

DELEGATED REPORT

Report by Claire Booth	Date of report: 30/01/2026	Ref: 72651/CONDIS
Registration: 12/12/2025	LDfC: 12/01/2026	Expiry Date: 06/02/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level:
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (noise mitigation) and condition 4 (cycle parking store) on planning permission 71405

Location: 8 Tenterden Street, Bury, BL9 0EG

Description

Following approval of application 71405 for the change of use of the property from an office (Class E) to an 8 bed (single occupancy) HMO (sui generis), with 2 no velux rooflights at the front, for 2 no velux rooflights at rear and for the erection of wall to define a yard side boundary

Application to discharge condition 3 (acoustic report) and condition 4 (cycle store) on planning permission 71405.

The submitted details for each condition along with the wording of each of the conditions is as follows:

Condition no. 3

Within three months of development first taking place, a scheme for soundproofing to be introduced to the front wall, windows and roof slope and party walls of the building has been submitted to and approved in writing by the Local Planning Authority. The soundproofing scheme shall ensure that the level of sound insulation provided is in compliance with the requirements of Approved Document E of The Building Regulations 2010 (or any equivalent Order following the revocation and re-enactment thereof, with or without modification). The duly approved soundproofing scheme shall thereafter be implemented in full before any occupation of the development hereby permitted first takes place.

Reason. To reduce nuisance from noise to the occupiers of the adjoining business/ office uses and to reduce nuisance from traffic noise on Jubilee Way to future occupiers of the development, pursuant to the Policy EN7/2 Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework.

Submitted Details

Philip Dunbavin Acoustics Ltd: Tenterden Street, Bury - Response to Planning Condition 3, Ref: J005424-9176-SH-02

Condition no. 4

Notwithstanding the approved plans, within three months of development first taking place, a scheme for the provision of a minimum of 4 additional covered and secure bicycle parking spaces on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting, size, design and materials to be used in the construction of both bicycle stores. The bicycle parking spaces shall be provided and made available for use in accordance with the duly approved scheme before

the building hereby approved is first occupied, and shall be retained as such thereafter.

Reason. In order to promote modal shift and increased use of sustainable methods of travel and to ensure each occupant/ bedroom within the HMO has access to this sustainable transport method, in accordance with Policy JP-C5: Streets for All, Policy JP-C6: Walking and Cycling and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, SPD11: Parking Standards in Bury and the National Planning Policy Framework.

Submitted Details

Drawing no. 8TS/200/PL Rev. C6: Site Location Plan and Proposed Site Plan

Relevant Planning History

71405 - Change of use from office (Class E) to 8 bed (single occupancy) HMO (sui generis), with 2 no velux rooflights at front and 2 no velux rooflights at rear and erection of wall to define yard side boundary - Approved with Conditions, 11/07/2025

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections, subject to the stated requirements are implemented.

Pre-start Conditions - Not applicable.

Development Plan and Policies - Not applicable

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.

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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.

Assessment

Condition 3

The proposed noise mitigations against the party walls with both properties (in commercial use) including within the roofscape is acceptable. Moreover, the noise mitigation measured required against the front wall and roofslope of the property, which faces Jubilee Way, as states within section 2.1 - 2.4 of the submitted report are considered to be satisfactory and will ensure that future residents of the development will not cause demonstrable noise nuisance to the occupiers of the adjoining business/office uses and that occupiers within bedrooms which overlook Tenterden Street/ Jubilee Way would not suffer from traffic noise.

Providing that the development is implemented in accordance with the details, measures and timescales identified in both the Philip Dunbavin Acoustics Ltd: Tenterden Street, Bury - Response to Planning Condition 3, Ref: J005424-9176-SH-02 Statement and the duly approved soundproofing scheme is implemented in full before any occupation of the development hereby permitted first takes place, the requirements of the condition will be complied with.

Condition 4

The proposed cycle parking shelters proposed would accommodate 8 bicycles in total. The inclusion of these has resulted in a slight re-design of the area to the rear of the property, accessed from Back Tenterden Street which are considered to be acceptable and in accordance with the requirements of SPD11. They would be both sited against the proposed new brick boundary wall.

Providing that the development is carried out in accordance with the submitted details, the requirements of the condition will be complied with.

Recommendation: Approve

<u>Case Officer</u> CB	<u>Date</u> 30/01/2026	<u>Sign off Officer</u> DM 02.02.2026	<u>Date</u>
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