

DELEGATED REPORT

Report by Helen Pressley	Date of report: 27/03/2026	Ref: 72988/NON
Registration: 20/03/2026	LDFC:	Expiry Date: 17/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Non-material amendment following grant of planning permission 71302 for enclosure of existing amenity space with fencing up to 2 metres high

Location: 50 Willow Street, Bury, BL9 7QZ

Description

Planning permission has been granted for the demolition of 4 no. buildings and the erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping. The site would be accessed from Maxwell Street.

Non-material amendment following grant of planning permission 71302 for enclosure of existing amenity space with fencing up to 2 metres high.

Relevant Planning History

69602 - Demolition of 4 no. buildings and Erection of a two storey apartment for supported living comprising 13 no. self-contained dwellings, a communal lounge and laundry room & 2 no. manager offices with associated parking and landscaping - Approved with Conditions 20/09/2023

71302 - Variation of Condition No. 7 (drainage) of planning permission 69602 from approved from Foul & Surface Water Drainage Design Drawing C-0001, Rev P02 to Foul Surface Water Drainage Design Drawing C-0001, Rev P07 - Approve with Conditions 13/01/2025

72338 - Application to discharge condition 10 (Landscaping Maintenance and Management Plan for Allotment Gardens) on planning permission 71302 - Approve 22/10/2025

72465 - Application to discharge condition 6 (remediation strategy) on planning permission 71302 - Approve with Condition 28/11/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management

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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
HT2/4	Car Parking and New Development
RT2/2	Recreation Provision in New Housing Development
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S4	Flood Risk and the Water Environment
JP-G7	Trees and Woodland
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-H1	Scale of New Housing Development
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
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.

Visual Amenity

The proposed enclosure would be located to the front of the site, facing towards Willow Street. The area to be enclosed, is an area of general green space to the front of the site and would not impact on the allotment gardens protected under condition 10.

The existing boundary with Willow Street is made up of mature trees, a 1.5 metre railing and native mixed hedge area also proposed to the front boundary of the site. The enclosed area would be sited behind these areas of soft landscaping. In addition the construction of a 2 metre fence within the site would be permitted development (PD) should the site already be occupied. Given the screening, and the fall back PD rights it is considered that the proposal would not have a detrimental impact on the visual amenities of the area.

Residential Amenity

As set out above the proposed fencing would be set behind the existing and approved boundary treatments fronting Willow Street. The proposed fencing would be sited away from the shared boundary with No. 73 Willow Street and as confirmed would fall within the limits of permitted development. As such it is considered that the proposal would not have any additional impacts in terms of residential amenity.

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 71302 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 71302 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 27/03/2026		HL 27.03.2026	