

edge plan

Causeway House,
13 The Causeway,
Teddington,
London, TW11 0JR
0203 741 8228
info@edgeplan.co.uk
www.edgeplan.co.uk

APPEAL STATEMENT

Land off Bentley Lane,
Bury, BL9 6RZ

Cornell Group

March 2026



RTPI

mediation of space - making of place

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1 INTRODUCTION

- 1.1 This appeal is made against the decision of Bury Council to refuse application 72498, which sought Permission in Principle (PiP) for of up to 9 no. dwellings at land off Bentley Lane, Bury, BL9 6RZ.
- 1.2 The application was supported by the following plans and documents which formed the basis of the determined application:
- Site Location Plan;
 - Supporting Statement (prepared by Edgeplan);
 - Landscape Statement (prepared by Leeming Associates Ltd);
 - Density and Character Analysis Report;
 - Land Availability Assessment; and
 - Sustainability Statement.
- 1.3 The application was submitted on 10/10/2025 and made valid on 03/11/2025.
- 1.4 The application was refused by notice dated 04/12/2025 for the following sole reason:
- “The proposed development for 1- 9 no. dwellings on a 0.64ha site would not make optimal use of the potential of the site. Therefore, the proposed development would conflict with Policy JP-H4 of the Places for Everyone Joint Development Plan and Chapter 11, particularly paragraph 130 of the National Planning Policy Framework”.*
- 1.5 This Appeal Statement addresses the Council’s sole reason for refusal and demonstrates that the appeal proposals are acceptable in respect of the amount of development proposed and are therefore compliant with relevant planning policy.

2 APPEAL SITE

- 2.1 The appeal site is some 0.64 hectares in extent and comprises of the entirety of the single land ownership parcel. It consists of greenfield land with an area of allotments to the southern boundary, consisting of a number of outbuildings/structures.
- 2.2 The site rises quite significantly from south to north, towards a former quarry beyond the northwestern boundary and to the M66, with an incline of circa. 15 metres.



Figure 1: Red edge site extent extract.

- 2.3 The appeal site is part of much wider area that has a mixed character with detached and semi-detached inter-war period properties. There are a number of properties with forecourts for on-site parking, front gates, piers varying in height, non-original two-storey side extensions, single storey rear extensions, two storey rear extensions, rendering and UPVC windows.

Setting

- 2.4 The site is visually contained, as explained in the Landscape Statement which formed part of the application submission:
- To the northeast, the site borders the M66 motorway with open countryside beyond.
 - A former quarry lies to the northwest boundary and is now a mature woodland which physically and visually contains the site.
 - There is residential development to the south and west, along Bentley Lane and Walmersley Old Road.

- 2.5 The Density and Character Analysis Report set out that the density of existing residential development adjoining the site is some 11 dwellings per hectare.

Locational Sustainability

- 2.6 As demonstrated in the Locational Sustainability Assessment, the site is located in a sustainable and well-connected area, offering good accessibility to a range of local services and facilities. The site is also well served by public transport, with a number of bus stops located within walking distance that provide frequent services to surrounding towns and urban centres,

including the Metro interchange in Bury. There are cycle lanes along Walmersley Road that run towards Bury town centre.

3 RELEVANT PLANNING HISTORY

- 3.1 Aside from the application that is subject of this appeal, there is no relevant planning history associated with the appeal site.

4 PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 Planning policy is set out within the development plan, which comprises the Bury Unitary Development Plan (UDP) and Places for Everyone (PfE).
- 4.3 The National Planning Policy Framework (NPPF) was first issued in March 2012 with latest amendment issued in December 2024. It is a material consideration in the determination of planning applications, particularly where policies contained therein conflict with or supersede parts of the Development Plan.

Local Planning Policy

Proposals Map

- 4.4 The combined UDP/PfE Proposals Map demonstrates that the site lies within the Green Belt:



Figure 2: Proposals Map extract (appeal site denoted by red star)

Unitary Development Plan (UDP)

- 4.5 The UDP was adopted in 1997, and policies were saved in 2007. However, the majority of UDP policies have now been superseded by PfE policies.
- 4.6 No UDP policies are referenced within the reason for refusal.

Places for Everyone (PfE)

- 4.7 The PfE is a long-term plan of nine Greater Manchester districts, including Bury for new jobs, homes and sustainable growth. It was adopted by Bury Council on 21/03/2024.
- 4.8 The following PfE policy is referenced within the Council's reason for refusal:
- Policy JP-H4 (Density of New Housing)

National Planning Policy Framework

- 4.9 The NPPF is the Government's most up to date planning policy for plan making and decision-making process in England. It states that the "*purpose of the planning system is to contribute to the achievement of sustainable development.*"
- 4.10 The Council's reason for refusal references Paragraph 130, which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

5 APPELLANT'S CASE

Principle

- 5.1 The Council's Officer Report states that the site falls within the definition of Grey Belt land and meets all the required criteria a-c of NPPF paragraph 155.
- 5.2 The Council conclude that the proposal is considered to be acceptable in principle.

Reason for Refusal

- 5.3 The Council's sole reason for refusal reads as follows:

"The proposed development for 1- 9 no. dwellings on a 0.64ha site would not make optimal use of the potential of the site. Therefore, the proposed development would conflict with Policy JP-H4 of the Places for Everyone Joint Development Plan and Chapter 11, particularly paragraph 130 of the National Planning Policy Framework".

- 5.4 The only issue raised by the Council, in their consideration of the Stage 1 PiP application, was limited to the amount of development proposed. The assessment below addresses the Council's reason for refusal relating to the amount of development proposed:

Amount of Development

- 5.5 The application proposed up to 9no. dwellings on the site. The proposed layout at the Technical Details Consent stage would need to address the design and layout of development however, there is clearly enough space within the site to accommodate up to 9 dwellings. In fact, the site red edge encompasses land ownership and does not denote developable areas.
- 5.6 The Officer Report states:

"The total site area is circa 0.64 hectares, therefore 9 dwellings equates to 14 dwellings per hectare. The proposal for up to 9 dwellings would fail to meet the PpE density requirements set out in policy JP-H4.

The policy allows for lower densities where they can be clearly justified by:

1. Local housing market issues, such as a demonstrable need for a particular type of housing that cannot be delivered at a higher density; or

2. Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.

The site's Green Belt location would not automatically justify a lower density. The applicant has supported their application with a Density and Character Analysis Statement that states:

Typical plot sizes range from 0.02 - 0.12 hectares for the larger properties, with generous front and rear gardens, off-street parking, and mature boundary treatments, while the smaller properties range from 0.008 - 0.028 a mixture of frontage development and small gardens with off site parking on

most properties. There is a single plot with planning permission from 2017 approx 0.06 hectares adjacent to the site.

It is considered that this statement mischaracterises the area to an extent. The dwellings immediately to the south of the site are terraced cottages, that directly front Bentley Lane and utilise on street parking. Bank Top and Baldingstone Lane again have terraced properties that appear to utilise on street parking. The converted pub (241 Walmersley Old Road) does have off street parking, as do the semi-detached properties on Walmersley Old Road but these would not be characterised as having generous front gardens. This element can probably only be attributed to Robins Bank, Ivy Cottage and 177 and 175 Walmersley Old Road. Further to the south of the site there are more semi-detached and terraced properties on Walmersley Old Road and Ribble Drive that have not been included within the character assessment”.

- 5.7 The Council states that appellant’s statement “*mischaracterises the area to an extent*”. However, it is not evident that this impacts or has any bearing on the application proposals, the statement does not reach any solid conclusion on how any perceived ‘mischaracterisation’ impacts the proposals.
- 5.8 In consideration of the Council’s case, the appellant stresses that the appeal proposals relate to Stage 1 Permission in Principle, which did not require the submission, nor consideration, of any technical details. The proposals were submitted on the basis of the red edge site area, which accounts for the appellant’s ownership extent and not the whole developable area.
- 5.9 The purpose of the application was principally to determine whether the development of dwellings on the site would be acceptable in principle, given the site’s location in the Green Belt. In this situation, full considerations relating to layout, scale, developable areas, site constraints etc would be subject to a Stage 2: Technical Consent application, whereby the LPA would have control over such matters.
- 5.10 On the basis of the red edge alone, the density would be 14 dph; this is not in dispute. However, the consideration to layout and developable areas would be a matter for the Technical Details Consideration stage.
- 5.11 Clearly, there are existing constraints that will ultimately affect and dictate the developable site area and future site layout. PfE policy JP-H4 allows for lower densities where they can be clearly justified by site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure. A summary of the anticipated constraints is detailed below:

Noise

- The M66 forms the northeastern boundary to the site. A Noise Assessment has not been undertaken, but it is reasonable to assume that noise will be a technical constraint. It is expected that development will need to stand off from the M66, particularly given the levels of the site closest to the motorway. It may be that there will need to be an acoustic bund with acoustic fencing.

- Any such bund may need to be screened by structural landscaping from the development within the site and from the motorway.
- In support of noise being a clear and demonstrable constraint and following the Council's refusal, the appellant has subsequently commissioned a Noise Note (**Appendix 1**) which, although high level, clearly shows that the technical matter of noise will limit/impact the site's developable areas.

Topography

- The topography of the site will also be a constraint. The site rises steeply towards the motorway, away from existing development along Bentley Lane. Internally, retaining walls may be required and internal interface will need to be carefully considered.
- Likewise, the interface with the existing properties will need to be carefully considered, particularly as some, such as 7 – 10 Bentley, front directly onto the road and the front elevations of others are in close proximity to the road. The Council's interface distance guidelines will need to be taken into account, along with the proposed dwellings being set at a higher level due to existing topography.
- Thought will need to be given to the existing use of the adjoining land to the west, in case there are incompatible uses that may require a stand-off, or if there is living accommodation that needs to be taken account of with regard interface.

Trees

- There are a number of mature trees surrounding the site, along or in close proximity to the boundary. The Root Protection Zones of these trees will need to be protected, reducing the developable area.

Ecology

- The site is predominantly greenfield land, and the Biodiversity Net Gain (BNG) baseline assessment has not yet been undertaken. It is reasonable to allow for on-site BNG as part of the development and as such, the developable area must be further reduced.

Summary and Conclusions

- 5.12 The Council consider the site to be Grey Belt land and the principle of residential development to be acceptable in principle.
- 5.13 It is clear that there are existing site constraints that will dictate the future site layout at the Technical Detail Consent stage. The density will be much higher when the proposals are assessed at Stage 2. Therefore, the proposals comply with PfE policy JP-H4
- 5.14 The appellant asserts that, when considering the site constraints, a suitable layout and format will ensure that the development of up to 9no. dwellings is a wholly appropriate amount of development which will provide significant benefits; including to the Council's housing land supply position.

6 CONCLUSIONS

- 6.1 This appeal statement has been prepared in support of an appeal against Bury Council's refusal to approve application ref. 72498.
- 6.2 The evidence provided within this Appeal Statement demonstrates that the amount of development proposed, when considering the existing site constraints, is acceptable.
- 6.3 It is therefore respectfully requested that the Inspector allows this appeal and approve the development proposal without delay.

APPENDIX 1

Technical Memorandum

Walmersley Old Road, Bury

Date 24 March 2026	Document Reference 20786-TM-01-AA-R2
To David Gibbons	From Duncan Martin MIOA
Subject Outline Review of Noise Implications for Proposed Residential Site	

London office
1B(c) Yukon Road
London
SW12 9PZ
Tel: 0203 475 2280

Manchester office
Suite 34 Europa House
Barcroft Street
Bury BL9 5BT
Tel: 0161 850 2280

1.0 PURPOSE AND SCOPE

We understand that an initial Permission in Principle application for 9 self-build residential plots on the vacant site at Walmersley Old Road, Bury was refused.

Environmental noise surveys have been undertaken in order to establish noise levels affecting the proposed development and to enable design of suitable acoustic strategies in line with the guidance of relevant standards and good practice document.

The application site is a vacant plot of land on Walmersley Old Road, immediately south of the M66 motorway. The site location is shown in Figure 1.1.



Figure 1.1 Aerial view of site location, image © Google Earth

As the application is outline in nature, this initial assessment considers the implications of dwellings being placed on any part of the site.

2.0 APPLICABLE CRITERIA

2.1 National Planning Policy Framework: 2024 (NPPF)

The NPPF, which was first published in 2012 with the latest revision in December 2024, outlines the Government's environmental, economic and social policies for England. The NPPF aims to enable local authorities to produce their own distinctive local and neighbourhood plans, which should be applied in order to meet the needs and priorities of their communities.

Paragraph 187 of The *Conserving and enhancing the natural environment* section and Paragraph 198 of The *Ground Conditions and Pollution* section of the NPPF include references to noise that have been considered when deriving suitable design targets for the residential development.

2.2 BS 8233: 2014 Internal Noise Criteria

BS 8233: 2014: 'Guidance on sound insulation and noise reduction for buildings' describes recommended acceptable internal noise levels for residential spaces during daytime and night-time hours. These levels are shown in Table 2.1.

Activity	Location	Design Range $L_{eq,T}$	
		Daytime (07:00 - 23:00)	Night-time (23:00 – 07:00)
Resting	Living Room	35 dB(A)	-
Dining	Dining Room/Area	40 dB(A)	-
Sleeping	Bedroom	35 dB(A)	30 dB(A)

Table 2.1 BS 8233: 2014 recommended internal background noise levels

2.3 World Health Organisation Guidelines

The World Health Organisation (WHO) document on 'Guidelines for Community Noise' 1999 states the internal noise level guidelines as summarised in Table 2.2.

Specific Environment	Critical Health Effects	$L_{eq,T}$	$L_{max, F}$
Dwelling, Indoors	Speech Intelligibility and moderate annoyance, daytime and evening	35 dB(A)	-
Inside Bedrooms	Sleep disturbance, night-time	30 dB(A)	45 dB(A)

Table 2.2 WHO Internal noise level guidelines

The document also states:

“For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45dBA L_{Amax} more than 10-15 times per night, (Vallet & Varnet 1991).”

2.4 External Noise Criteria

The guidance of BS 8233: 2014, with regards to external amenity spaces, is as follows:

“For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$, with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”

The site is in an area that would be considered largely rural and residential, although benefiting from access to the strategic transport network in the form of bus stops and the motorway network. We would therefore recommend the upper guideline value of $L_{Aeq,T}$ 55 dB(A) would be an appropriate target although exceedance of this may also be acceptable where unavoidable.

2.5 Proposed Noise Level Criteria

On the basis of Sections 2.1 to 2.4 above, Table 2.3 presents our proposed minimum design targets to be achieved in the worst affected dwellings.

Location	Period	Design Target	
		$L_{eq,T}$	$L_{max,F}$
Living Rooms	Daytime (07:00-23:00 hours)	35 dB(A)	-
Bedrooms	Night-time (23:00-07:00 hours)	30 dB(A)	45 dB(A)*
External Amenity	24 Hours	55 dB(A)	-

Table 2.3 Proposed noise level criteria

***Please note that this is not an absolute limit, however, $L_{max,F}$ 45 dB(A) should not be regularly exceeded.**

The external building fabric would need to be carefully designed to achieve these recommended internal levels.

2.6 Professional Guidance on Planning & Noise (ProPG)

The Institute of Acoustics' *Planning & Noise: Professional Practice Guidance on Planning and Noise: New Residential Development: 2017* (the ProPG) provides a recommended approach for dealing with noise within the planning process, specifically in relation to new residential developments.

The ProPG follows 2-stage risk assessment approach. The two stages are as follows:

- Stage 1 - an initial assessment where external noise is rated against the risk of adverse effect; and
- Stage 2 – consideration of key elements to determine the suitability of the site for a residential dwelling.

The results of the initial Site noise risk assessment will determine the appropriate risk of developing the site and therefore how appropriate it is from a noise perspective.

Appendix B presents the Initial Site Risk assessment as presented in ProPG.

Stage 2 attempts to determine that good acoustic design principals have been incorporated into the design so that suitable internal noise levels can be achieved in habitable rooms and that suitable external noise levels can be achieved in outdoor amenity space.

2.7 Guidance on Ventilation

Guidance on ventilation and associated acoustic considerations is given in Acoustic Ventilation and Overheating – Residential Design Guide [AVO] issued jointly by the Association of Noise Consultants and the Institute of Acoustics.

In this guide, the need for ventilation (which falls under the requirements of Approved Document F [ADF]) are covered in three main requirements as follows:

- Whole Dwelling Ventilation
 - General ventilation – continuous ventilation of rooms or spaces at a relatively low rate
- Extract Ventilation
 - Removal of air from a space or spaces (typically stale air from bathrooms or kitchens) to outside

- Purge Ventilation
 - Manually controlled removal of air at a high rate to eliminate fumes and odours, e.g. during painting and decorating or from burnt food. May be provided by natural or mechanical means.

Four main template systems for providing each of the above ADF ventilation requirements are summarised in the AVO guide as shown in Table 2.4.

Ventilation System	Method of Whole Dwelling Ventilation	Method of Extract Ventilation	Method of Purge Ventilation
System 1 [Background ventilators and intermittent extract fans]	Background ventilators (trickle vents)	Intermittent extract fans	Typically provided by opening windows
System 2 [Passive Stack]	Background ventilators (trickle vents) & passive stack	Continuous via passive stack	Typically provided by opening windows
System 3 [Continuous Mechanical Extract (MEV)]	Continuous mechanical extract (low rate), trickle vents provide fresh air	Continuous mechanical extract (high rate), trickle vents provide fresh air	Typically provided by opening windows
System 4 [Continuously mechanical supply and extract with heat recovery (MVHR)]	Continuous mechanical supply and extract (low rate)	Continuous mechanical supply and extract (high rate)	Typically provided by opening windows

Table 2.4 Summary of template systems for ADF ventilation requirements

Where possible, natural forms of ventilation are typically preferred. However, in high noise areas, it may be necessary to recommend System 4, in order to minimise penetrations through the external building façade, which weaken the overall sound reduction performance.

Ventilation requirements will be assessed with consideration to the above systems.

3.0 ENVIRONMENTAL SURVEYS

In order to establish the prevailing noise levels across the site during daytime and night-time, a series of attended noise surveys was undertaken.

The surveys were conducted close to the M66 motorway and at varying positions across the site, in order to investigate variation in noise levels at different times of the day and to establish noise propagation patterns across the site.

The measurement procedure generally complied with ISO 1996-2: 2017: '*Description, measurement and assessment of environmental noise*' and the shortened survey methodologies defined in Calculation of Road Traffic Noise, Department of Transport, 1998.

The monitoring positions utilised during the surveys are shown in Figure 3.1.



Figure 3.1 Site plan indicating noise monitoring positions, image © Google Earth

Surveys were for the positions and times as follows:

- 12 February 2026, 13:51 to 17:00
 - Extended concurrent measurements at Positions AN1 and AN4
- 12 February 2026, 23:00 to 00:00
 - Extended measurement at Position AN1
 - Shorter, concurrent spot measurements at Positions AN2, AN3 and AN4
- 13 February 2026, 06:30 to 07:00
 - Extended measurement at Position AN1

All surveys were conducted with the microphone mounted on a tripod, approximately 1.5 m above ground level.

Weather during the surveys was observed to be cold with low wind speeds and isolated light rain showers. It is considered that the weather conditions did not significantly adversely affect the measurements and are therefore considered suitable for the measurement of environmental noise.

3.1 Equipment

The equipment calibration was verified, by means of a field verification check, before and after use and no abnormalities were observed.

The equipment used was as summarised in Table 3.1.

Instrument	Manufacturer	Type
Class 1 sound level meter ^[1]	Svantek	957
Class 1 sound level meter ^[1]	O1dB	Solo
Class 1 sound level meter calibrator ^[1]	Norsonic	Nor1251

Table 3.1 Instrumentation used during the survey

Note [1]: Calibration certificates available upon request

4.0 INITIAL ASSESSMENT AND RECOMMENDATIONS

The conducted noise measurements have demonstrated that the motorway is the clearly dominant noise source, and will therefore be the focus when designing noise mitigation strategies.

Based on the measured noise propagation of motorway noise through the site, the site has been divided into three 'zones' according to the findings with regards to prevailing noise levels. The established zones are shown between the overlaid yellow dividing lines in Figure 4.1.



Figure 4.1 Site plan indicating established site zones, image © Google Earth

For each established zone, suitable external building fabric elements will be recommended, such that acceptable internal noise levels as defined in Section 0 are achieved.

As gardens are less practicable to protect against environmental noise levels, careful site zoning and local screening will be recommended.

In such a way, it will be demonstrated that the lowest practicable noise levels can be achieved in accordance with the guidance of the applicable standard.

5.0 SUMMARY

Environmental noise surveys and assessment have been undertaken for an initial Permission in Principle application for 9 self-build residential plots on the vacant site at Walmersley Old Road, Bury.

Measurements to assess the site in terms of prevailing environmental noise levels have been undertaken.

The site has been classified in zones according to the observed prevailing noise levels around the site, and an Acoustic Design Strategy will demonstrate how acceptable internal noise levels can be achieved.

REVISION HISTORY

Issue	Date of Issue	Author
R2	24/03/2026	
		Duncan Martin Director BSc (Hons) MIOA

Issue	Comment
R0	First Issue
R1	Updated to address design team comments
R2	Minor updates to introduction