

DELEGATED REPORT

Report by Helen Pressley	Date of report: 26/05/2026	Ref: 73216/NON
Registration: 18/05/2026	LDFC:	Expiry Date: 15/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MADW

Proposal: Non-material amendment following grant of planning permission 70805 (Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision):
Omit three secondary windows within the apartment building

Location: Land off Fletcher Fold Road, Bury, BL9 9RX

Description

Planning permission is sought for the for the erection of 43 dwellings for the people over 55 years of age with associated car parking and landscaping. The dwellings comprise of 4 x 2no. bedroom bungalows and a three storey apartment building providing a total of 39 apartments (33no. one bedroom apartments and 6 no. two bedroom apartments) with a communal room at ground floor.

Communal landscaped gardens are proposed to the rear of the apartment blocks with parking located centrally within the built development, access from Fletcher Fold Road. Self contained gardens are proposed for the bungalows, with parking provided to the front or the side of each of these units.

Non-material amendment following grant of planning permission 70805 (Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision):
Omit three secondary windows within the apartment building

Relevant Planning History

45330 - Single storey extension - Approve with Conditions 16/11/2005

49271 - Erection of 2 metre high paladin fence to school boundary - Approve with Conditions 16/04/2008

62832 - Prior notification of proposed demolition of single storey former primary and special school - Prior Approval Required and Granted 14/06/2018

66306 - Demolition and site enabling works - Approve with Conditions 22/02/2021

70805 - Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s including communal facilities, landscaping and car parking provision - Approve with Conditions 17/12/2024

71764 - Application to discharge condition 13 (drainage scheme) & condition 25 (highways works) on planning permission 70805 - Pending

71668 - Application to discharge conditions 8 (biodiversity net gain plan) and 9 (habitat management) on planning permission 70805 - Approve 15/05/2025

71708 - Application to discharge conditions on planning permission 70805: condition 4 (protected trees), 19 (public footpath protection) and 20 (public footpath diversion) - Approve 05/06/2025

72053 - Application to discharge condition 3 (materials) on planning permission 70805 - Approve 24/07/2025

72633 - Non-material amendment following grant of planning permission 70805 (Erection of 4 no. bungalows and a block of 39 no. apartments for the over 55s): additional lift within Stair 2; install AOVs in the roof of both stair cores, and to indicate proposed positions of PV panels - Approve 19/12/2025

72868 - Application to discharge the statutory biodiversity net gain plan on planning permission 70805 - Pending

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
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
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P6	Health
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G1	Landscape Character
NPPF	National Planning Policy Framework
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing

SPD6 Supplementary Planning Document 6: Alterations & Extensions
SPD11 Parking Standards in Bury

Issues and Analysis

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

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

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, it is 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 material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual Amenity

The proposal seeks to omit a window in Stair 02, as an AOV has now been installed within the stair roof, together with the omission of a secondary window within Apartment 12 and a

secondary window within Apartment 26. All windows are located within the west elevation facing towards the internal car parking area.

Whilst the number of windows would be reduced, it would not lead to an imbalance in the fenestration of the building with the principal windows being retained as previously approved. Given the limited reduction in windows no objections are raised.

Residential Amenity

The proposal would lead to a reduction in windows and a such residential amenity would be maintained.

The rooms associated with the secondary windows within apartment 12 and 26 would still retain a principal window on the east elevation, and a secondary window on north side elevation and as such amenity for future occupiers would not be impacted.

The proposed amendments would not impact adversely on the design of the proposed development or the amenity of the neighbouring users. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 70805 and the policies against which this was approved. As such, the application is a non-material amendment.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely on the design of the proposed development or the amenity of the neighbouring users. Therefore, the proposal would still be in accordance with the overall principles in terms of the approved application 70805 and the policies against which this was approved. As such, the application is a non-material amendment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 26/05/2026		DM 26.05.2026	