

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 30/01/2026	Ref: 72446/FUL
Registration: 24/12/2025	LDfC: 27/01/2026	Expiry Date: 18/02/2026
Site Visit: 07/01/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling

Location: Land adjacent to 27-29 Tarn Drive, Bury, BL9 9QB

Description

The proposal relates to a 0.0193 hectare plot of land on the southern side of Tarn Drive. The site slopes slightly towards the west. The site is bound to the east by Lakeland Crescent and to the north by Tarn Drive. To the south, the site adjoins an electricity substation and adjoins properties along Tarn Drive to the west with timber fencing separating the boundary.

The proposal is to build a two storey 4no. bed detached dwelling. The property would be 7.9m wide as viewed along Tarn Drive and 7.3m in length. It would match the ridge heights of existing dwellings along Tarn Drive, being approximately 7.9m in height. Materials used would include red brick with concrete tiles for the roof. White UPVC is proposed for windows and doors in order to appear consistent with existing properties along Tarn Drive.

The dwelling would be set back from the pavement by a minimum of 4.5m from Tarn Drive and a minimum of 2.4m from Lakeland Crescent. The proposal is also to include associated hardstanding to create driveways to the front and side for the proposed dwelling. Boundary treatment for the proposed front and side gardens are also shown on the plans showing a metal fencing system, with a black paint finish.

The proposed dwelling would be open plan at ground floor, with 3 bedrooms proposed at first floor and a further one bedroom in the roof space.

The street scene is residential in nature, with generally semi-detached red brick dwellings. Parking in the area is both off street with some properties featuring driveways however on street parking is not uncommon, and there are no parking restrictions within the area.

Relevant Planning History

02038/E - Erection of one bungalow - Enquiry completed 04/10/2017

62779 - Outline application for erection of 1 no. bungalow - Approve with Conditions 26/06/2018

70749 - Outline application for 1 no. bungalow (all other matters reserved except access) - Withdrawn - Invalid 18/06/2024

Publicity

13 neighbouring properties were consulted on 05/01/2026. No comments have been received.

Statutory/Non-Statutory Consultations

Traffic Section - raised objections, based upon the provision of two access points being proposed. Furthermore, adequate levels of visibility being retained at the junction between Tarn Drive and Lakeland Crescent was not demonstrated by the submitted information.

SPD 11 parking arrangements would also need to be demonstrated.

Greater Manchester Ecology Unit - no objections, recommended informatives

Environment Agency - no comments received.

Borough Engineer - Drainage Section - no objections subject to a recommended condition, recommended informatives

United Utilities (Water and waste) - no comments received.

The Coal Authority - no objections subject to the inclusion of two conditions, informatives were also recommended

Environmental Health - Contaminated Land - Although a Mining Risk Assessment was submitted alongside the application, it did not consider land contamination and so a Desk Study and PRA was requested which would need to be submitted prior to determination. Conditions were also recommended.

Waste Management - no comments received.

Electricity North West Ltd - recommended informatives due to the proximity of the land to electrical apparatus.

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-C8	Transport Requirements of New Development
JP-C5	Streets For All
JP-C2	Digital Connectivity
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-H4	Density of New Housing
JP-H3	Type, Size and Design of New Housing
JP-S5	Clean Air
JP-S4	Flood Risk and the Water Environment
JP-S2	Carbon and Energy
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
H1/2	Further Housing Development
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.

Principle of the Development

The proposal comprises of the erection of 1no. dwelling in an existing residential area. Given this, the principle of the development is considered acceptable.

Housing Density

PfE Policy JP-H4 requires new housing developments 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.

Policy JP-H4 sets out minimum densities that should be considered and the site falls in an area where a minimum density of 35 dwellings per hectare should be had regard to.

The development of one new dwelling on this site would lead to a net residential density of 51.8dph which is in excess of that outlined within Policy JP-H4 and thus would be considered acceptable.

Layout

As viewed from Tarn Drive, the property would be set back to align with the building line of existing properties along Tarn Drive. The proposed would project to the rear similarly to

existing properties along Tarn Drive, 7.3m from the front to the rear. Although this would be approximately 1m further to the rear than existing properties along Tarn Drive, it is not considered that this would cause an unacceptable or overbearing impact. There would still be adequate access down the side of the property and at the rear to store bins on non-collection days.

The proposed private outdoor amenity space would be approximately 22sqm and is designed in order to house the 4 bins needed for the property as well as a cycle storage area. The total size of the plot is 193sqm. As the provision of the outdoor amenity space only measures 22sqm in size, it is not considered that this small of an outdoor amenity space would reflect a suitable layout, and the plot could appear cluttered, particularly to the rear. Furthermore, the property has the potential to house 7 people, and so a garden area 22sqm in size would not be suitable for this number of people to enjoy as an outdoor amenity space. Occasionally the provision of a smaller garden space can be justified if other properties within the area also have smaller private garden areas however properties along Tarn Drive have larger gardens (approximately an average of 56sqm) and Lakeland Crescent around 32sqm on average. Furthermore, these properties are smaller, and therefore for a lower number of people. Given the above, it is therefore considered that the private outdoor amenity space provision proposed would not be considered acceptable.

The proposed dwelling would be 3 storeys in height, with 4 bedrooms for a maximum of 7 people. The Nationally Described Space Standards (NDSS) and Policy JP-H3 of PfE outline minimum standards for space within new dwellings as well as accessibility. The NDSS minimum standard for a 4 bed property for 7 people over 3 storeys is 121sqm. The proposed would be approximately 117.7sqm, falling short of this and therefore not considered acceptable.

It was considered that the loft conversion could be removed from the proposed in order to aid the acceptability of the proposal however the proposed would then be approximately 96.8sqm in size and, with all bedrooms being the size suitable for 2 people, still would fall short of the standards outlined within the NDSS (102sqm for 3 bed, 6 person). It is therefore considered that the layout of the proposed would need to be altered significantly, taking into account both the internal space and outdoor amenity space.

Driveways are proposed at the property to include space for 2 cars however, given the size of the property and the zone in which the property lies (Zone 3), a minimum of 3 car parking spaces would be required. It is considered that an extra space could be accounted for to the front of the property to comply with the standards however, given the siting of the property on a corner plot and the lack of garden space that has been proposed at the property, it is not known whether the provision of this parking space would be safe or considered acceptable on design terms. It is therefore considered that the proposed does also not comply with SPD11.

Given the above, the proposal does not comply with Policies H2/1, H2/2, EN1/2 of the UDP, Policy JP H-3 of PfE or SPD 11 and SPD 6 and therefore would not be considered acceptable.

Design and Visual Amenity

The proposed dwelling would be two storey in height with the roof space also designed to be used as habitable. The eaves and ridge height of the proposed would match that of existing properties along Tarn Drive and so would appear consistent.

The overall design would incorporate red brick with concrete tiles for the roof. White UPVC is proposed for windows and doors in order to appear consistent with existing properties along Tarn Drive.

Despite the proposed appearing consistent with properties along Tarn Drive materially and in size, the proposed front door for the property would be sited towards Lakeland Crescent

in the side elevation. When viewing the properties along Tarn Drive, all properties feature the same pattern which is windows at first floor and a front entrance door and window at ground level. The introduction of the proposed property would mean that, due to the entrance door being to the side, it would interrupt this general pattern and appear incongruous. This would also be exacerbated by the property being sited on a corner plot and also at the top of Tarn Drive, as it is the first property visible when accessing Tarn Drive from Manchester Road. It is noted that the proposed front door opens towards Lakeland Crescent similarly to properties along Lakeland Crescent however it is considered that the proposed has been designed in order to appear more consistent with Tarn Drive and furthermore, the proposed is forward of the front building line of Lakeland Crescent. It would therefore also appear incongruous within Lakeland Crescent with its current design.

Given the above, the proposal does not comply with Policies H2/1, H2/2, EN1/2 of the UDP or Policy JP H-3 of PFE and therefore would not be considered acceptable.

Residential Amenity

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The proposed dwelling would be set on the same building line as the adjacent properties and as such would not affect habitable room windows on the front of these neighbours along Tarn Drive.

The dwelling would be positioned directly next to the side boundaries but as there would be no habitable room windows, there are no issues of an overbearing relationship or impacts on privacy to the sides. Furthermore, the proposed would only project approximately 1m further to the rear than properties along Tarn Drive which would not impact at a 45 degree angle to any habitable windows and therefore would be considered acceptable.

The proposed dwelling would be sited approximately 5.5m from the boundary with an electricity substation to the rear. SPD 6 states that first floor habitable rooms should be at least 7m away from boundaries with properties that are directly facing. Due to the substation not being residential, it is considered the 5.5m to the boundary would be acceptable. Furthermore, the proposed would also be sited approximately 8.5m away from the boundaries with habitable properties to the rear consistent with that outlined within SPD6.

The proposed development would therefore comply with H/1, EN1/2 and SPD6.

Highways

The proposed dwelling is sited within Zone 3 and would be a 4 bed dwelling. Given this, the property should have 3 off road car parking spaces. As can be seen on the proposed plans, only 2 off road car parking spaces have been proposed. The proposed parking at the property therefore would fall short of that outlined within SPD11.

Furthermore, the Council's Highways Officer was consulted on the application who raised concerns over there being two access points to the site, and the lack of visibility information that had been submitted to accompany the application. The site plan also needed to include visibility information in regards to the existing junction between Tarn Drive and Lakeland Crescent.

Given the above, it was considered insufficient information had been submitted into how the proposed would impact the highway alongside the proposed parking arrangements being unacceptable and therefore the proposed did not comply with that outlined within Policies H2/1 and EN1/2 of the UDP, JP-C5 and JP-C8 of PFE or SPD11.

Drainage and Flood Risk

The proposed site is located within Flood Zone 2. No flood risk information has been submitted to accompany the application and therefore the proposal cannot be assessed

against Policy JP-S4 of PfE and therefore it is considered insufficient information has been submitted.

In terms of drainage, the Council's Drainage Engineer was consulted who had no objections subject to a condition requiring a drainage scheme to be submitted prior to commencement. Subject to an approval, this would have been acknowledged within the conditions of the report.

Carbon and Energy

JP-S2 of PfE aims to deliver a carbon neutral Greater Manchester no later than 2038 and aims, amongst other things, to ensure residential developments achieve energy demand reductions and should be consistent with 2022 Part L Building Regulations.

The applicant has submitted an energy statement which states that the development will prioritise the minimisation of energy demand and maximise energy efficiency by introducing a number of measures at the property such as insulation, HVAC heating controls and energy efficient lighting.

The applicant has confirmed that the design will be in accordance with current building regulations including the amended Part L of Building Regulations.

Digital connectivity

Policy JP-C2 requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections.

To comply with Policy JP-C2, the premises will have an internet provider such as BT and Sky. This will be full fibre optic connectivity. The premises' wifi will be used for the household.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

UDP Policies EN8/1 and EN8/2 seek to support the retention of trees, woods, copses and hedgerows to encourage natural regeneration and new and replacement tree planting. PfE Policy JP-G7 seeks to significantly increase tree cover, protect and enhance woodland, and connect people to the trees and woodland around them.

The submitted information states the proposed would be self-build and therefore exempt from BNG requirements. Subject to an approval, this would have been acknowledged within the conditions of the report.

GMEU were consulted and had no objections, but did recommend informatives that, should the proposed have been an approval, would have been acknowledged.

Mining Remediation

Paragraphs 187, 196 and 197 of the NPPF seek to ensure that sites are suitable for its proposed use taking into account ground conditions, any risks arising from land instability and contamination. The application site falls within the Coal Authority's defined Development High Risk Area.

A Geological and Mining Risk Assessment Report was submitted with the application which determined that coal mining legacy does potentially pose risks to the development and investigations would be required alongside possible remedial and mitigatory measures. The

Coal Authority therefore recommended a pre-commencement condition which subject to an approval would have been acknowledged within the conditions of the report.

Conclusion

To conclude, despite the principle of the development being considered acceptable due to the proposal being within a predominantly residential area, it is considered that the application as proposed falls short on both layout and design aspects. The private outdoor amenity space proposed would be considered unacceptable and would lead to a detriment in amenity value for future occupants. Furthermore, the internal space proposed would also fall short of the standards outlined within the NDSS and would also lead to a detriment to the amenity of future occupants.

Parking at the property would also fall short of the standards outlined within SPD 11 and, despite considerations being taken that the site could accommodate the space necessary, it may come at the further loss of garden space leading to further detrimental impacts to both the street scene and future occupants.

There was also insufficient information in regards to a PRA for the site, as well as any flood risk information due to the site lying within Flood Zone 2. Highways Engineers were also consulted who noted insufficient information on highways grounds.

Due to the above, the proposed is therefore refused.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development represents an unacceptable layout of development that would be detrimental to the street scene and future occupants of the dwelling. The proposed development therefore conflicts with policies EN1/2 - Townscape and Built Design, H2/1 -The Form of New Residential Development, H2/2 - The Layout of New Residential Development of the UDP, JP-H3 and JP-H4 of PFE, SPD 6 and SPD 11.
- 2 The application and submitted plans contain insufficient information in regards to a lack of Flood Risk Information and in order to enable them to be properly assessed against Policy JP-S4 of Places for Everyone.
- 3 The application and submitted plans contain insufficient information in regards to Access and Visibility Information to enable them to be properly assessed against Policies H2/1 and EN1/2 of the UDP, JP-C5 and JP-C8 of PFE or SPD11.
- 4 The application and submitted plans contain insufficient information in regards to the lack of a Preliminary Risk Assessment and Desk Survey to enable them to be properly assessed against Paragraphs 187(f), 196 and 1990 of the National Planning Policy Framework (December 2024).

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