

DELEGATED REPORT

Report by Tom Beirne	Date of report: 29/05/2025	Ref: 71840/RES
Registration: 07/04/2025	LDFC: 15/05/2025	Expiry Date: 02/06/2025
Site Visit: 13/05/2025	Site Notice: 22/04/2025	Press Date: 01/05/2025
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for reserved matters (access, appearance, landscaping, layout and scale) following outline approval (68086) for demolition of existing dwelling and outbuildings and replacement of 1 no. dwelling

Location: The Nurseries, Leigh Lane, Bury, BL8 1RL

Description

The application site is located at the former Ainsworth Nurseries and follows a approval of outline permission in 2022, following similar approvals every three years going back to 2007. The site is in the Green Belt and is grassed and well treed which gives it a semi-rural appearance although it is on the edge of the built up area, between Elton Reservoir to the south and Elton High school playing fields to the north. To the west is a derelict plot of ground that comprises a derelict bungalow fronting Leigh Lane which is subject to a seperate reserved matters application (71841). To the east is a plot of land, overgrown and unused. The only access to the site is via Leigh Lane, which is a single track PRoW (143 BUR), unmade and unadopted road. There are a number of TPO trees on this and the adjacent site.

The applicant seeks outline consent for the demolition of an existing derelict house and the erection of a new two storey, four bed dwelling. The new house would be immediately to the north of the existing house. It would have a ground floor footprint measuring 15.6m by 11.1m. The upper floor would be smaller and measure 11.2m by 11.1m. The traditional design would comprise pitched roof to a height of 8.6m with eaves to 5m. The frontage would have two gables with a single storey flat roof outrigger at the rear. It would be finished in red brick with gray roof tiles. The house would face towards Leigh Lane with garden to front, side and rear. The driveway would be via the existing access, running to the west of the house with parking for three cars to the north west of the building.

A landscape plan and arboricultural assessment and method statement has been submitted and proposes to retain the existing, protected trees along the front boundary and run a new native hedge around the side and rear boundaries with some additional tree planting.

A technical statement has also been submitted to detail the proposed highway amendments to Leigh Lane.

Relevant Planning History

56801 - Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation re. planning application ref. 59167 - Outline Application - Demolition of existing dwelling and outbuildings and construction of new dwelling - Approved with Conditions 12/10/2015
59169 - Outline Application - Demolition of existing bungalow and outbuildings and erection of new bungalow - Approved with Conditions 12/10/2015
63624 - Outline application for demolition of existing dwelling and outbuildings and construction of replacement dwelling (all matters reserved) - Approved with Conditions

14/02/2019

63625 - Outline application for demolition of existing bungalow and outbuildings and erection of new bungalow (all matters reserved) - Approve with Conditions 14/02/2019

68086 - Outline planning consent for demolition of existing dwelling and outbuildings and construction of replacement dwelling (all matters reserved) (Resubmission) - Approved with Conditions 07/04/2022

68088 - Outline planning consent for demolition of existing bungalow and outbuildings and erection of new bungalow (all matters reserved) (Resubmission). - Approve with Conditions 07/04/2022

71599 - Erection of 1 no. dwelling with new public footpath - Refused 08/05/2025

71841 - Application for reserved matters (access, appearance, landscaping, layout and scale) following outline approval (68088) for demolition of existing dwelling and outbuildings and erection of 1 no. dwelling (adjacent site) - Undecided.

Publicity

Immediate neighbours notified by letter dated 23/04/2025. Site and press notices posted. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No comment received.

Drainage Section - No comment.

Environmental Health - - No objection

Public Rights of Way Officer - No objection.

Planning Policy Manager - No objection.

Greater Manchester Ecology Unit - No objection.

United Utilities (Water and waste) - No comment

Pre-start Conditions - Agreed with agent.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN6/2	Sites of Nature Conservation Interest LNR's
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN8	Woodland and Trees
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
JP-G9	The Green Belt
JP-G7	Trees and Woodland
JP-P1	Sustainable Places

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 - The NPPF, Places for Everyone and UDP local plan policy state that a new dwelling in the green belt is considered appropriate if it replaces one of a similar size. The outline applications were approved on this basis and therefore the principle of development is considered to be established and policy compliant. No further assessment into the principle of development is required.

Policies - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 of the Unitary Development Plan states that the new residential development should demonstrate acceptable standards of layout including, adequate parking available, suitable landscaping and open space.

Layout, design and visual amenity - The proposed two storey house is relatively traditional in its layout and design and would sit comfortably within the large landscaped site. The existing retained trees and the proposed new hedge and planting scheme would be appropriate and compliment the built form. With the demolition of the unsightly property, associated landscaping and tree management, the proposal would improve the appearance of the site. It would comply with PfE and UDP policies JPP1, EN1/1, EN3/1, H2/1 and H2/2 relating to residential development and visual amenity.

Residential amenity - Given the nature of the development and surrounding site with no immediate residential properties in close proximity, there are no residential amenity issues arising. The relationship between the proposed house and the proposed house on the adjacent site (ref. 71841). The proposal is acceptable and complies with Places for Everyone and UDP Policies H2/1 and H2/2 in relation to residential amenity.

Ecology - Ecological issues were primarily resolved at outline stage.

Bats - Updated bat emergence surveys are required prior to demolition. They are not however required as part of reserved matters. No further information or measures are required at this time.

Nesting Birds - A birds nest was previously suspected within the building and the site is overgrown. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A bird nesting condition is recommended, restricting development to certain times of the year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA. Bat and bird boxes should also be provided and secured by a condition.

Biodiversity - Section 187 of the NPPF 2024 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

It was accepted at outline stage that biodiversity mitigation and enhancement measures could be provided via condition. The development is not subject to biodiversity net gain specifically as the outline application was submitted prior to BNG becoming mandatory. Condition 11 of the outline permission required landscape details to be provided as part of reserved matters.

A landscape plan has been provided. This includes a native hedge around the perimeter of the property and two native trees, though one is field maple which is not locally native. The soft landscaping proposals are adequate.

Traffic/ Access - A Technical Note, detailing improvements to Leigh Lane at the junction with the site has been submitted. The proposed access into the site would be in the location of the existing access although the junction would be redesigned by setting the boundary wall back on the west side, thereby widening the road and improving visibility on this side. A condition requiring full details of the proposed improvement works to be submitted and approved is considered appropriate. There would be parking for three cars with turning onto the private drive and a condition would be attached to require the parking and turning facilities to be completed prior to first occupation. There would be an electronic charging point at the parking area and the driveway would have low level lighting which would be appropriate to the semi-rural site. A construction traffic management scheme would also be required via a condition.

With highway conditions, the proposal is considered to be acceptable in terms of highway safety and complies with UDP Policy H2/2 The Layout of New Residential Development.

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 The development must be begun not later than the expiration of two years beginning with the date of this permission.
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 This decision relates to drawings numbered 1128_02, 25/1327/101B, 112, 113, 201, 212, 213, TRI-4779-01, 02, 03, 04, 05, and 06 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 landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..
- 4 No trees subject to a Tree Preservation Order, unless indicated otherwise on the approved plans, shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
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.
- 5 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.
- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA pursuant to UDP Policy EN6/3 Features of Ecological Value.
- 7 Prior to commencement of construction, the existing buildings on the site shall be

demolished and all materials removed from the site.

Reason. In order to maintain the openness of the Green Belt and in the interests of proper planning practice pursuant to the NPPF and UDP Policies OL1/2 New Buildings in the Green Belt.

- 8 Full details of the the proposed road improvements to the south side of Leigh Lane, indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to first occupation of the dwelling.

Reason. In order to secure improvements to the highway in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

- 9 The proposed parking and turning facilities shall be completed and maintained without obstruction prior to first occupation of the dwelling.

Reason. To ensure adequate off street car parking provision and to minimise the standing and turning movements of vehicles on the highway, in the interests of road safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

- 10 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Access route for demolition/construction traffic from the highway network;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;

Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. To mitigate the impact of the demolition/construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the demolition/construction periods and ensure that the adjacent highways are kept free of deposited material from the ground works operations, in the interests of highway safety.

- 11 No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider

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

- 12 Following the provisions of Condition 11 of this planning permission, where remediation is required, the approved Remediation Strategy 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 Planning Policy Statement 23 - Planning and Pollution Control.
- 13 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 validity 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 Planning Policy Statement 23 - Planning and Pollution Control.
- 14 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 UDP Policy EN7 Pollution Control.
- 15 Prior to any demolition two emergence and dawn surveys shall be carried out to confirm number and location of any bat roosts. Survey work will inform an EPS licence application as necessary and no demolition will be undertaken prior to a Natural England EPS Development Licence application being successful.
Reason. In order to protect bats that could be utilising the building pursuant to UDP Policy EN6/3 Features of Ecological Value.
- 16 Prior to demolition, bird and bat mitigation and enhancement proposals shall be submitted to and agreed in writing by the LPA. The measures shall be implemented in full, prior to first occupation of the dwelling.
Reason. In the interests of bat/bird protection, pursuant to UDP Policy EN6 Conservation of the Natural Environment.
- 17 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The

scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 18 The proposed electric vehicle charging point shall be implemented prior to first occupation of the dwellinghouse.

Reason. In the interests of sustainable development pursuant to UDP Policy H2/2 The Layout of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB	29/5/25		