

DELEGATED REPORT

Report by Claire Booth	Date of report: 30/04/2026	Ref: 72929/CONDIS
Registration: 05/03/2026	LDFC: 03/04/2026	Expiry Date: 30/04/2026
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: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (sound insulation) and condition 4 (cycle storage) on planning permission 71842

Location: 527 Manchester Road, Bury, BL9 9SH

Description

Following approval of application 71842 which granted planning permission for the change of use from a dwelling to a 7 bedroom, single occupancy, House in Multiple Occupation (HMO), this application seeks to discharge condition nos. 3 and 4 pursuant to application 71842 which were as follows:

3. The sound insulation of both party walls of the property shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented to and approved in writing by the Local Planning Authority prior to the use commencing.

Reason. To reduce nuisance from noise to the occupiers of the adjoining dwellings pursuant to Policy EN7/2: 'Noise Pollution' and H2/4: 'Conversions' of the Bury Unitary Development Plan and the National Planning Policy Framework.

4. Before the building hereby approved is first occupied, details of the size, materials and design of the cycle parking and storage provision shown on drawing no. 24110.01 Rev. E shall be submitted to and approved in writing by the Local Planning Authority. The duly approved covered and secure cycle parking provision shall be installed and made available for use before the building is first occupied, and retained as such thereafter.

Reason. In the interests of amenity as details of its design and height of the cycle storage unit have not been provided and to promote modal shift and encourage travel to the site by more sustainable modes of transport and to ensure the amenity of neighbouring residents is not harmed, in accordance with Policies H2/2: 'The Layout of New Development', H2/4 'Conversions', Policies JP-C6: 'Walking and Cycling' and JP-C8: 'Transport Requirements of New Development' of the Greater Manchester Places for Everyone Joint Development Plan and SPD11: 'Parking Standards in Bury'.

Relevant Planning History

71842 - Change of use from dwelling (Class C3) to 7 no. bedroom/ 7 person HMO (Sui Generis); Rear dormer extension; Fenestration alterations to rear and cycle storage - Approved with Conditions, 03/09/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No comments or observations received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

Submitted Details

Condition 3

Drawing no. 24110.11 Rev. A: Building Regulations Plan
- Basement and Ground Floor

Drawing no. 24110.12 Rev. A: Building Regulations Plans
- First and Second Floors
- Roof

Condition 4

Drawing no. 241110.20: Cycle store
Drawing no. 24110.11 Rev. A: Building Regulations Plan
- Basement and Ground Floor

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

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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 (Soundproofing)

The applicant has provided Building Regulation Plans and a cross section drawing showing the proposed sound proofing.

From this information it can be reasonably concluded, therefore, that the soundproofing scheme submitted, will provide suitable levels of protection against noise for the adjoining property, provided it is of course incorporated into the conversion works.

Therefore, subject to the proposed soundproofing being installed in accordance with the details shown on drawing no. 24110.21, Condition 3 can be discharged.

Condition no. 4 (Cycle Storage)

The applicant has provided details of the appearance and materials of the proposed bike store on Drawing no. 24110.20: Cycle Store.

Given its height, which is approximately the same height as the shared boundary wall, its appearance its acceptable and would not cause undue harm to the amenity of neighbouring occupiers or visual amenity.

Therefore subject to the approved details being implemented Condition 34 can be discharged.

Recommendation: Approve

Conditions and Reasons:

- 1 Condition 3 (Party Walls - Soundproofing) is hereby discharged in accordance with the details contained within Drawing no. 24110.20: Cycle Store. Providing that the development is carried out in accordance with these details, the requirements of the condition will be complied with.
- 2 Condition no. 4 (Cycle Storage) is hereby discharged in accordance with Drawing no. 24110.20: Cycle Store. Providing that the development is carried out in accordance with these details, the requirements of the condition will be complied with.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	30/04/2026	DM	30.04.2026