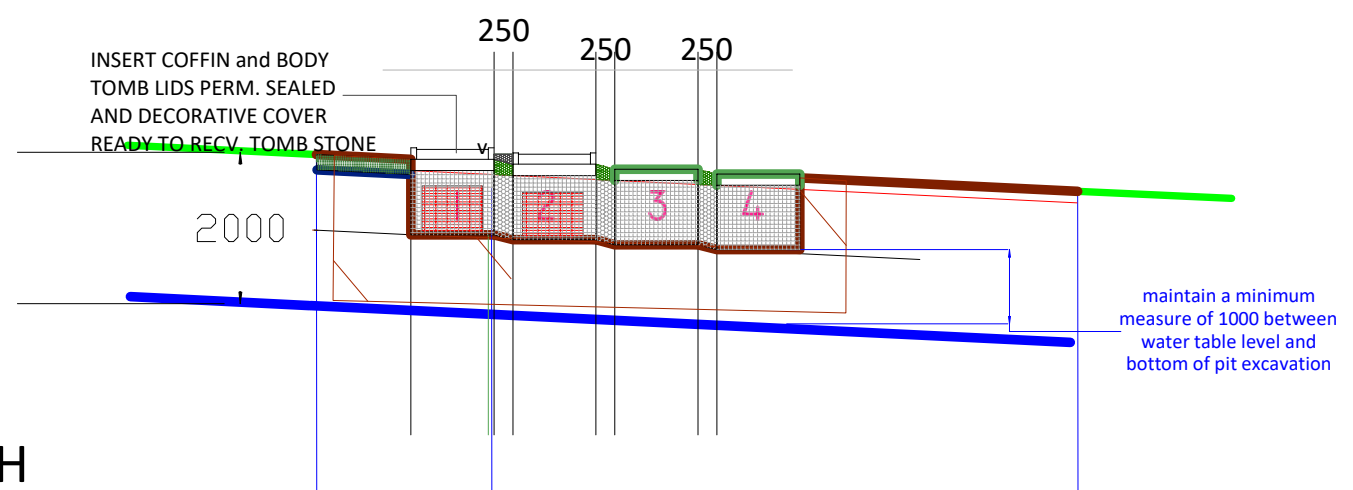
1.
DIG PIT
to recieve tombs



2.
PLACE IN EMPTY TOMBS
and temporary seal

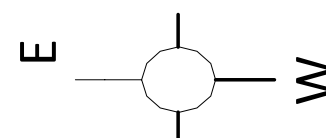


3.
OPEN UP TOMB AND
PLACE IN COFFIN WITH
BODY and permantly
seal and place cover slab
followed by grave head stone



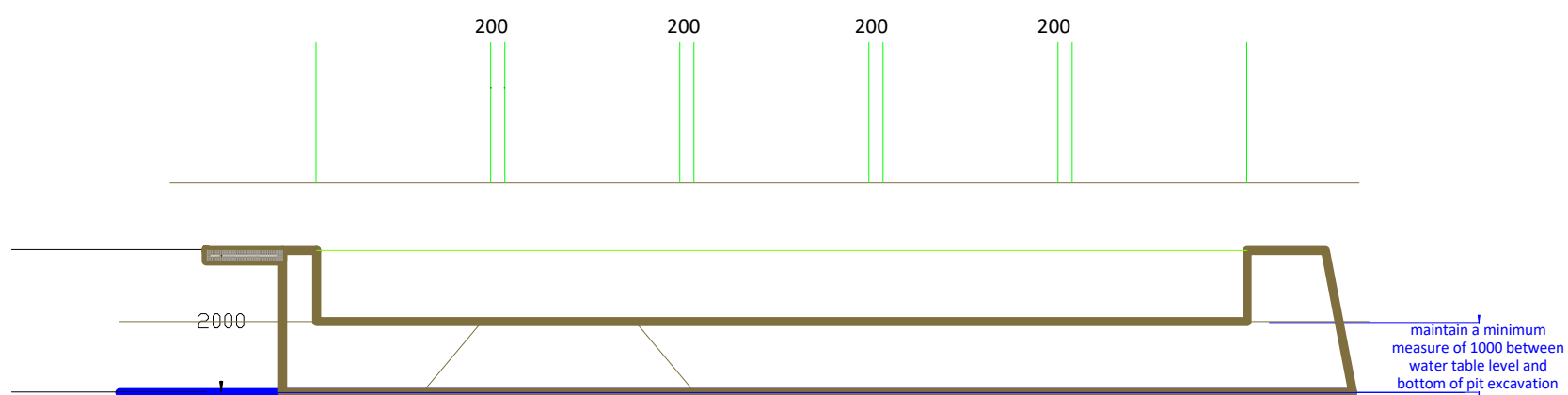
SEQUENCE:

Dig pit and insert empty concrete tomb.
As required open empty tomb and insert coffin with body.
Seale tomb and form cover slab over then place grave head stone.

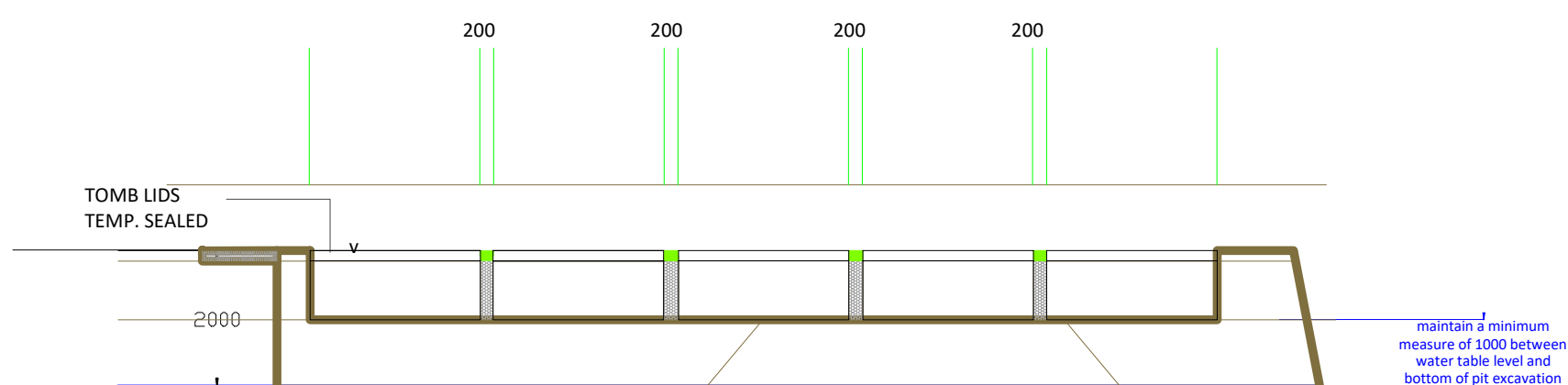


NR. AND ORDER AS DICTATED BY
CEMETERY MANAGEMENT

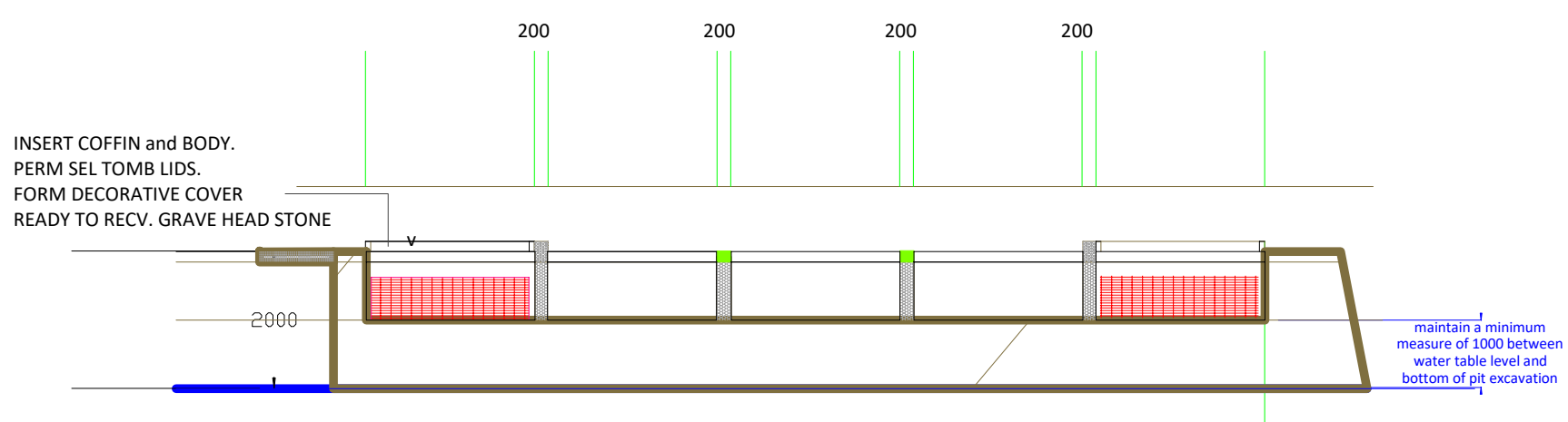
1.
DIG PIT
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PLACE IN EMPTY TOMBS
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OPEN UP TOMB AND
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SEQUENCE:

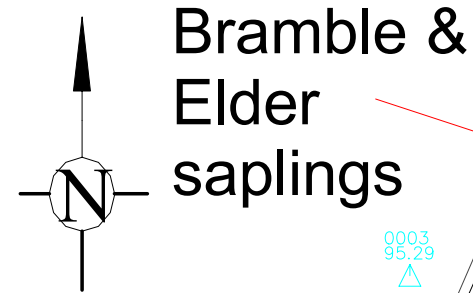
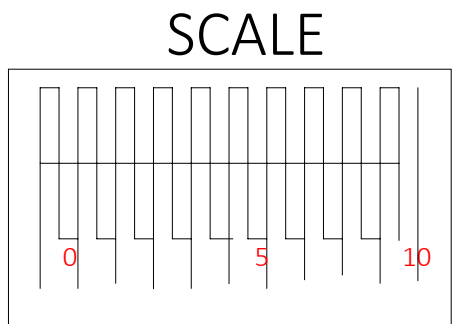
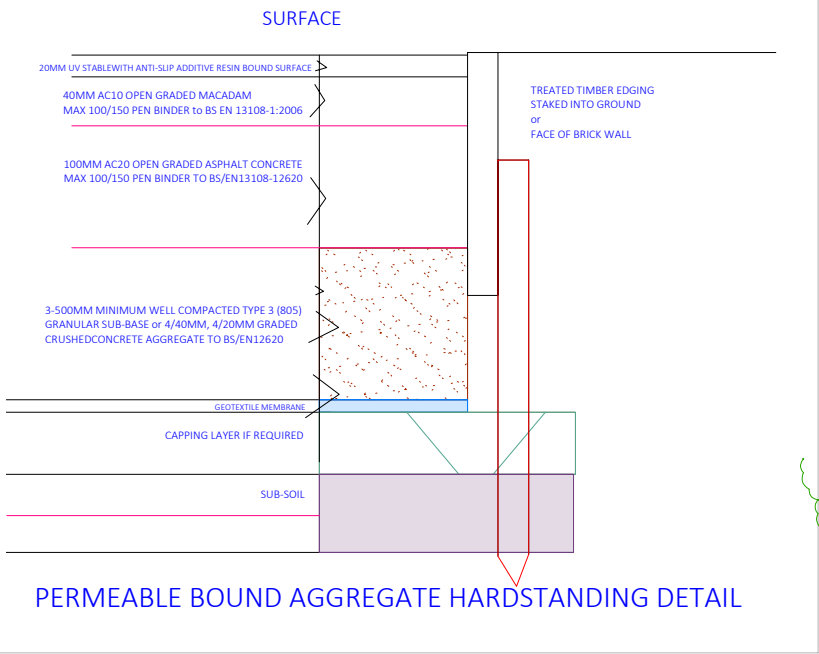
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Seale tomb and form cover slab over then place grave head stone.

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CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: PLOT DETAILS 2	DRAWING NR. SPA 1221c CPLN/024/11	REV: -
SCALE: 1:100 at A3	DRAWN: SP	ORIG. DATE FEB 2023 REV. DATE -

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**METAL POST WITH
DECORATIVE RAIL
CAR STOP**

**PERMEABLE RESIN BOUND
PATHWAYS AND STANDINGS**

HEDGEROW

grass

MEETING POINT

**WHITE LINES
8 SPACE of which
1 DISABLED**

**slide into ground
lockable security
post**

grass

G2#

T9

OH EL

**Mortuary
Chapel**

**POWDER COATED
ALUMINIUM FENCE & GATES**

G2#

ENTRANCE

**flower
area**

Old Hall Lane

HEDGEROW

GRASS

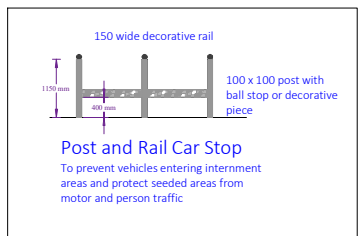
BARK PATH

**CCTV SYSTEM TO BE
SOLAR POWERED**

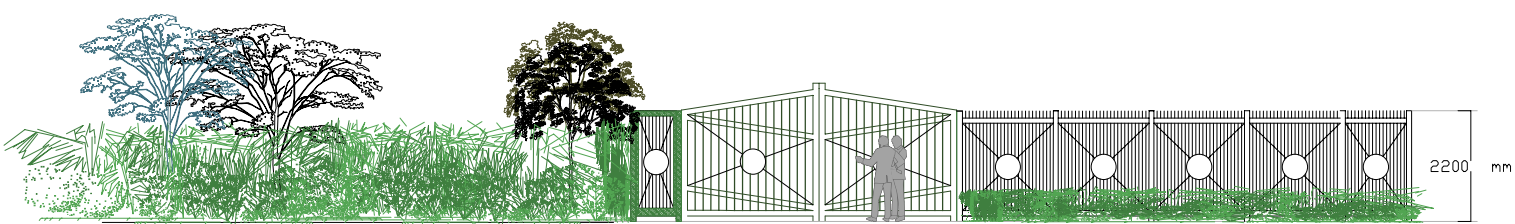
**LIGHTING TO BE
SOLAR POWERED**

REV. A
1. Drawing Clarification
2. Hardstanding Detail - Bound Aggregate

REV. B-D
Revised car park layout



**RESIN BOUND CAR PARK
AND PATHS ALL IN
PERMEABLE CONSTRUCTION**



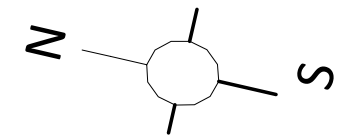
FRONT ENTRANCE VIEW (1:150)

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CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: CAR PARK AREA	DRAWING NR. SPA 1221c CPLN/024/12 D	REV:
SCALE: 1:200 at A3	DRAWN: SP	ORIG. DATE FEB 2023 REV. DATE MAY 2025

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ARTISTIC VIEW GRAVE PLOTS

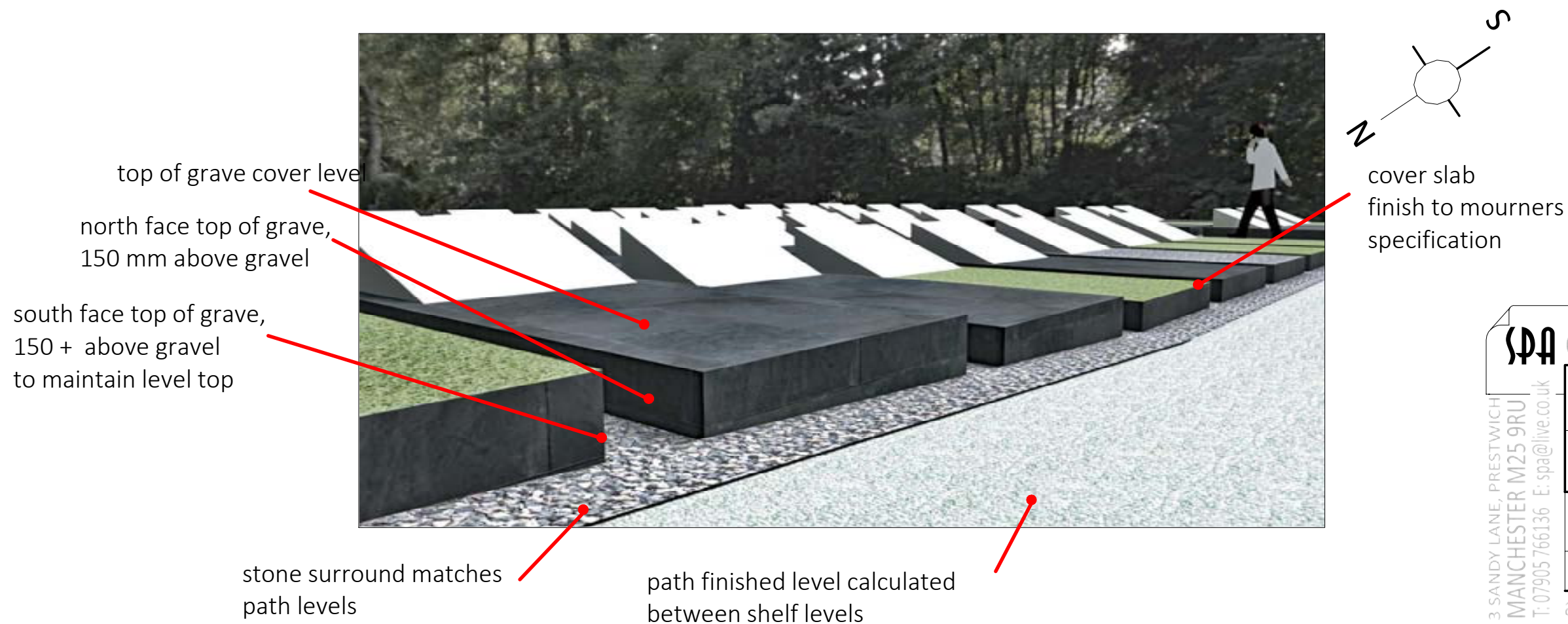
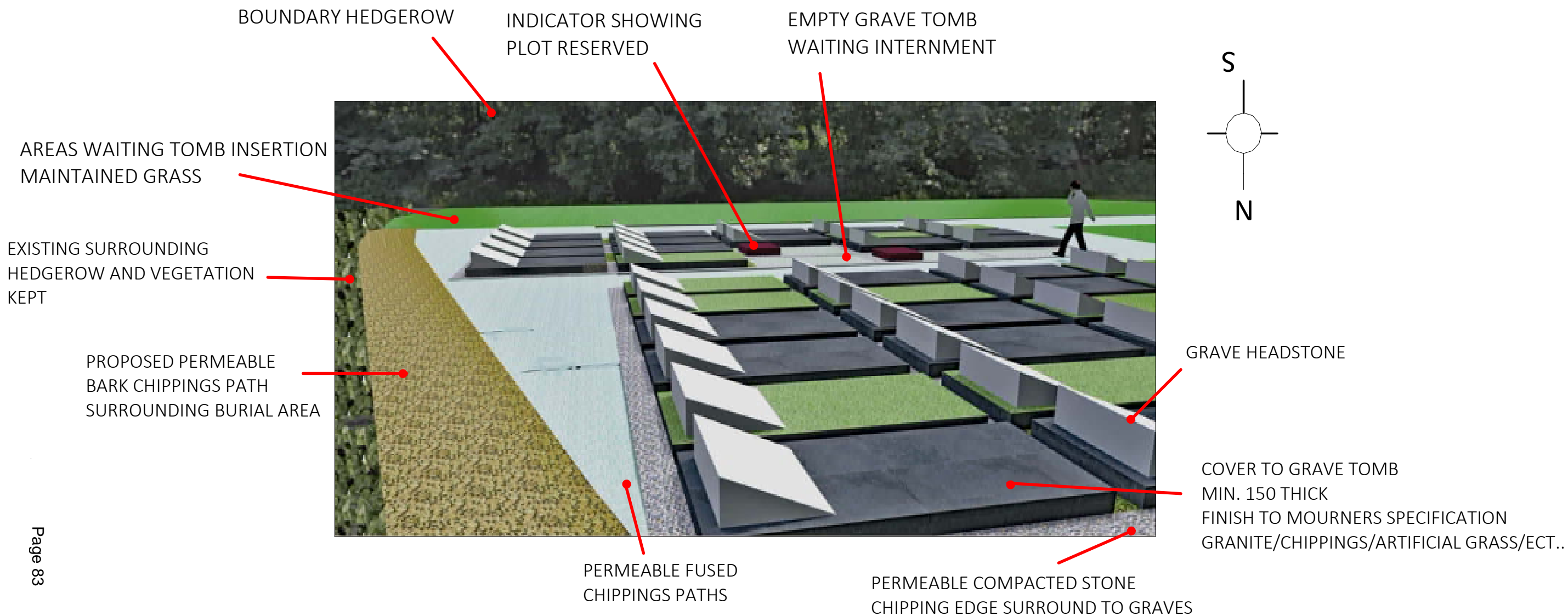


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CHARTERED BUILDING CONSULTANTS

CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: ARTISTIC IMP.	DRAWING NR. SPA 1221c CPLN/024/13 A	REV:
SCALE: N.T.S.	DRAWN: NP	ORIG. DATE FEB 2023 REV. DATE -

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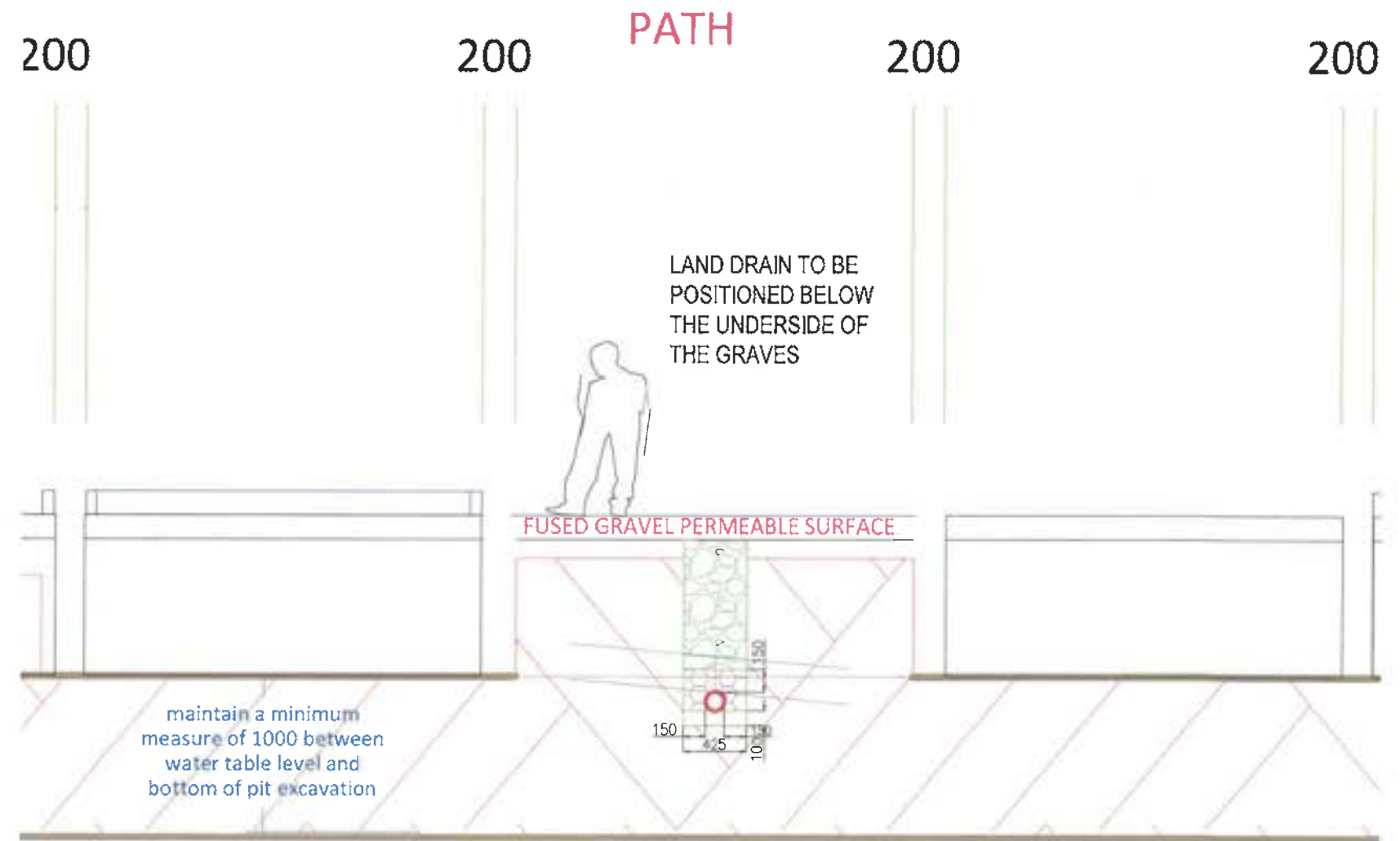


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CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: DIAG DETAILS	DRAWING NR. SPA 1221c CPLN/024/14 -	REV:
SCALE: NOT STANDARD	DRAWN: SP	ORIG. DATE OCT 2023 REV. DATE -

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125mmØ / 160mmØ LAND DRAIN WITH FIBRE SIEVE
SURFACE SLEEVE BEDDED ONTO 10mm CLEAN
PIPE BED. PIPE TO BE SURROUNDED IN 5-20mm
CLEAN AGGREGATE. ABOVE TO BE SELECTED
FREE DRAINING AGGREGATE



LIGHTING TO COMPRISE OF SOLAR POWERED
(NO CABLING CIRCUIT REQUIRED)
INDIVIDUAL UNITS

SPECIFICATION TO BE:

up to LED 6500K
up to 8 m flood and sensor width
IP65 Waterproof and Durable Material
(stainless steel) external units
pole/mount height maximum 1500 mm
on/off controlled by PIR activation during
dusk to dawn hours

NOTE:

Funerals are not held at night accept on
rare occasion when finishing off the ceremony
sees daylight giving way to early evening

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07905 766136 spa@live.co.uk

CONTRACT: PROPOSED BURIAL GROUND at OLD HALL LANE, WHITEFIELD		
CLIENT: GREEN FIELDS MP LTD		
DRAWING TITLE: LIGHTING	DRAWING NR: SPA 1221c CPLN/024/16 A	REV:
SCALE: 1:1000 at A3	DRAWN: NP	ORIG. DATE MAR 2024 REV. DATE MAY 2025

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Ward: Prestwich - Sedgley

Item 04

Applicant: Mr Asim Humza

Location: 65 Windsor Road, Prestwich, Manchester, M25 0DB

Proposal: Change of use from shop to restaurant and the retention of extract flue and AC unit

Application Ref: 71520/Full

Target Date: 09/07/2025

Recommendation: Approve with Conditions

Description

The application follows a temporary approval for a period of 12 months, granted in February last year. This application now seeks permanent consent and includes the use of the external canopy area at the front for customer seating. The first floor would remain in residential use with access via an external staircase at the rear.

The building has a ground floor area of 67sqm and is situated at the end of a row of two storey commercial properties that form a Neighbourhood Shopping Centre. The property was previously a jewellers shop which closed in 2022. The attached property on the east side is No.67 and is an accountant's office and on the west side, the detached property comprises two apartments (Nos.63A and B). Properties across Windsor Road and to the rear are also residential.

The previous application, submitted in 2023 initially sought permanent consent with opening to 11pm but, after concerns were raised about the potential impact from noise and disturbance to surrounding residential properties later in the evening, it was agreed that, in the first instance, to seek a temporary consent for 12 months and restrict opening to 9pm which is in line with the current licence arrangement. This would enable the business operations to be monitored in the light of any residential amenity issues such as noise and disturbance.

The extractor flue and an air conditioning unit are situated on the side/SW elevation facing No.63B, towards the rear. Bin storage for the commercial unit and the flat on the first floor would be at the rear of the premises with access to the unmade road at the rear and also down the side of the property onto Windsor Road.

A noise report has been submitted with the application that assesses the impact of the existing kitchen extractor and condenser units. The report states that sound measurements were undertaken of the LAeq sound pressure levels over periods of 5 minutes with the installed kitchen extract fan and condenser unit operating (due to steady noise). Measurements were subsequently undertaken of the LA90 sound pressure levels over periods of 5 minutes for the background noise level (with the installed kitchen extract fan and condenser unit off). Atypical noises were excluded as far as reasonably possible.

The result of the assessment were reported as follows:

- Kitchen extract fan and condenser unit - 61dB
- Condenser only - 58dB
- Kitchen extractor unit only - 57dB
- Background (plant off) - 42dB

With both the installed kitchen extract fan and condenser unit operating the measured LAeq atmospheric plant noise emission levels were 19dB above the representative LA90 background sound level.

The report states that in order to reduce atmospheric plant noise emission levels from the installed kitchen extract fan and condenser unit, attenuation measures will be required and these are:

- The installed kitchen extract fan shall be fitted with an atmospheric silencer.
- The installed kitchen extract fan unit and all ductwork/silencers between the penetration of the facade and the exhaust end of the atmospheric silencer shall be acoustically lagged (50mm (min.) mineral wool slab (min. 16kg/m³) wrapped with a polymeric heavy mass barrier material of at least 10kg/m²).
- As the required acoustic enclosure could not be fitted in the current location, relocation of the condenser unit to the rear of the property is required where an enclosure could be fitted.
- The other option is to remove of the condenser unit from site altogether

Relevant Planning History

43163 - Part change of use of ground floor to tearoom - Approve with Conditions
10/11/2004

69917 - Change of use of ground floor from shop to restaurant (Class E) with installation of a external flue pipe at the rear of the building - Refused 26/10/2023

70340 - Change of use of ground floor from shop to restaurant (Use Class E) with opening times 07.30 - 21.00; canopy at front and installation of an external flue pipe at the side/rear (Temporary consent for 12 months) - Approved 21/02/2024

23/0337 - Change of use of property to restaurant/hot food take away and installation of flue at rear of building - 21/09/2023

24/0035 - Premises used as a bar - 30/01/2024

24/0430 - Breach of condition no.3 (opening times) of planning permission 70340 -
31/12/2024

24/0451 - Building works at rear - 11/12/2024

Publicity

Immediate neighbours notified by letter dated 15/05/2025.

Three objections have been received from residents and these are summarised below:

- The use of the property as a cafe is inappropriate in a residential area.
- The extractor flue and AC unit have caused noise problems - proven by the noise report.
- Use of the canopied area has been a breach of planning control and has caused continued noise and disturbance.
- Opening beyond closing time, sometimes until midnight and later.
- Even earlier closing would cause a nuisance.
- Bins are often left on pavement and block access.
- Anti-social behaviour by customers and staff causing neighbourhood tension, disruption and conflict.
- Loud music/ noise pollution.
- Police have visited.
- Parking problems.
- Application forms are incorrect.

All objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - Surface water run-off should not run off onto the public footway.

Environmental Health - No objection subject to mitigation measures undertaken on the flue

and AC unit.

Waste Management - No objection.

Licensing Department - The current licence restricts the sale of alcohol to 20.30hrs with closing at 21.00hrs.

Prestwich Village Neighbourhood Forum - No comment.

Police - securebydesign - The original objection is withdrawn if opening is restricted to 21.00hrs (as opposed to 11pm) as this would reduce potential for anti-social behaviour arising.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
EN5/1	New Development and Flood Risk
PFE	Places for Everyone

Issues and Analysis

Policy - UDP policy EC4/1 Small Businesses states that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

S1/5 - Neighbourhood Centres and Local Shops. The Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day-to-day needs of residents and businesses.

S2/6 - Food and Drink. The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

EN7/2 Noise Pollution. In seeking to limit noise pollution the Council will not permit:

- a) development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;
- b) development close to a permanent source of noise.

HT2/4 Car Parking and New Development. The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

Previous Temporary consent - The previous consent, granted in February 2024, was for 12 months and restricted the use of the external canopy area. It also required details of the flue to be submitted. It is clear that the external area under the canopy has been used for customer seating and there have been allegations of opening beyond the 9pm closing time. A number of food delivery websites indicate opening to 22.30.

Use - In principle, the initial replacement of a shop with a restaurant/cafe use (serving food and drink for consumption largely on the premises) was appropriate in land use terms and indeed in isolation, the use of the original ground floor of the property, falling into the current Class E Use, would be deemed as permitted and not require planning permission.

Given the 'permitted development' and the previous consent, the two main factors to consider in this application are the impact of the customer seating under the canopy at the front and presence of the extractor flue and AC unit.

Economy - Converted from the vacant shop, the property is a commercial unit that contributes to the economic vitality of the wider shopping centre. The National Planning Policy Framework indicates that planning policies and decisions should help create the conditions in which businesses can invest and significant weight should be placed on the need to support economic growth. It also states that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Visual amenity - Visually the external canopy, although relatively prominent on the forecourt, does not appear particularly incongruous within the shopping centre and does not have a seriously harmful visual impact. Given it is a relatively lightweight structure, it could be removed at any time. The flue on the side elevation is set well back down the side passageway and is not particularly prominent when viewed from the public road.

The visual impact of the cafe/bar, in its present form in this location and with opening to 9pm, is not considered seriously harmful to the visual amenity of the streetscape. The proposal in principle would therefore not have a serious impact on visual amenity. Complies with UDP Policy EN1/2 Townscape and Built Design and S2/6 Food and Drink in terms of visual amenity.

It is noted that any later opening into the evening would have a greater visual impact on the streetscape through lighting and general activities associated with a cafe use, particularly given the existing canopy on the frontage.

Residential Amenity - UDP Policy S2/6 Food and Drink states that the impact on the amenity of nearby residents from noise, fumes/smells, litter and opening hours is a crucial factor any assessment of a proposal of this kind.

Situated close to residential properties, it is important to ensure that any noise and disturbance caused by the business is minimised.

Hours of Operation - With an opening time restricted to 9pm daily and a further restriction on the use of the area under the canopy, the previous temporary consent appeared to be reasonable and allowed the business operations to be assessed against residential amenity over a 12 month period.

For almost a year, the Local Planning Authority were unaware of any obvious problems arising in terms of noise and disturbance. In recent months however, complaints were received with regard to opening hours and noise and disturbance.

Complaints were investigated and checks were made but no evidence found of any breach.

Whilst the complaints may be valid, issues could be addressed with better management on the applicant's side and where appropriate, enforcement of any breaches by the Council.

As previously stated, the 12 month temporary consent was granted in order to assess the impact with regard to noise and disturbance, particularly with a focus on the canopy area. With complaints received and some evidence to suggest that opening times have not always been followed, it is considered that some control over the use, particularly the area under the canopy, is required, at least for a temporary period to determine if noise and disturbance issues can be appropriately addressed. Granting a further temporary consent and limiting the use for customer seating in this area to 19.30hrs (7.30pm) by suitable conditions may be a reasonable solution to this end. It is also important to note that there are regulations, other than planning, that exert control on noise and disturbance - Environmental Health, Anti-Social Behaviour team, Licencing and Police.

Flue and Extraction - With regard to the extractor flue on the side of the premises, the implementation of mitigation measures to reduce noise, set out in the noise report, would significantly reduce noise impact and it is considered that, with these measures in place, the flue would be acceptable.

The noise report recommends that the AC unit on the side elevation should either be relocated to the rear elevation or removed completely. The applicant has confirmed that the AC unit would not be used and as such a condition would be attached to require it to be removed on the interests of residential amenity.

Conclusion - With mitigation measures in place regarding the flue and AC unit, good management and strict adherence to the current licence restrictions on the sale of alcohol to 20.30hrs and business opening to 21.00hrs, it is considered that noise and disturbance from what is a relatively modest sized cafe would be significantly mitigated, particularly as the unit is the only food and drink/cafe use within the commercial row.

Given the operational restrictions set out above, it is not considered that the proposed use would have a particularly serious and detrimental impact on the residential amenity and as such would comply with UDP Policies S2/6 Food and Drink, EC4/1 Small Businesses and EN7/2 Noise Pollution.

Traffic - The premises, along with the majority of other businesses within the neighbourhood centre, has no specific/dedicated on-site parking. It is noted that the immediate area is usually busy with cars parked in front of the commercial row in chevron formation. As such it is difficult to determine which businesses within the centre are generating what levels of traffic. It is also noted that Bowker Vale tram station is less than 200m further along Windsor Road and this could well be contributing to the parking congestion.

Although the cafe/bar use is within a neighbourhood centre and focuses on local custom, it will undoubtedly generate some vehicular traffic. But as previously stated, this is the same for all the businesses along the commercial row. In the evenings when Windsor Road would be more likely to be 'parked up' with residents' cars, the commercial 'daytime' businesses would be closed so freeing up parking spaces. Given the premises are relatively modest in scale, the impact on parking may not be so significant.

Whilst the Council's Traffic Team recognises parking issues along this part of Windsor Road, it is not considered that the proposal could be reasonably refused on traffic/ parking grounds, not least due to the considerations of permitted development. As such, subject to a condition requiring a suitable surface water run-off arrangement to be installed on the canopy, there is no objection from the traffic team and the proposal is considered

acceptable and complies with UDP Policies S2/6 Food and Drink and HT2/4 Car Parking and New Development.

Waste management/litter - Refuse bins serving the residential unit at first floor should be kept off the frontage. This clearly has not been happening on a regular basis but with better management and enforcement, a more suitable arrangement could be achieved with bins store to the rear. Condition restricting commercial bin collection to opening hours and restricting bin storage on the frontage would be attached to any approval.

Public representations - The material planning issues raised by objectors have been addressed in the above report.

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

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

Recommendation: Approve with Conditions

Conditions/ Reasons

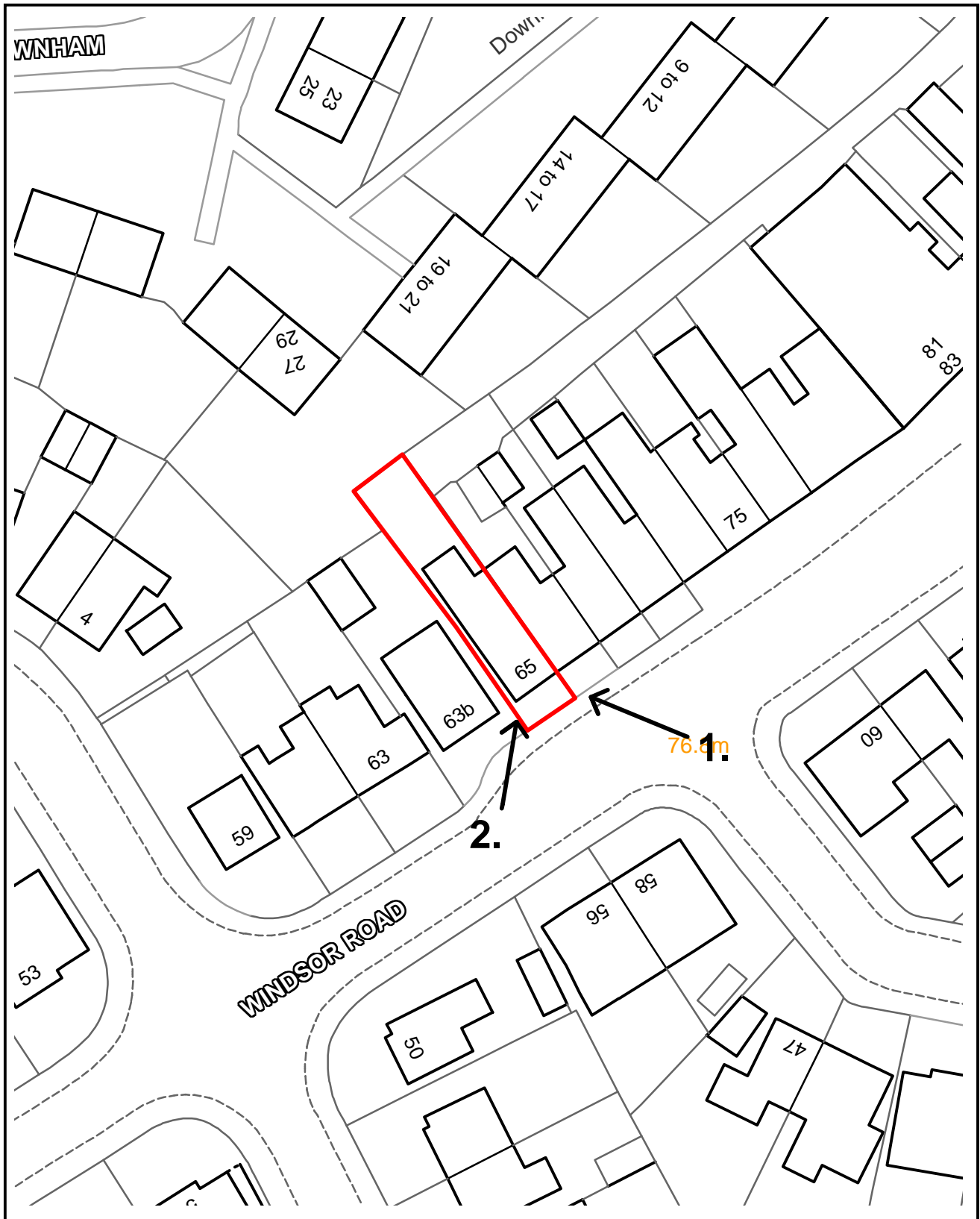
1. Permission is hereby granted for a limited period only, namely for a period expiring 12 months from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.
Reason. In view of the nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
2. This decision relates to drawings numbered 02, 03, 05C, 06D, 07 and 10 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
3. Within one month, all mitigation methods for the kitchen extraction fan unit must be carried out as recommended by the noise assessment dated 13 May 2024 (Lighthouse Acoustics ref 1424/le/02). Mitigation measures include:
The installed kitchen extract fan shall be fitted with an atmospheric silencer as specified in the Silencer Schedule 1424/SS1 enclosed at the rear of the report.
The installed kitchen extract fan unit and all ductwork/silencers between the penetration of the facade and the exhaust end of the atmospheric silencer shall be acoustically lagged comprising 50mm (min.) mineral wool slab (min. 16kg/m3) wrapped with a polymeric heavy mass barrier material of at least 10kg/m2.
Reason. In order to mitigate noise in the interests of residential amenity pursuant

to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.

4. Within one month of the date of this decision notice, the existing condenser unit shall be removed completely from the site.
Reason. In order to mitigate noise in the interests of residential amenity pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
5. The business shall not be open to customers outside the following times: 08.00 to 21.00 daily
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy S2/6 Food and Drink of the Bury Unitary Development Plan.
6. Within one month, the surface water run-off from the canopy shall be channelled into the existing drain as indicated in the revised plan Dwg 10 to the written satisfaction of the Local Planning Authority.
Reason. In order to reduce surface water run-off to the public footway in the interests of flood risk and water pollution, pursuant to UDP Policies EN5/1 Flood Risk and EN7 Pollution Control.
7. All refuse bins shall be stored at the rear of the premises and only brought to the front on the appropriate collection day. No collections shall be undertaken beyond the closing time of 21.00hrs.
Reason. In the interests of residential amenity pursuant to UDP Policy S2/6 Food and Drink.
8. The external area under the canopy shall only be available for customer seating until 19.30hrs. After this time all seating shall be stored away to avoid useage.
Reason: In order to reduce possible noise and disturbance from the outside area in the interests of residential amenity pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise pollution.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

71520- Viewpoints



ADDRESS: 65 Windsor Road, Prestwich,
Manchester, M25 0DB



Bury
Council

Planning, Environmental and Regulatory Services

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71520

Photo 1



Photo 2

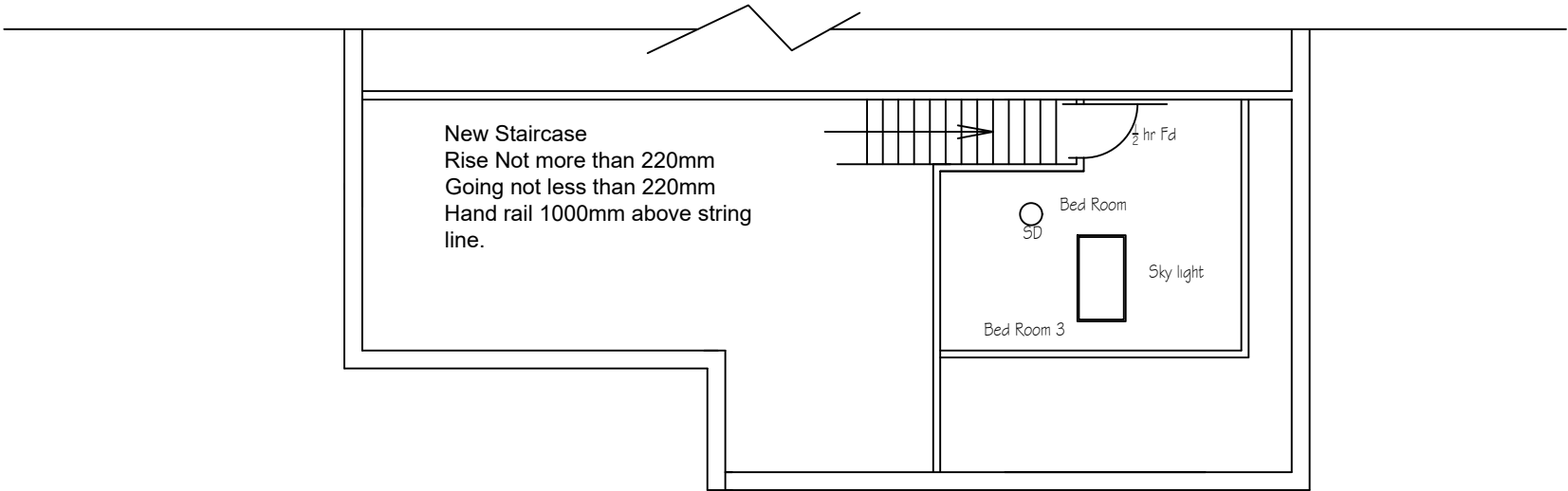


SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 383294, 403110

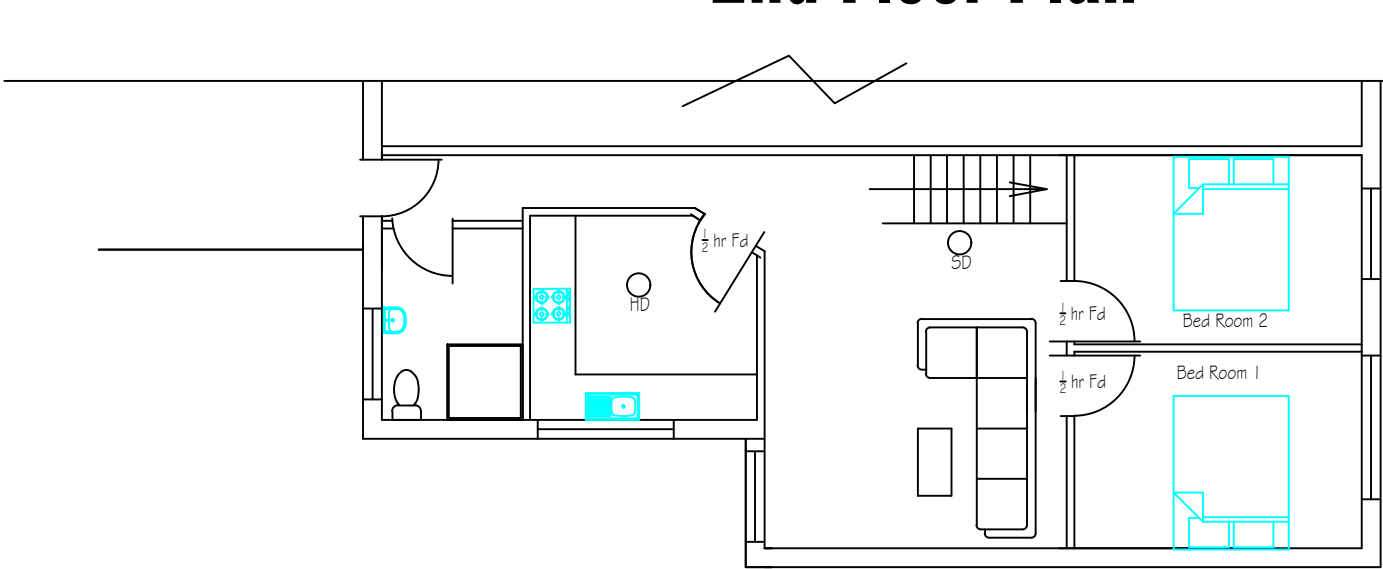


Supplied by Streetwise Maps Ltd
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THE BUILDER MUST CHECK THE SITE AND THE APPROVED DRAWINGS BEFORE COMMENCING THE WORKS AND MUST TAKE ANY WORKING MEASUREMENTS AS NECESSARY. ANY DISCREPANCY IN THE DRAWING MUST BE REPORTED TO THE CLIENT .



2nd Floor Plan



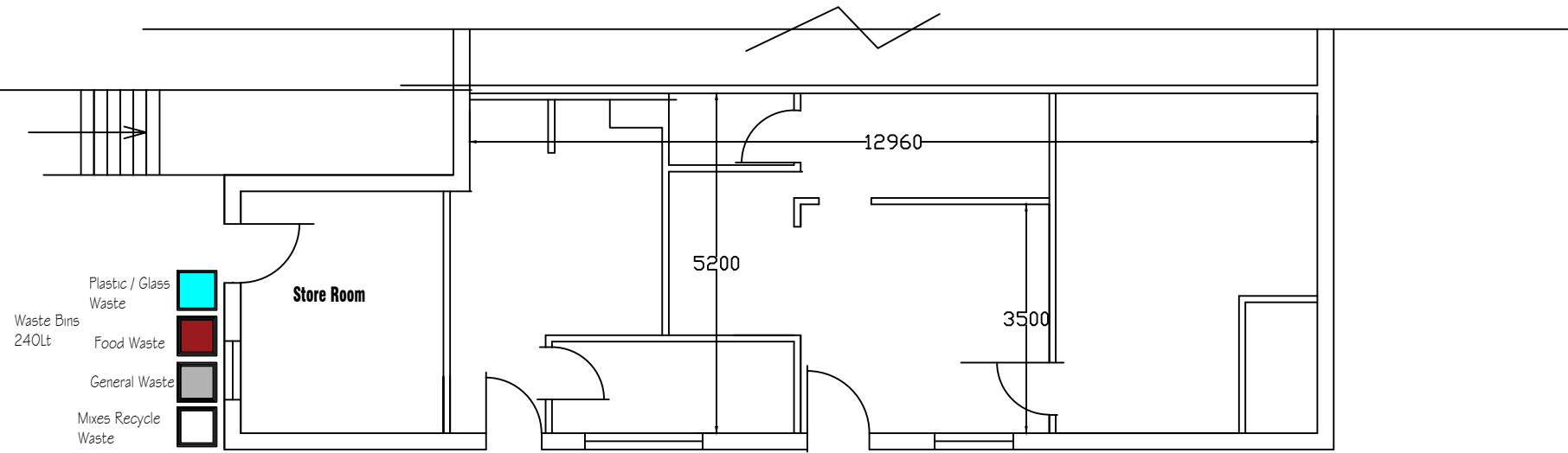
1st Floor Plan

H S H

Engineering Design Services Ltd
428 Cheetham Hill Road Cheetham Manchester
M8 9LE. UK 01617956385,07940197 333



project title	Proposed change of the ground floor from a shop to restaurant including installation of an external flue pipe.		
client	Mr Asim Humza		
dwg. title	Existing Plan		
dwg.no.	sheet no.	scale.	job no.
03		1:100 @ A3	
65 Windsor Road Pretwich M25 ODB			
drawn by.	checked by.	approved by.	date
TZ			March 2023

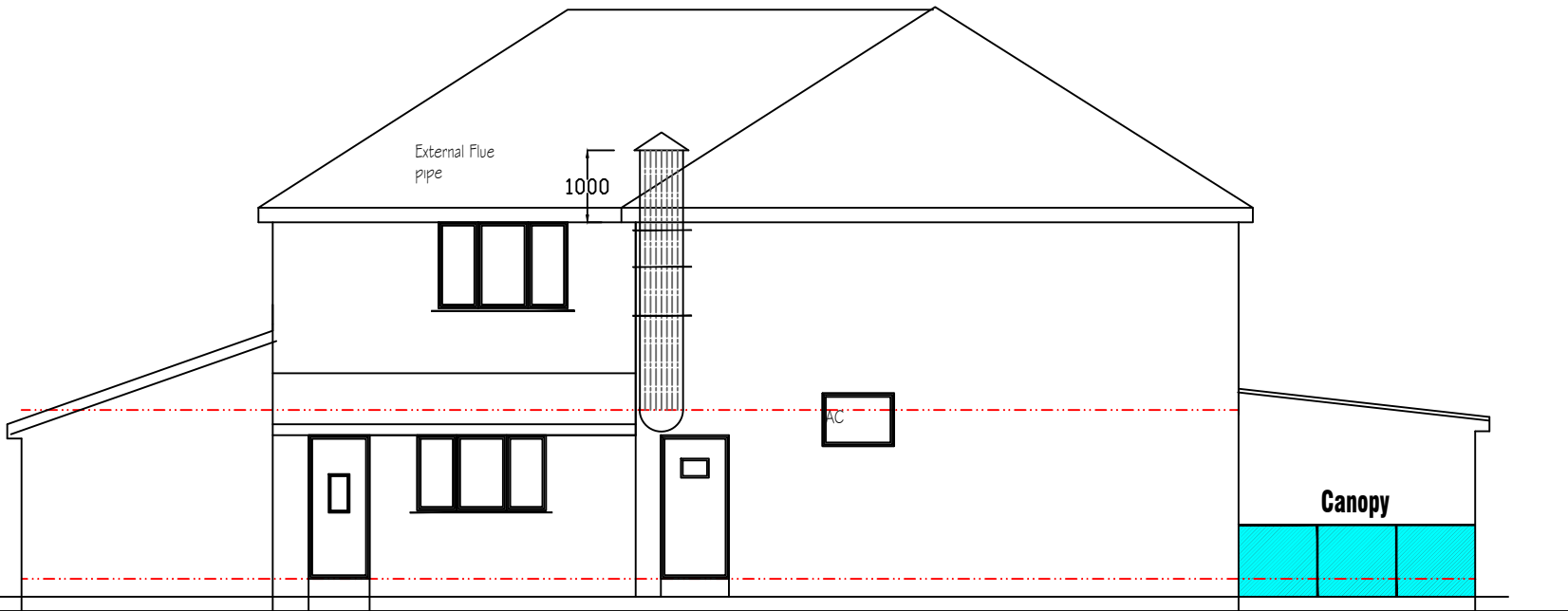


THE BUILDER MUST CHECK THE SITE AND THE APPROVED DRAWINGS BEFORE COMMENCING THE WORKS AND MUST TAKE ANY WORKING MEASUREMENTS AS NECESSARY.ANY DISCREPANCY IN THE DRAWING MUST BE REPORTED TO THE CLIENT .

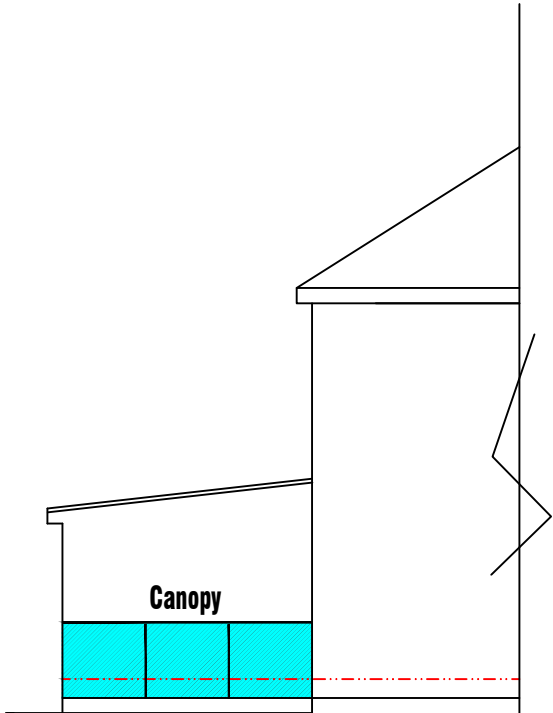
Site Layout Plan

<div><div>H S H</div><div>Engineering Design Services Ltd 428 Cheetham Hill Road Cheetham Manchester M8 9LE, UK 01617956385,07940197 333</div></div>			
project title	Proposed change of the ground floor from a shop to restaurant including installation of an external flue pipe.		
client	Mr Asim Humza		
dwg. title	Bin Location Plan		
dwg.no.	sheet no.	scale.	job no.
07		1:100 • A3	
65 Windsor Road Pretwich M25 ODB			
drawn by.	checked by.	approved by.	date
TZ			March 2023

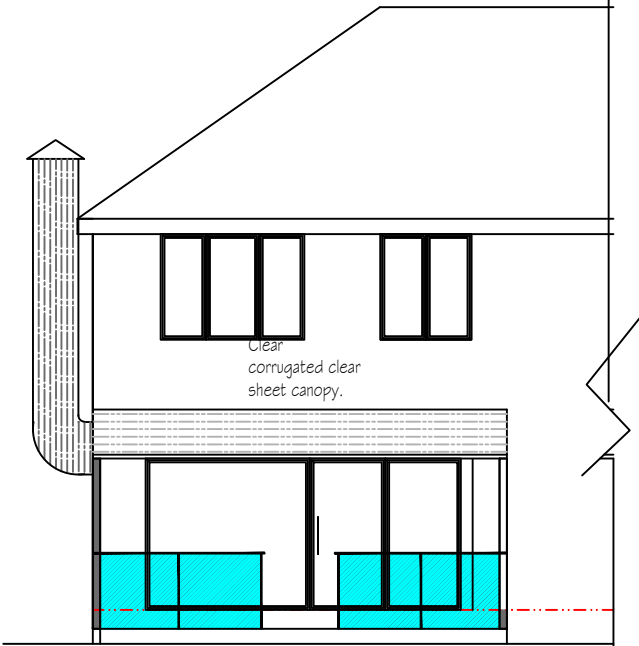
THE BUILDER MUST CHECK THE SITE AND THE APPROVED DRAWINGS BEFORE COMMENCING THE WORKS AND MUST TAKE ANY WORKING MEASUREMENTS AS NECESSARY. ANY DISCREPANCY IN THE DRAWING MUST BE REPORTED TO THE CLIENT .



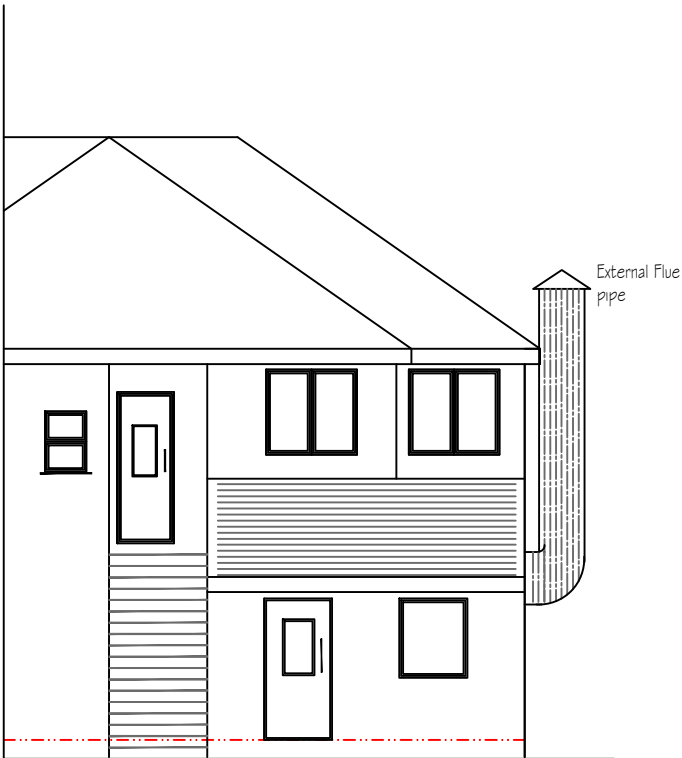
Side Elevation



Elevation From No 67



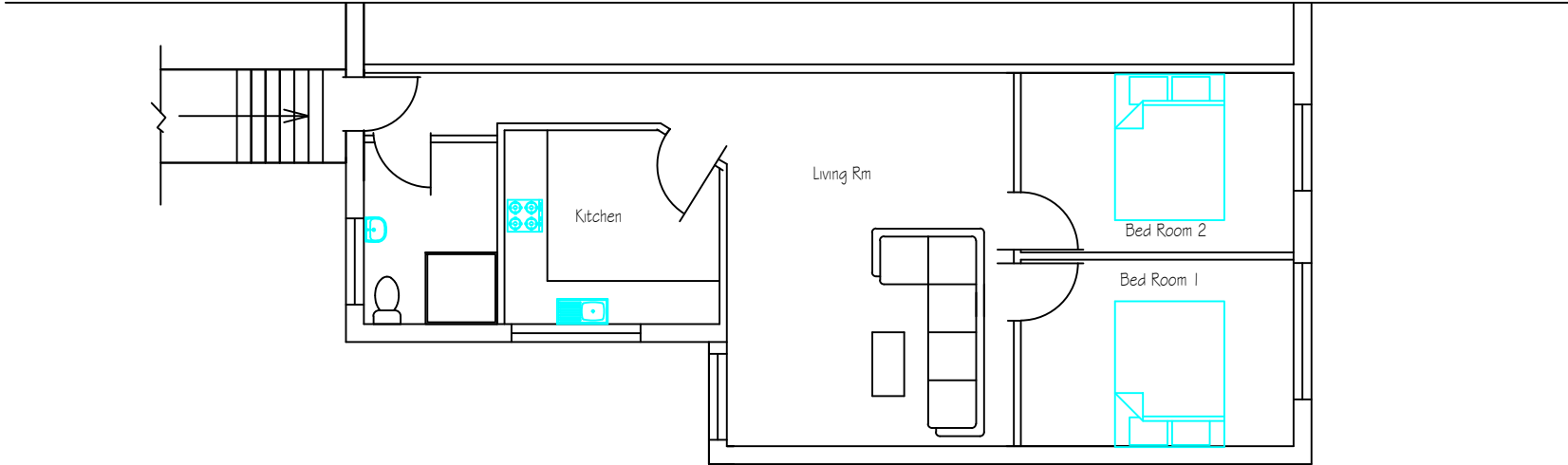
Front Elevation



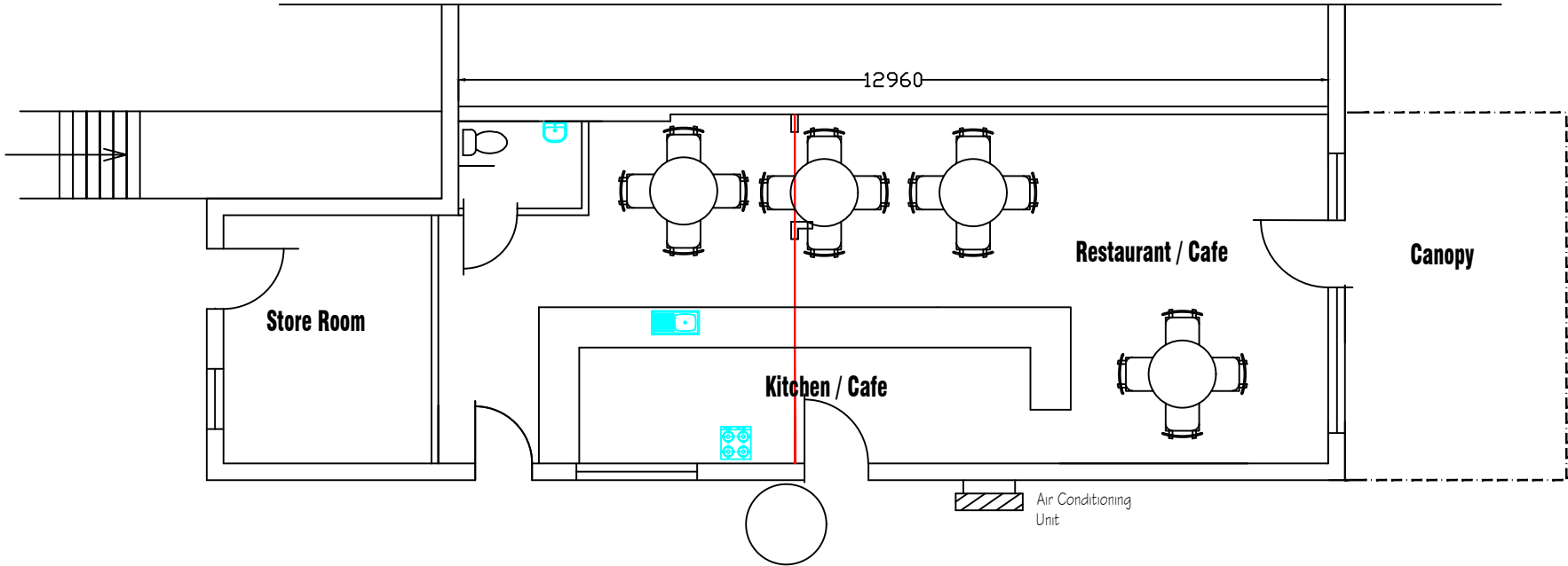
Rear Elevation

Date	Rev	Description	
25.9.23	A	Planning	
24.01.24	B	Planning	
25.01.24	C	Planning	
<div><div>H S H</div><div>Engineering Design Services Ltd</div><div>428 Cheetham Hill Road Cheetham Manchester</div><div>M8 9LE. UK 0161 7956385, 07940197 333</div></div>			
project title	Proposed change of the ground floor from a shop to restaurant including installation of an external flue pipe.		
client	Mr Asim Humza		
dwg. title	As Constructed		
dwg. no.	sheet no.	scale.	job no.
6D.		1:100 ● A3	
65 Windsor Road Pretwich M25 0DB			
drawn by.	checked by.	approved by.	date
TZ			March 2023

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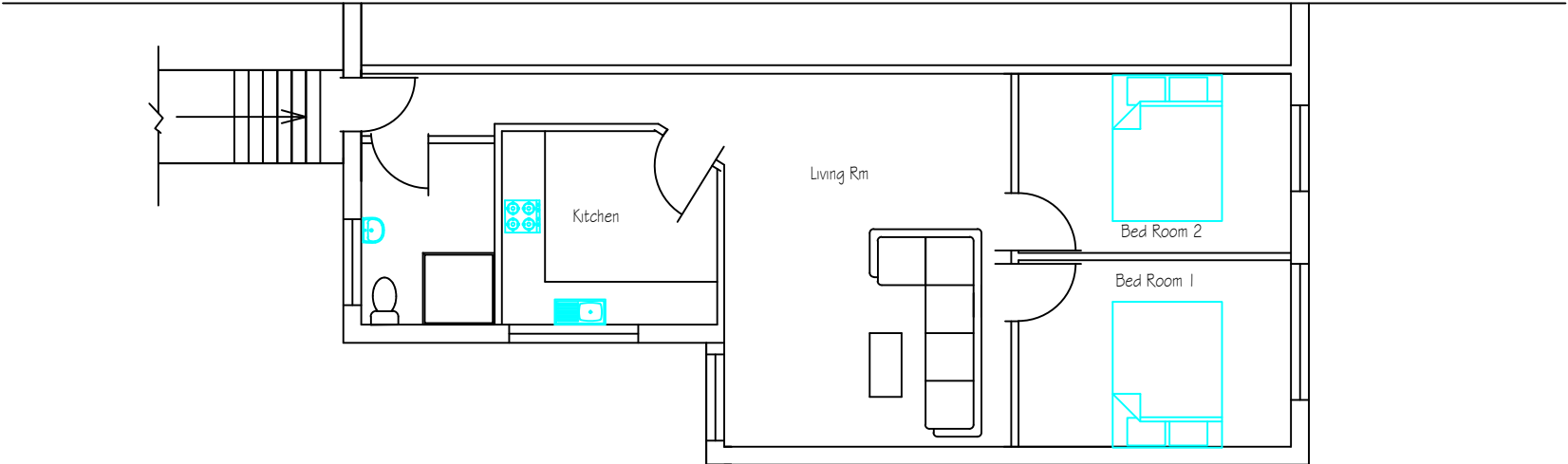


1st Floor Plan

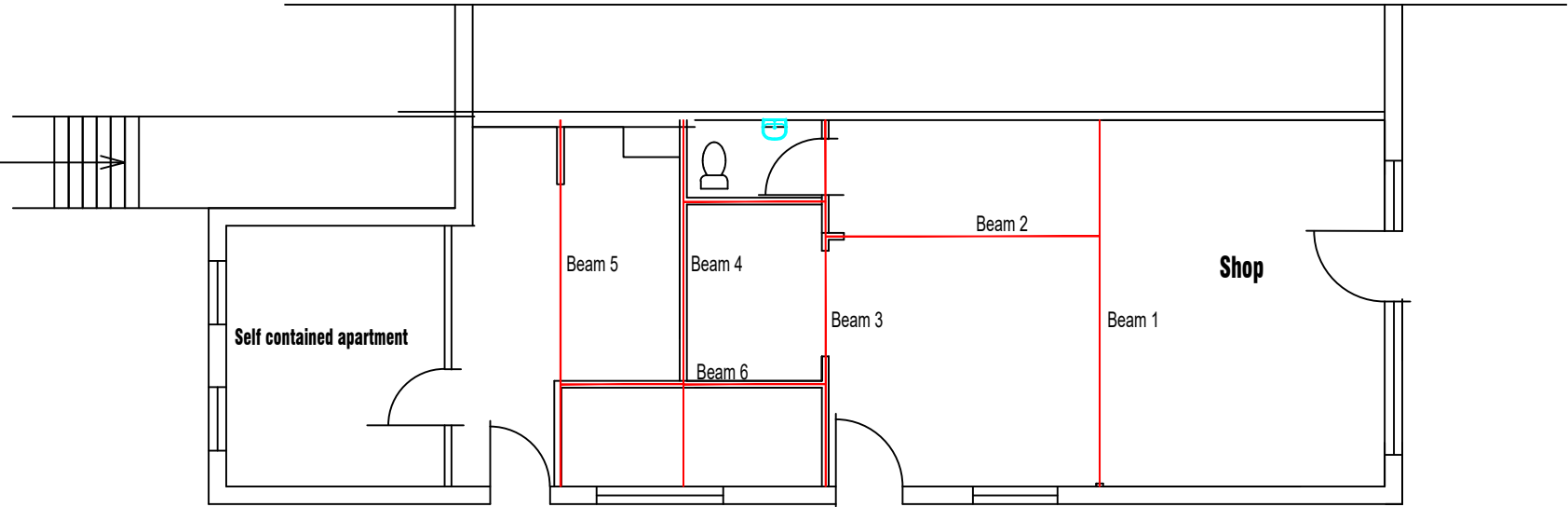


Ground Floor Plan

Date	Rev	Description	
25.9.23	A	Planning	
20/01/25	B	Planning	
16/03/25	C	Planning	
<div><div>H S H</div><div>Engineering Design Services Ltd</div><div>428 Cheetham Hill Road Cheetham Manchester</div><div>M8 9LE. UK 01617956385,07940197 333</div></div>			
project title	Proposed change of the ground floor from a shop to restaurant including installation of an external flue pipe.		
client	Mr Asim Humza		
dwg. title	As Constructed		
dwg.no.	sheet no.	scale.	job no.
5C		1:100 A3	
65 Windsor Road Pretwich M25 ODB			
drawn by.	checked by.	approved by.	date
TZ			March 2023



1st Floor Plan



Ground Floor Plan

THE BUILDER MUST CHECK THE SITE AND THE APPROVED DRAWINGS BEFORE COMMENCING THE WORKS AND MUST TAKE ANY WORKING MEASUREMENTS AS NECESSARY. ANY DISCREPANCY IN THE DRAWING MUST BE REPORTED TO THE CLIENT .

<div><div>H S H</div><div>Engineering Design Services Ltd 428 Cheetham Hill Road Cheetham Manchester M8 9LE. UK 01617956385,07940197 333</div></div>			
project title	Proposed change of the ground floor from a shop to restaurant including installation of an external flue pipe.		
client	Mr Asim Humza		
dwg. title	Existing Plans		
dwg. no.	sheet no.	scale.	job no.
02		1:100 A3	
65 Windsor Road Pretwich M25 0DB			
drawn by.	checked by.	approved by.	date
TZ			March 2023

REPORT FOR NOTING

**Agenda
Item**
5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24 June 2025
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

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

1.0 BACKGROUND

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

2.0 CONCLUSION

That the item be noted.

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

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

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

Planning applications decided using Delegated Powers **Between 20/05/2025 and 15/06/2025**

Ward: Bury East

Application No.:	71502	App. Type:	FUL	10/06/2025	Refused
Location:	Pavement adj 65-69 Rochdale Road, Bury, BL9 7AX				
Proposal:	Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit				
Application No.:	71550	App. Type:	FUL	23/05/2025	Approve with Conditions
Location:	Halls Mill Retail Park, Back Foundry Street, Bury				
Proposal:	Part demolition, reconfiguration and extension of Unit A to create two new Class E(a) units (including food sales in Unit A1) and associated works				
Application No.:	71581	App. Type:	FUL	06/06/2025	Approve with Conditions
Location:	1 Central Street, Bury, BL9 0JN				
Proposal:	Alterations to existing shopfront, including conversion from frameless to framed shopfront, replacement glazing, alterations to ATM				
Application No.:	71615	App. Type:	FUL	21/05/2025	Approve with Conditions
Location:	Performance House, Heywood Street, Bury, BL9 7DZ				
Proposal:	Variation of condition no. 2 (approved plans) following approval of planning permission 70977 - to extend the building by 4.25 metres to the side towards the associated car park				
Application No.:	71769	App. Type:	FUL	29/05/2025	Approve with Conditions
Location:	104 Sixth Avenue, Bury, BL9 7RP				
Proposal:	Single storey extensions at front with roof extension/alterations to existing two storey front extension and new entrance canopy; Two storey side extension and single storey rear extension				
Application No.:	71780	App. Type:	LDCE	10/06/2025	Lawful Development
Location:	20-22, Silver Street, Bury, BL9 0EX				
Proposal:	Existing Lawful Development Certificate for 1 no. self-contained residential apartment in loft space above 7no. established residential flats				

Ward: Bury East - Moorside

Application No.:	71644	App. Type:	FUL	21/05/2025	Approve with Conditions
Location:	221 Walmersley Road, Bury, BL9 5DF				
Proposal:	Change of use of existing 6 bed house in multiple occupation (HMO) to 8 bed (single occupancy) HMO (Sui Generis)				
Application No.:	71687	App. Type:	ADV	22/05/2025	Approve with Conditions
Location:	Lowes Park Golf Club Ltd, Hill Top, Lowes Road, Bury, BL9 6QS				
Proposal:	1no. non-illuminated hoarding sign				

Application No.: 71839 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: 14 Limefield Brow, Bury, BL9 6QR
Proposal: Proposed detached annexe in rear garden

Ward: Bury East - Redvales

Application No.: 71276 **App. Type:** FUL 02/06/2025 Approve with Conditions
Location: 47 Knowsley Street, Bury, BL9 0ST
Proposal: Change of use from offices (Use Class E) to 8 no. bedroom (single occupancy) HMO (Sui Generis) with 2 no. front velux rooflights and 2 no. rear velux rooflights; Erection of 1.8m high boundary walls at rear with gated access

Application No.: 71789 **App. Type:** FUL 21/05/2025 Approve with Conditions
Location: 75 Parkhills Road, Bury, BL9 9AR
Proposal: Front porch, single storey side extension, part single part two storey rear extension

Application No.: 71791 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: 105 Gigg Lane, Bury, BL9 9JB
Proposal: Two storey front porch extension, part single/part two storey rear extension, two storey side extension and hip to gable roof extension with dormer to rear.

Application No.: 71806 **App. Type:** FUL 04/06/2025 Refused
Location: 24 & 26 Wellington Road, Bury, BL9 9BG
Proposal: Two storey/single storey rear extensions

Application No.: 71814 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: 80 Alfred Street, Bury, BL9 9ED
Proposal: Hip to gable loft conversion; Single storey rear extension

Application No.: 71869 **App. Type:** LDCP 12/06/2025 Lawful Development
Location: 30 Bronte Avenue, Bury, BL9 9RN
Proposal: Lawful development certificate for proposed single storey rear extension and internal alterations to an existing dwelling

Ward: Bury West

Application No.: 71528 **App. Type:** FUL 21/05/2025 Approve with Conditions
Location: RTK Grab Hire Ltd, Plant Hire Yard, Wellington Street, Bury, BL8 2BD
Proposal: Erection of single storey warehouse and storage building for Class use B8 with steel portal frame, rendered blockwork base, steel clad roof, walls and doors, including extension to service area and carparking from existing contractors service yard

Application No.: 71790 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: Moor House, 42 Cockey Moor Road, Radcliffe, Bury, BL8 2HB
Proposal: Proposed landscaping at front and rear

Application No.: 71840 **App. Type:** RES 29/05/2025 Approve with Conditions
Location: The Nurseries, Leigh Lane, Bury, BL8 1RL
Proposal: Application for reserved matters (access, appearance, landscaping, layout and scale) following outline approval (68086) for demolition of existing dwelling and outbuildings and replacement of 1 no. dwelling

Application No.: 71841 **App. Type:** RES 29/05/2025 Approve with Conditions
Location: The Nurseries, Leigh Lane, Bury, BL8 1RL
Proposal: Application for reserved matters (access, appearance, landscaping, layout and scale) following outline approval (68088) for demolition of existing dwelling and outbuildings and erection of 1 no. dwelling

Ward: **Bury West - Elton**

Application No.: 71882 **App. Type:** GPDE 04/06/2025 Prior Approval Not Required - Extension
Location: 4 Grantham Drive, Bury, BL8 1XW
Proposal: Prior approval for proposed single storey rear extension

Ward: **North Manor**

Application No.: 71716 **App. Type:** FUL 04/06/2025 Approve with Conditions
Location: 8 Barnside Close, Bury, BL9 5JS
Proposal: Single storey extension at front/side, two storey side extension and single storey rear extension

Application No.: 71777 **App. Type:** FUL 23/05/2025 Approve with Conditions
Location: 24 Montrose Avenue, Ramsbottom, BL0 9TG
Proposal: Single storey rear extension

Application No.: 71787 **App. Type:** LDCP 21/05/2025 Lawful Development
Location: 186 Railway Street, Summerseat, Ramsbottom, Bury, BL9 5QB
Proposal: Lawful development certificate for proposed loft conversion and the installation of 2no. Velux to the rear roof pitch

Application No.: 71797 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: 506 Bolton Road West, Ramsbottom, Bury, BL0 9RU
Proposal: Single storey extension at side /rear and pergola at rear; Alterations to front porch; Replace part boundary wall at side with fence

Application No.: 71811 **App. Type:** FUL 23/05/2025 Approve with Conditions
Location: 388 Holcombe Road, Tottington, Bury, BL8 4DT
Proposal: First floor side extension; Garage conversion with bay window

Application No.: 71815 **App. Type:** FUL 29/05/2025 Approve with Conditions
Location: 1A Rowlands Road, Summerseat, Ramsbottom, Bury, BL9 5NF
Proposal: Single storey front/side extension; Single storey rear extension with balustrade balcony; Rear Juliette balcony; Render to all elevations

Application No.: 71820 **App. Type:** PIP 03/06/2025 Approve
Location: Land adjacent to Manor House, Long Lane, Bury, BL9 5QT
Proposal: Permission in principle for 6 no. dwellings

Ward: **Prestwich - Holyrood**

Application No.: 71730 **App. Type:** FUL 22/05/2025 Approve with Conditions
Location: 58 Heys Road, Prestwich, Manchester, M25 1JY
Proposal: Retention of raised decking at rear

Ward: **Prestwich - Sedgley**

Application No.: 71402 **App. Type:** ADV 10/06/2025 Approve with Conditions
Location: Manchester Maccabi Community And Sports Club, Bury Old Road, Prestwich, Manchester, M25 0EG
Proposal: 4 No.internally illuminated fascia signs placed on kiosk unit, 6 no. advertisements printed onto canopy structure and 3 no. hoarding signs to the entrance of the site

Application No.: 71731 **App. Type:** FUL 23/05/2025 Approve with Conditions
Location: 20 Fairway, Prestwich, Manchester, M25 0JH
Proposal: Two/single storey front extension; Two storey side extension and Two/single storey rear extension

Application No.: 71734 **App. Type:** FUL 23/05/2025 Refused
Location: 50 Craigwell Road, Prestwich, Manchester, M25 0FE
Proposal: Erection of a garden fence,

Application No.: 71743 **App. Type:** FUL 21/05/2025 Approve with Conditions
Location: 22 Newington Avenue, Prestwich, Manchester, M8 4LT
Proposal: Single storey side extension

Application No.: 71753 **App. Type:** FUL 21/05/2025 Approve with Conditions
Location: 69 Sheepfoot Lane, Prestwich, Manchester, M25 0DN
Proposal: Two storey extension at side/rear with part single storey rear extension; Hip to gable loft conversion with rear dormer and front bay dormer (from previous approval) and rear single storey conservatory

Application No.: 71768 **App. Type:** FUL 21/05/2025 Refused
Location: 3 Tewkesbury Drive, Prestwich, Manchester, M25 0HR
Proposal: Two storey extension at front, single storey rear extension and conversion of existing garage to living accommodation with single storey front extension

Application No.: 71848 **App. Type:** FUL 03/06/2025 Approve with Conditions
Location: 72-74 Kings Road, Prestwich, Manchester, M25 0LN
Proposal: Variation of condition 2 (approved drawings) of planning permission 71419 to increase size of single storey extension

Application No.: 71849 **App. Type:** FUL 05/06/2025 Refused
Location: 31 Hilton Crescent, Prestwich, Manchester, M25 9NQ
Proposal: Variation of condition 2 (approved drawings) of planning permission 71449 to remove basement living space

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

Application No.: 71783 **App. Type:** FUL 10/06/2025 Approve with Conditions
Location: 427 Bury New Road, Prestwich, Manchester, M25 1AF
Proposal: Change of use from shop (Class E(a)) to wine shop/bar (Sui Generis); External alterations to front elevation to include repositioning of front entrance door and new access door to existing first floor balcony

Application No.: 71818 **App. Type:** FUL 10/06/2025 Approve with Conditions
Location: 182 St Anns Road, Prestwich, Manchester, M25 9QS
Proposal: Two storey side/rear extension; Front porch

Ward: **Radcliffe - East**

Application No.: 71772 **App. Type:** FUL 05/06/2025 Approve with Conditions
Location: 64 Bright Street, Radcliffe, Manchester, M26 2XX
Proposal: External wall insulation (Retrospective)

Application No.: 71801 **App. Type:** PIAPA 20/05/2025 Prior Approval Required and Refused
Location: 78-80 Church Street West, Radcliffe, Manchester, M26 2SY
Proposal: Prior approval for proposed change of use from showroom/manufacturing (Class E) to 20 no. apartments (Class C3)

Ward: **Radcliffe - North and Ainsworth**

Application No.: 70626 **App. Type:** FUL 13/06/2025 Approve with Conditions
Location: Land at 7 Arthur Lane, Ainsworth, Bolton, BL2 5PW
Proposal: Demolition of existing stables/outbuildings and erection of 1 no. dwelling

Application No.: 70641 **App. Type:** FUL 13/06/2025 Approve with Conditions
Location: Land between 7 & 37 Arthur Lane, Ainsworth, Bolton, BL2 5PW
Proposal: Erection of an agricultural building

Application No.: 71670 **App. Type:** FUL 04/06/2025 Approve with Conditions
Location: 56A Bradley Fold Road, Radcliffe, Bolton, BL2 5QP
Proposal: Two storey side extension

Application No.: 71860 **App. Type:** FUL 12/06/2025 Approve with Conditions
Location: 22 Kentsford Drive, Radcliffe, Manchester, M26 3XX
Proposal: Single Storey Rear Extension

Ward: **Radcliffe - West**

Application No.: 71782 **App. Type:** FUL 13/06/2025 Approve with Conditions
Location: 9 Water Street, Radcliffe, Manchester, M26 3DE
Proposal: Change of use from office (Class E) to 1 no. residential dwelling (Class C3); Alterations to fenestration to front elevation

Ward: **Ramsbottom**

Application No.: 71808 **App. Type:** FUL 23/05/2025 Approve with Conditions
Location: Higher House, Moor Road, Holcombe, Bury, BL8 4NX
Proposal: Erection of single storey annexe

Application No.: 71810 **App. Type:** FUL 03/06/2025 Approve with Conditions
Location: 241 Whittingham Drive, Ramsbottom, Bury, BL0 9NY
Proposal: Two storey front extension; Garage conversion with first floor side extension; Render to front elevation; Single storey rear extension with pergola

Application No.: 71823 **App. Type:** LBC 23/05/2025 Approve with Conditions
Location: Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX
Proposal: Listed building consent for erection of single storey annexe

Ward: **Tottington**

Application No.: 71724 **App. Type:** FUL 03/06/2025 Approve with Conditions
Location: 82 Booth Way, Tottington, Bury, BL8 3JW
Proposal: Two storey extension at side and single storey extension at side/rear with extension of existing dormers at front and rear

Ward: **Whitefield + Unsworth - Besses**

Application No.: 71802 **App. Type:** FUL 21/05/2025 Approve with Conditions
Location: 5 Brightwater Close, Whitefield, Manchester, M45 8SE
Proposal: Single storey side extension

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 71781 **App. Type:** FUL 22/05/2025 Approve with Conditions
Location: 20 Alnwick Drive, Bury, BL9 8BZ
Proposal: First floor rear extension

Application No.:	71792	App. Type:	FUL	23/05/2025	Refused
Location:	28 Alnwick Drive, Bury, BL9 8BZ				
Proposal:	First floor rear extension; Installation of 1 no. obscure glass first floor window to each side elevation				

Application No.:	71795	App. Type:	FUL	05/06/2025	Approve with Conditions
Location:	46 Chadderton Drive, Bury, BL9 8NR				
Proposal:	First floor side extension with juliette balcony at rear and garage conversion				

Application No.:	71796	App. Type:	FUL	12/06/2025	Approve with Conditions
Location:	25 Lindale Avenue, Bury, BL9 8ED				
Proposal:	Single storey side extension and conversion of existing garage to living accommodation with new pitched roof				

Application No.:	71857	App. Type:	FUL	05/06/2025	Approve with Conditions
Location:	33 Stanley Road, Whitefield, Manchester, M45 8GT				
Proposal:	Detached garden room at rear				

Total Number of Applications Decided: 55

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REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24 June 2025
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - 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 20/05/2025 and 15/06/2025**



Application No.: 71444/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Mohammed Amirinejad

Location Land at Harper Fold Road & Canute Street, Radcliffe, M26 3BX

Appeal lodged: 10/06/2025

Appeal Type: Written Representations

Proposal Erection of 2 no. dwellings

Application No.: 71768/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Lent

Location 3 Tewkesbury Drive, Prestwich, Manchester, M25 0HR

Appeal lodged: 29/05/2025

Appeal Type: Written Representations

Proposal Two storey extension at front, single storey rear extension and conversion of existing garage to living accommodation with single storey front extension

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 20/05/2025 and 15/06/2025**



Application No.: 71258/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Powsney

Location: 20 Thurston Close, Bury, BL9 8NW

Proposal: Two storey front porch extension.

Appeal Decision: Dismissed

Date: 22/05/2025

Appeal type: Written Representations

Appeal Decision

Site visit made on 29 April 2025

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/T4210/D/25/3361222
20 Thurston Close, Bury BL9 8NW

- 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 Howard Powsney against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71258.
 - The development proposed is described as 'proposed two storey front porch extension'.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Thurston Close is a small residential cul-de-sac of detached and semi-detached red-brick houses with relatively consistent architectural features, including vertical sections of render, cladding, or tiles, and curved front bays and similar window proportions. Despite slight variations in building line, the setback behind open gardens or driveways contributes to a reasonably cohesive street scene.
4. The appeal property at No 20 is a two-storey house at the end of the cul-de-sac. It shares a driveway with 22 Thurston Close, accessed from the turning head with a fully hard surfaced front garden. In appearance, it resembles the adjoining semi at 18 Thurston Close, particularly in terms of the use of materials, window proportions, and a front porch. The appeal scheme would replace the existing single storey porch on the appeal property with a two-storey front extension.
5. The double height extension would project noticeably beyond the appeal property's front elevation. Consequently, even though the site is neither within a Conservation Area nor a designated heritage asset, and the front gabled design would reflect other dwellings on the road, it would be a prominent addition due to its scale and position. Being to the front of the house, it would also be visible from many vantage points along the Close on the approach to the turning head. As a result, it would perceptibly alter the character and appearance of the dwelling within the street. Even the use of full height ground floor glazing, matching render and roof tiles and a living wall would not mitigate this harm.

6. The extension would also be splayed at ground floor level so that it would not overlap the boundary line shared with No. 22. It has been put to me that this configuration would enhance vehicular manoeuvrability within the curtilage of both properties. However, there is no substantive evidence before me, such as a swept path or parking plan, to support this claim and the existing arrangement appears to have been in situ for some time. In any event, I observed no other two-storey front extensions in the street, and given its visibility from the road, the proposal would appear incongruous and harmful to the character of the street scene.
7. My attention has been drawn to other extended properties in the locality. Those at Hillsborough Drive and Randale Drive do not obviously appear to include a double-height front extension. The two-storey extension to the front of 136 Parkhills Road mirrors that on the adjoining semi at No 134, incorporating window proportions that match the host dwelling. The house at 126 Parkhills Road is detached, and the front extension sits between two bay windows. For these reasons, on the evidence presented, I do not find these cases to be directly comparable with the appeal proposal. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal.
8. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy H2/3 of the Bury Unitary Development Plan (1997), which requires development to, amongst other matters, be of a proportion and appearance that has appropriate regard to the character of the area. It would also conflict with guidance within the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document 6 (2010), which includes a presumption against large front extensions and advice that any front extensions should respect the street scene.

Other Matters

9. I recognise the benefits of the proposed scheme in providing improved living space to the front of the house, located away from the commercial unit at the rear. However, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. Moreover, my assessment is confined to the appeal scheme before me. It does not extend to considering alternative methods for achieving additional accommodation.
10. I also acknowledge that no third-party representations were received. However, neither this, nor the absence of any identified harm by the Council to the living conditions of neighbouring occupiers, nor the intention to use sustainable methods of construction, justify development that would have an adverse impact on the character and appearance of the surrounding area.
11. Concerns regarding the manner in which the application was considered by the Council fall outside the scope of this decision.

Conclusion

12. The proposal would conflict with the development plan as a whole, and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

K. Mansell

INSPECTOR

**Details of Enforcement Appeal Decisions
between 20/05/2025 and 15/06/2025**



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

Case Ref:
0029 / 23

Issue: Unauthorised decking

Appeal Decision: Enf upheld 04/06/2025

Location: Eagle and Child, 3 Whalley Road, Shuttleworth, Bury, BL0 0DL

Case Ref:
0443 / 24

Issue: Unauthorised building works.

Appeal Decision: Enf upheld 29/05/2025



Appeal Decision

Site visit made on 28 May 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/T4210/C/24/3355428

Land at 530 Bury New Road, Prestwich, Manchester M25 3BD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeal is made by Mr Nikkil Binov against an enforcement notice issued by Bury Metropolitan Borough Council.
- The notice was issued on 22 October 2024.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the installation of raised steel decking (measuring above 30cm from natural ground level) with associated privacy screening and steps at the rear of the property.
- The requirement of the notice is to: remove the raised steel decking and associated screening and steps from the rear of the property.
- The period for compliance with the requirement is 90 days after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. 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 varied by:
 - the deletion of "90 days" and its substitution with "4 months" as the period for compliance.
2. Subject to the 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 Act.

Reasons

The appeal on ground (a)

3. The main issue is the effect of the raised decking and privacy screen on the living conditions of the occupiers of 528 and 532 Bury New Road.
4. This split-level semi-detached property is part of a row of properties with rear gardens that adjoin one another. Tall boundary fences line the appeal property's side boundaries with Nos 528 and 532 who also have rear facing window openings that face in an easterly direction.
5. The justification to saved Policy H2/3 of the Bury Unitary Development Plan "(UDP)" explains about the effect that extensions and alterations can have on neighbouring occupiers. Supplementary Planning Document 6 ("SPD") goes on to say that domestic extensions will not normally be permitted if the proposal reduces privacy through direct overlooking from balconies or areas of raised decking. The SPD states that adequate privacy standards in neighbouring properties should be maintained from new areas of raised decking.
6. The raised decking provides level access off the appeal property's extended

ground floor, but owing to ground level differences, it is raised up above the rear garden. Therefore, it provides an elevated useable outdoor space for the occupants of the dwelling as part of their garden close to No 532, especially.

7. Mutual overlooking is common in residential areas with semi-detached properties such as this, chiefly from upper floor windows, but that does not mean that occupiers should not expect an adequate level of privacy in their own home, including their garden. The proposal does not achieve this, as the raised decking enables occupiers of the appeal property to directly overlook the tall boundary fences and into the rear gardens of Nos 528 and 532, which detrimentally affects their privacy. Vegetation along the boundaries does lessen the effect somewhat but it does not prevent the loss of privacy entirely. Nor can it be relied upon to be present in perpetuity.
8. The situation with No 532 is exacerbated by the privacy screen erected along this boundary, which extends far higher than the boundary fence that continues to the property's rear boundary. The privacy screen does stop persons using the raised decking from viewing the immediate rear garden and rear-facing windows of No 532, and likewise, the occupants of No 532 would not be able to see people using the raised area of decking directly at the rear of the dwelling. However, the privacy screen is of a considerable height and, on its own, is an oppressive boundary treatment that has created a solid barrier with No 532 that adversely affects the lounge and immediate rear garden.
9. I note the balcony in the rear elevation of No 532, but this does not benefit from planning permission as it differs from the Juliet balcony that was granted planning permission. I understand that the Council has an active enforcement investigation, and that is a matter for the Council in the first instance, and while the Juliet balcony would have likely introduced a degree of overlooking, it would have been set back from the extended appeal property. But, even if I took the balcony in situ into account, the raised decking and privacy screen would still have a harmful effect on the living conditions of No 532 for the reasons stated.
10. Although the proposal may have improved the living conditions of the occupants of the appeal property, and it has a pleasant finish, its design has caused a material harm to the living conditions of the occupiers of Nos 528 and 532 due to a direct loss of privacy. While a planning condition is suggested to secure a privacy screen along the flank of the raised decking nearest to No 528, there are no details before me, so I cannot be certain that it would overcome the identified harm and therefore pass the test of necessity. Hence, I conclude that the proposal conflicts with saved UDP Policy H2/3 and the SPD, which jointly seek, among other things, proposals for raised decking to not cause direct overlooking so that neighbouring properties maintain adequate privacy standards.

Other matters

11. Although concerns are raised by residents about noise and disturbance, I have found the proposal, which I have considered on its planning merits, to be unacceptable for other reasons, notwithstanding the application that the Council refused planning permission for.
12. The courts have taken the view that planning is concerned with land use in the public interest so that the protection of private interests, such as the impact of a proposal on the value of a neighbouring property, are not material considerations.

Conclusion on ground (a)

13. The proposal does not accord with the development plan, and there are no material considerations that indicate that a decision should be made other than in accordance with it. Therefore, the appeal on ground (a) does not succeed, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (g)

14. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed.
15. The appellant contends that 90 days is too short a time period to enable the appellant to engage a contractor and a structural engineer to undertake the required works. They also cite the financial implications of carrying out the notice's requirement. The appellant says that six months would provide a sufficient period of time. The Council disagrees with the suggested longer time period but does not explain why, bearing in mind the appellant's points.
16. There is no evidence outlining the unavailability of contractors or structural engineers to carry out the works in a 90-day time period. That said, in my experience, the former are usually busy at this time of year, so I consider a slightly longer time period would be reasonable. I do not consider six months to be reasonable due to the lack of substantive evidence provided by the appellant, but I do consider four months to strike a fair and proportionate balance between providing a reasonable time period and remedying the breach of planning control. The stated financial implications of carrying out the works do not influence my view, as there are no details of this before me, and the appellant has, in any event, known that planning permission was required for the raised decking and privacy screen. The appeal on ground (g) therefore succeeds.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation as the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Andrew McGlone

INSPECTOR

Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 May 2025

Appeal ref: APP/T4210/C/25/3361660

Land at the Garden of the Eagle and Child, 3 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr J Francis (Daniel Thwaites Plc) against an enforcement notice issued by Bury Council.
- The notice was issued on 30 January 2025.
The breach of planning control as alleged in the notice is: Unauthorised structure (known as a 'Tipi') with the garden of the Eagle and Child".
The requirements of the notice are: "a) Remove the structure, referred to as a 'Tipi' and remove from the site b) Remove the heating apparatus that serves the 'Tipi'."
- The time period for compliance with the notice is: "...by 5th of May 2025, being 2 calendar months from the date which this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld but with variation.

Reasons for the decision

1. The main reason given for requesting more time to comply with the requirements of the notice is in order to allow time to investigate the scope to replace the tipi with a more permanent higher quality structure and to allow for existing bookings to be honoured. To that end, the appellant requests that the compliance period be increased to 12-18 months in order to progress pre-application discussions with the Council and obtain planning permission. However, while I note the appellant's reasons, to extend the compliance period to 12-18 months would be tantamount to granting a temporary planning permission, which I have no authority to do in an appeal under ground (g) only. I am also mindful that more than 2 months have elapsed since the appeal was submitted with enforcement action effectively suspended.
2. Added to this, the Council have stated that at the time of writing their statement no approaches have been made by the appellant to discuss a more permanent structure. They also contend, and is not disputed, that the appellant is still taking bookings in spite of the fact that enforcement action has been taken. If this is the case, then clearly this is a situation of the appellant's own making.
3. As the compliance period will begin again from the date of this decision, the appellants will effectively have had more than 4 months in which to remove the tipi and heating

apparatus from the appeal site as required by the notice. I am not satisfied there is good reason to extend this period further. The appeal fails accordingly.

4. While I am dismissing the appeal, I consider it necessary to vary the wording in the time for compliance with the notice as the date of 5 May 2025 is now not appropriate.

Formal decision

5. For the reasons given above, the appeal is dismissed but it is directed that the enforcement notice be varied under section 6 '**TIME FOR COMPLIANCE**' by the deletion of "by the **5th May 2025** being", with the substitution of "within", so that the time for compliance now reads "The steps detailed as a) and b) in Section 5, above, to be completed in full within 2 Calendar months from the date which this notice takes effect". Subject to this variation the notice is upheld.

K McEntee