

DELEGATED REPORT

Report by Helen Leach	Date of report: 10/06/2026	Ref: 73220/NON
Registration: 19/05/2026	LDFC:	Expiry Date: 16/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MADW

Proposal: Non-material amendment following grant of planning permission 71532 (Variation of condition no. 2 (approved plans) and condition 15 (drainage design) of planning permission 70015 - removal of louvres from windows of the houses, bungalows and cottage flats; amendments to landscaping and additional information added to drainage design and layout): (i) substitution of a small number of drawings under Condition 2 to regularise minor plan-based refinements, and (ii) an update to the drainage drawing/reference under Condition 15 to reflect a below-ground surface water pumping chamber required by a third-party constraint

Location: Kemp Heaton Avenue, situated between Bury Cemetery & Peachment Place, Bury

Description

The site is currently vacant, but did contain the William Kemp Heaton community day centre, which was demolished in 2016. The site is accessed from St Peter's Road and contains William Kemp Heaton Avenue, which passes through the site. There are a number of existing trees across the site. There is an informal path along the northern boundary of the site, which connects William Kemp Heaton Avenue to the public right of way, which runs along the River Roch.

Peachment Place extra care apartments are located to the south of the application site and there are residential properties to the west. The cemetery, including some buildings is located to the north. Goshen playing fields is located to the east with the River Roch beyond.

Planning permission was granted for the erection of 18 supported living apartments and 25 dwellings. The proposed supported living apartments would be located in a single building and would be located in the north eastern corner of the site. The proposed apartment building would be 3 storeys in height and would be constructed from red and buff brick with a concrete tile roof.

The proposed dwellings would be a mixture of 8 bungalows, 7 dwellings and 10 cottage flats. The proposed bungalows and two storey dwellings would be constructed from red brick with a concrete roof tile. The proposed cottage flats would be adjacent to the main access road and would be constructed from red brick with a concrete roof tile. The proposed flats would be two storey in height, with a 1 bedroom flat on each floor.

The applicant seeks a non material amendment for the following changes:

- Removal of the louvres from the proposed apartment block
- Change to the layout of the parking court at the rear of plots 1 - 5 - no change to the number of spaces
- Plots 9 and 10 have in curtilage parking and reduction from 4 spaces to 3 spaces for visitor parking at rear of plot 22.
- Deletion of gabion baskets at rear of apartment block and replacement with railings.
- Amendment to location of acoustic fence
- Amendments to location of EV charging points following amendments to parking as

described above.

- Update to drainage drawing to reflect a below ground surface water pumping chamber

Relevant Planning History

59215 - Prior notification for demolition of former day centre and Howarth Close hostel at William Kemp Heaton Day Centre, St Peters Road, Bury. Prior approval required and granted - 27 October 2015.

59636 - Demolition of existing day care centre and the erection of 60 no. extra care apartments, communal facilities and external works at William Kemp Heaton Centre, 1 Howarth Close, Bury. Approved with conditions - 15 March 2016

61936 - Variation of condition no. 2 of planning permission 59636 to amend the site layout plan and arboricultural report to allow realignment of the access road at William Kemp Heaton Centre, 1 Howarth Close, Bury. Approved with conditions - 14 November 2017

62591 - Single storey GRP electric sub-station on concrete plinth at William Kemp Heaton Centre, 1 Howarth Close, Bury. Approved with conditions - 21 May 2018

70015 - Erection of 18 no. supported living apartments (Class C2) and 25 no. dwellings (Class C3), construction of a new vehicle access point and associated parking and landscaping at Kemp Heaton Avenue, Bury. Approved with conditions - 12 July 2024.

71532 - Variation of condition no. 2 (approved plans) and condition 15 (drainage design) of planning permission 70015 - removal of louvres from windows of the houses, bungalows and cottage flats; amendments to landscaping and additional information added to drainage design and layout at Kemp Heaton Avenue, Bury. Approved with conditions - 8 July 2025

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - Object.

Drainage Section - Object - Additional information is required.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
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
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-G7	Trees and Woodland
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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.

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.

Design and layout - The proposed development involves the removal of the louvres from the apartment building. The proposed change would not change the design or appearance of the building and as such, would be acceptable.

The proposed gabion walls in the rear garden of the proposed apartment block are no longer required and would be removed. The amendment to the location of the acoustic fence would be acceptable. There are no objections to this.

Drainage - The proposal includes a change to the approved drainage scheme, which includes the addition of a below ground surface water pumping chamber.

Condition 15 of permission 71532 states that the development must be carried out in accordance with Foul & Surface Water Drainage Design Drawing 13753-5050, Rev P1 - Dated 09/08/2023. The condition continues that the drainage schemes shall be completed in accordance with the approved details prior to occupation of the dwellings.

As such, a non material cannot be granted as the condition is restrictive in that the development can only be carried out in accordance with the approved details. As such, a variation of condition application should be applied for.

In addition, further information is required before the amendment can be supported:

- The location of the proposed pumping chamber must be shown on the revised drainage layout plan
- The adopted discharge rate must be demonstrated to show that the overall drainage performance of the approved scheme remains unchanged.
- The pumping chamber, associated system, and any measures to address pump failure should be incorporated within the future management and maintenance arrangements for the development to ensure the continued operation of the surface water drainage system for the lifetime of the development.

Highways issues - The proposed development involves a number of changes to the parking layout.

The parking behind plots 1 - 5 has been amended so that 2 spaces would be located at the top of the access. This would not be acceptable as vehicles using these spaces would need to reverse onto the highway as no turning facilities have been provided. There is enough space on site to revert back to the original layout.

In-curtilage parking (1 parking space) has been provided in the rear gardens of plots 9 and 10. The proposed 2.1 metre high fencing would block visibility between the vehicle and any pedestrians on the pavement and any vehicles on the road. As such, the proposed parking could not be supported as it would be detrimental to pedestrian and highway safety.

The proposed reduction in spaces from 4 to 3 at the rear of plot 22. In light of the in-curtilage parking not being supportable, it is considered that the parking spaces should remain at 4 to provide acceptable levels of parking for the residents and visitors.

The Traffic Section has objected to the proposed development.

Therefore, the proposed development would be detrimental to highway and pedestrian safety and would conflict with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed amendments to the parking at the rear of plots 1 - 5 would not provide sufficient turning facilities, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
- 2 The proposed in-curtilage parking would result in the creation of sub-standard pedestrian and vehicular access arrangements on and at the interface the access road, which have a detrimental impact on the pedestrian and road safety and do not maintain the integrity of the adopted highway. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
- 3 The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
- 4 The proposed amendment to the drianage scheme would result in a variation to the approved scheme which cannot be considered as a non-material amendment pursuant to s96A of the Town and Country Planning Act and as such an application should be made pursuant to s73 of the Town and Country POlanning Act 1990 as amended.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL	10/6/26	DM	10/6/26