

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 19/05/2026	Ref: 72896/FUL
Registration: 25/02/2026	LDfC: 01/04/2026	Expiry Date: 22/04/2026
Site Visit: 17/04/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Variation of condition nos 2 (approved plans) 3 (samples) & 10 (drainage) of planning permission 58405 (Demolition of two structures and erection of four new dwellings) for amendments to windows, materials and drainage scheme.

Location: Nutt Farm, Nutt Lane, Prestwich, Manchester, M25 2SJ

Description

The application relates to a development which was granted permission in March 2015 for the demolition of two structures and the erection of four new dwellings at a site at Nutt Lane Prestwich (ref 58405). Since the application was approved there have been a number of subsequent approvals for revisions to the housetypes and more minor external alterations (see history below).

The development has been completed but has not been fully carried out in accordance with the approved scheme. The changes which have been made relate to condition 2 (approved plans), condition 3 (materials) and condition 10 (drainage).

Condition 2 - approved plans

The changes which have been made comprise 1st floor windows on two of the elevations (north and west) to Plot 2.

On the north elevation, the approved obscure glazed box window has not been installed and instead has been replaced with a flush window opening. A site visit noted that a film has been applied to this window on the north elevation. It is also fully openable. Originally proposing its retention, the applicant has now agreed to install the box obscure glazed window.

On the west elevation a similar box glazed window has been replaced by a flush window. The applicant has similarly agreed to install the box glazing.

On the other side of the western elevation, a long horizontal window has been added. Revised plans show the middle section of the window would be obscure glazed.

Condition 3 - window materials

Approved - plot 1 white upvc, plots 2,3,4 dark grey upvc.

As built - plot 1 light grey/green upv, plot 2 dark grey upvc (as approved), plots 3&4 white upvc.

Condition 10 - drainage

A revised drainage scheme to the one approved for the original application has been submitted.

This application is a s73 variation of condition application which seeks to regularise the works which have been carried out in relation to conditions 2,3 and 10.

Relevant Planning History

58405 - Demolition of two structures and erection of four new dwellings - Approve with Conditions 18/03/2015

60286 - Replacement dwelling applicable to House Type 1 only - five bedroom two storey detached dwelling as part of planning approval 58405 - Approve with Conditions 19/08/2016

60958 - Non-material amendment following grant of planning permission ref. 58405 (Demolition of two structures and erection of four new dwellings): Alteration to window design to plots 3 & 4 - Approve 12/01/2017

61675 - Revised house type and layout to plots 3 and 4 - Withdrawn by Applicant 27/07/2017

61840 - Non-material amendment following grant of planning permission 60286 for replacement dwelling applicable to House Type 1 only - five bedroom two storey detached dwelling as part of planning approval 58405:

Changes to the extent of external materials and minor external alterations by way of a substitution of door and frame in lieu of window, roof-lights to rear gable roof of master bedroom and the introduction of a ground floor external door to rear elevation of central panel window to kitchen. - Approve 08/09/2017

62183 - Variation of condition 2 & 7 of planning permission 60286 to amend boundary treatment and regularise approved site layout plan - Approve with Conditions 08/02/2018

72776 - Application to discharge condition 7 (landscape scheme) and condition 19 (construction management plan) on planning permission 58405 - Approve 8/4/26

Publicity

Letters sent on 11/3/26

One response received.

- A window on the original approval has not been obscure glazed and impacts on privacy

The plans were revised to show obscure glaze box windows to the 1st floor north elevation and obscure glazing to the 1st floor west elevation windows.

Respondant re-notified on 11/5/26 of the revised plans.
No response received.

Statutory/Non-Statutory Consultations

United Utilities (Water and waste) - No objection.

Borough Engineer - Drainage Section - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
OL1/3	Infilling in Existing Villages in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
EN8/2	Woodland and Tree Planting
H2/6	Garden and Backland Development
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment

JP-H3	Type, Size and Design of New Housing
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-C2	Digital Connectivity

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.

Condition 2 - Approved plans

The changes which have been made comprise 1st floor windows on two of the elevations (north and west) to Plot 2.

North elevation

In the originally approved scheme, plot 2 was positioned with the north elevation approximately 2.5m away from the boundary with No 4 Nutt Lane. Whilst plot 2 would be off-set to this neighbour's house, a first floor bedroom window would directly face and overlook their garden. To make the development acceptable, an obscure glazed box type window was proposed which had clear glazing to the sides, allowing for natural light yet obscuring views of No 4. This was deemed an acceptable solution.

A flush openable window (film coated) has been installed.

West elevation

A window to a 1st floor bedroom on the western elevation was also approved with an obscure glazed box window given there would only be approximately 2.3m from this elevation to the boundary and open land beyond.

A flush glazed window has been installed.

There was no window to the master bedroom on the west elevation as the principle window was located on the southern elevation overlooking the garden.

A long horizontal glazed window has been installed.

Proposals and assessment

In negotiations with the applicant, it is now proposed to insert box glazed windows to the north and west elevations as previously approved. The box windows would be a different size to fit the openings but the design would be similar to the original consent.

The proposed development would therefore be acceptable.

The horizontal window on the west elevation which has been inserted would be obscure glazed to the middle section.

This would limit the outlook to open land beyond the site boundary and as such considered to be acceptable.

It is therefore considered the proposed amendments to the approved plan would be acceptable and would not have an adverse impact on the privacy of the occupiers of No. 4 Nutt Lane and would not significantly overlook land which is not in the applicant's ownership. The proposals would comply with policies H2/1, EN1/2 and SPD6.

It is considered that 4 months would be a reasonable timescale to complete the works given that the work will require a specialist builder to design, construct and fit the box structure.

Condition 3 - Materials

Approved - plot 1 white upvc, plots 2,3,4 dark grey upvc.

As built - plot 1 light grey/green upv, plot 2 dark grey upvc (as approved), plots 3&4 white upvc.

The changes made to the colour of the window frames are considered acceptable. Plots 3 & 4 front Nutt Lane and white frames for these two properties still provides consistency along the frontage and reflects window colours of other properties on this road. Grey/green windows to plot 1 are subtle in colour and acceptable in the streetscene. Plot 2 is located to the rear and not highly visible. Dark grey windows are also a commonly accepted colour.

The amendments are considered acceptable.

Condition 10 - Drainage

United Utilities have been consulted and have no objections to the variation of condition 10 for a revised drainage scheme.

The Local Lead Flood Authority have confirmed no objection.

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 and Reasons:

- 1 The development hereby approved shall be implemented and completed within 4 months of the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings n-

Revised proposed elevations and floor plans House Type 2_v2
As built plans received 15/4/26
Drainage layout
Proposed drainage ICMA0049/500 rev A
Proposed drainage outfall ICMA0049/501

and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The boxed windows detailed on the plans hereby approved - dwg House Type 2_v2 - shall be obscure glazed to the main front window panes with the side panes clear glazed. The box windows shall not be fully openable, limited to the clear pane glass which shall be hinged on the outer part of the frame only. The approved windows shall thereafter be maintained.
Reason. To protect the privacy of adjoining occupiers and to accord with Policies H2/1, H2/3 and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 5 The garages and carports associated with the development hereby approved shall be maintained as such and shall not be converted to additional living

accommodation.

Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations, HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Associated Supplementary Guidance Note 6- Extensions and Alterations and 11 - Parking Standards in Bury.

- 6 The visibility splays indicated on the approved plans shall be maintained free of obstruction above the height of 0.6m

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policies H2/2, JP-C5 and JP-C8.

- 7 The turning facilities indicated on the approved plans shall 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 Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development.

- 8 The car parking (including car ports) shall be maintained available for use at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u> JT 19/5/26	<u>Date</u>	<u>Sign off Officer</u> DM 19.05.2026	<u>Date</u>
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