

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 18/09/2025	Ref: 71563/FUL
Registration: 24/01/2025	LDfC: 04/03/2025	Expiry Date: 21/03/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOF

Proposal: Variation of condition nos. 1, 14, 15 and 16 of planning permission 63805 in accordance with revised drawings submitted.

Location: Site of Whittaker House, Whittaker Street, Radcliffe, Manchester, M26 2TD

Description

The site previously contained Whittaker House, which had been used as a care home for the elderly.

Planning permission was granted for the redevelopment of the site to part demolish Whittaker House for a residential development for 11 no affordable units (planning reference 57710) which was subsequently varied in March 2024 to exclude plots 9-11 to provide 8 no dwellings which would be located in a row along an internal access road into the site.

A subsequent non-material application reference 71115 was approved for changes to levels, change of road camber and a modified drainage design after ascertaining that the development as originally approved could not be physically built out in accordance with the approved plans.

This current application seeks a variation of condition to address changes made in the design of the development following the change to reduce the number of houses on the site, and primarily to address the non-requirement to provide an estate road, turning head and emergency access as the development to the north of the site is no longer going ahead as previously planned. The application also picks up amendments to levels on site, change of road camber and modified drainage design which were approved under the non material amendment reference 71115. .

This application would essentially regularise works which have already been carried out to align with correct plans and drawings. .

The application therefore seeks to vary conditions 1 (approved plans), 14 (finished floor levels), 15 (foul and surface water drainage) and 16 (highway works).

Relevant Planning History

57362 - Demolition of existing building and erection of supported living accommodation (14 one bedroom apartments) and Higher Complex Care accommodation (6 one bedroom apartments) together with access and landscaping at Former Whittaker House - Approved with conditions - 19 May 2014.

57710 - Part demolition of Whittaker House and construction of 11 no. affordable dwellings (resubmission) - Approved 6/8/24

60211 - Variation of condition no. 2 (approved plans) of planning permission 59193 to facilitate the inclusion of a public footpath

- Approve with Conditions 08/07/2016

61736 - Non-material amendment following grant of planning permission 59193:

To move the building north by 900mm, and to widen the footpath along the southern boundary from 1200mm to 2000mm. - Approve 25/07/2017
63805 - Variation of condition no. 2 (approved plans) of planning permission 57710 to exclude plots 9-11 - Approved 29/3/24
67374 - Construction of 1 no. dwelling - Approve with Conditions 22/10/2021
23/0227 - Excavation works - 21/07/2023
71115 - Non-material amendment following grant of planning permission 63805 (Variation of condition no. 2 (approved plans) of planning permission 57710 to exclude plots 9-11): Change of levels, change of road camber and modified drainage design - Approve 25/09/2024
23/0227 - Excavation works - 21/07/2023

Publicity

Letters sent to 25 properties on 10/2/25.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Borough Engineer - Drainage Section - No response received

United Utilities (Water and waste) - No comments to make

Pre-start Conditions - Not relevant

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
OL5/3	Riverside and Canalside Development in Urban Areas
H4/1	Affordable Housing
EN1/2	Townscape and Built Design
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/4	Wildlife Links and Corridors
EN8/2	Woodland and Tree Planting
EN10/2	Riverside and Canalside Improvement in Urban Areas
OL5/2	Development in River Valleys
RT2/2	Recreation Provision in New Housing Development
RT4/7	The Manchester, Bolton and Bury Canal
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H2	Affordability of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment

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.

Layout

The proposed variations to the wording of conditions 14, 15 and 16 are to essentially regularise some of the works which have already been carried out and to align with the plans and proposals in the non-material amendment reference 71115. Revised plans have been received to address the changes which have been made.

There are no issues in principle.

The Highway Authority, Local Lead Flood Authority and United Utilities have been consulted on the proposed variations.

The Local Lead Authority have not responded to the application but United Utilities and the Highway Authority have raised no objection.

The wording of the conditions would be amended to read as follows -

Condition 14 - Finished floor levels.

Amended wording - The finished floor levels shall be as stated on approved plan 2711-SCE-PH01-L-DR-C-0002-P01.

Condition 15 - Foul and surface water drainage

Amended wording - The scheme of foul and surface water drainage shown on drawings 2711-SCE-PH01-L-DR-C-0001-P01 and 2711-SCE-PH01-L-DR-C-0006-P01 shall be implemented in full prior to the occupation of the dwellings hereby approved.

Condition 16 - Highway works

Amended wording - The development hereby approved shall be carried out in accordance with the details submitted on the approved plans (Vehicle tracking plan 2711-SCE-PH01-L-DR-C-0014, Levels 2711-SCE-PH01-L-DR-C-0002-P01, Section 38 Agreement Plan 2711-SCE-PH01-DR-C-0004 rev P10 and Highway construction details 2711-SCE-PH01-L-DR-C 0007 rev P07) to provide:

1. Access alterations at the junction of Whittaker Street and Shirebrook Drive;
2. Works to connect the footway to the rear of No.'s 1 - 11 Kingsmoor Avenue;
3. Approved road and turning head;
4. Adequate parking arrangements for plot 1;
5. Street lighting scheme;
6. Swept path analysis for refuse collection.

The approved details shall be implemented and completed prior to the first occupation of the development hereby approved.

Condition 1 - Approved plans

Amended as follows -

This decision relates to drawings numbered -
and the development shall not be carried out except in accordance with the drawings hereby approved.

930 L01 P1,
930 100 P1,
930 101 P3,
930 102 P2,
930 103 P0,
930 104 P1,
2711-SCE-PH01-L-DR-C-0001-P01,
2711-SCE-PH01-L-DR-C-0002-P01,
2711-SCE-PH01-L-DR-C-0003-P01,
2711-SCE-PH01-L-DR-C-0004-P010,
2711-SCE-PH01-L-DR-C-0005-P01,
2711-SCE-PH01-L-DR-C-0006-P01,
2711-SCE-PH01-L-DR-C-0007-P07
2711-SCE-PH01-L-DR-C-0014

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 This decision relates to drawings numbered -

930 L01 P1,
930 100 P1,
930 101 P3,
930 102 P2,
930 103 P0,
930 104 P1,
2711-SCE-PH01-L-DR-C-0001-P01,
2711-SCE-PH01-L-DR-C-0002-P01,
2711-SCE-PH01-L-DR-C-0003-P01,
2711-SCE-PH01-L-DR-C-0004-P010,
2711-SCE-PH01-L-DR-C-0005-P01,
2711-SCE-PH01-L-DR-C-0006-P01,
2711-SCE-PH01-L-DR-C-0007-P07
2711-SCE-PH01-L-DR-C-0014

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 listed.

- 2 The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason - The development has been granted given the particular circumstances of the applicant which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

- 3 The remediation strategy approved as part of condition 4 of permission 57710 must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National

Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 4 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 5 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 6 The Remediation Strategy approved as part of condition 8 of permission 57710 must be implemented in full prior to the occupation of the dwellings hereby approved.
Reason. To secure the satisfactory development of the site in terms of human health, mine gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 7 The external finishing materials shall be those materials approved as part of condition 9 of permission 57710.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 8 No trees, unless indicated on approved plan reference - TPP.12171.02, shall be felled, lopped or topped before or during the construction period.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 9 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 10 The landscaping scheme approved as part of condition 12 of permission 57710 shall be implemented not later than 12 months from the date the dwelling(s) are first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 11 The scheme for the eradication of Japanese Knotweed and Himalayan Balsam approved as part of condition 13 of permission 57710 shall be implemented in full prior to the dwellings hereby approved being first occupied.
Reason. To ensure that the site is free from Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape.
- 12 No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 13 The boundary treatments approved as part of condition 16 of permission 57710 shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 14 The finished floor levels shall be as stated on approved plan 2711-SCE-PH01-L-DR-C-0002-P01.
Reason: To secure the satisfactory development of the site and the assimilation of the new dwellings into the locality pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 15 The scheme of foul and surface water drainage shown on drawings 2711-SCE-PH01-L-DR-C-0001-P01 and 2711-SCE-PH01-L-DR-C-0006-P01 shall be implemented in full prior to the occupation of the dwellings hereby approved.
Reason: To ensure a satisfactory means of drainage pursuant to Policy JP-S4 - Flood Risk and the Water Environment.
- 16 The development hereby approved shall be carried out in accordance with the details submitted on the approved plans (Vehicle tracking plan 2711-SCE-PH01-L-DR-C-0014, Levels 2711-SCE-PH01-L-DR-C-0002-P01, Section 38 Agreement Plan 2711-SCE-PH01-DR-C-0004 rev P10 and Highway construction details 2711-SCE-PH01-L-DR-C 0007 rev P07) to provide:
1. Access alterations at the junction of Whittaker Street and Shirebrook Drive;
 2. Works to connect the footway to the rear of No.'s 1 - 11 Kingsmoor Avenue;
 3. Approved road and turning head;
 4. Adequate parking arrangements for plot 1;
 5. Street lighting scheme;
 6. Swept path analysis for refuse collection.

The approved details shall be implemented and completed prior to the first occupation of the development hereby approved.

Reason. To ensure good highway design in the interests of road safety and to

maintain the integrity of the adopted highway pursuant to the following Policies 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.

- 17 A visibility splay measuring 2.4 metres by 25 metres shall be provided at the junction of Shirebrook Drive with extension of Whittaker Street before the development is first occupied and shall subsequently 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 the following Policies 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.

- 18 The turning facilities indicated on the approved plans (or similar alternative provision that enables construction traffic to enter and leave the site in a forward gear) shall subsequently 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 during construction of the development and thereafter pursuant to the following Policies 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.

- 19 The scheme to prevent mud from passing onto the highway approved as part of condition 24 of permission 57710 shall be implemented and maintained thereafter during the period of construction.

Reason. To ensure that the adopted highways are kept free of deposited material from the ground works operations pursuant to Policy H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan.

- 20 Minimum hardstandings lengths of 5.0m measured from the future highway boundary shall be provided at all dwellings to the written satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To allow adequate space to maintain a vehicle clear of the highway in the interests of pedestrian safety pursuant to policies HT2/4 and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	18/9/25	DM	18/09/2025