

DELEGATED REPORT

Report by Helen Leach	Date of report: 29/01/2026	Ref: 71596/FUL
Registration: 06/02/2025	LDfC: 10/03/2025	Expiry Date: 03/04/2025
Site Visit: 25/02/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Variation of condition no. 2 following approval of planning permission 66396 - To infill the parking space, reduce the number of bedrooms to 2 and amend the layout of the parking.

Location: Land to south of Dearden Street, Bury

Description

The site comprises hardstanding and is bounded by 2.4 metre high paladin fencing. The site was included in a previous consent for outline planning approval for residential development in 2004 and gained consent for a development of apartments in 2006. Vehicular access is taken from Deardens Street and there is a pedestrian footpath, which links Deardens Street to Deardens Fold.

The site is bounded by residential properties to the north, east and west. There is open land to the south.

Planning permission was granted for the erection of 5 dwellings in a terrace in July 2016 and in March 2023. The dwellings were located at right angles to Deardens Street and were a mix of two and three storeys in height. Access to the site would be from Deardens Street. Both of these permissions have lapsed.

The proposed development involves the variation of the approved plans to infill the parking space, reduce the number of bedrooms to 2 and amend the layout of the parking.

The undercroft would be infilled to provide additional living accommodation. The area at the front would be amended to provide 7 parking spaces side by side as opposed to tandem parking.

Relevant Planning History

41679 - Residential development (outline) at land at Deardens Street/Proctor Street, Bury. Approved with conditions - 15 January 2004.

44208 - Residential development - 9 no. apartments (three storey) with associated parking at land at Deardens Street, Bury. Refused - 27 April 2005

46004 - Erection of 3 no. apartments at land at Deardens Street, Bury. Approved with conditions - 21 April 2006.

59398 - Erection of 5 dwellings at land adjacent to Church Mews, Deardens Street, Bury. Approved with conditions - 26 July 2016.

66396 - Erection of 5 no. townhouse dwellings at land to south of Deardens Street, Bury. Approved with conditions - 1 March 2023.

Publicity

The neighbouring properties were notified by means of a letter on 17 February 2025.

1 letter has been received, which has raised the following issues:

- Bolton and Bury Swifts would like to request that Swift bricks be conditioned on this development. The Preliminary Ecological Report, dated 29/01/2021 recommends specific habitat enhancements including integrated bat and bird boxes. The universal bird brick, BS 42021, provides nesting opportunities for several red listed, building dependent, bird species, including House Sparrows, Starlings and Swifts

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to footways, turning heads, construction traffic management plan, turning facilities and car parking.

Drainage Section - No response.

Environmental Health - Contaminated Land - No comments. The previous recommended conditions should be carried forward.

Waste Management - No response.

United Utilities - No objections.

Canal & River Trust - No objections, subject to the inclusion of a condition relating to establish the exact route and location of the Elton Feeder channel.

Environment Agency - No response.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

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
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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.

Principle - The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that

have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties to the north, east and west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would include 5 three storey dwellings. The surrounding dwellings are a mix of two, two and a half and three storey dwellings and as such, the proposed development would be appropriate in terms of height and scale. The proposed dwellings would be constructed from red brick with a tile roof, which would be appropriate and would match the existing dwellings. The use of pike details, canopies and

juliet balconies would add visual interest to the elevations. As such, the proposed dwellings would not be a prominent feature in the locality.

All of the proposed dwellings would have a side or rear garden, which would provide a suitable level of private amenity space. There would be space within the rear gardens for bin storage and a bin store would be provided. As such, the proposed development would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall. If there is an additional storey in height, a further 3 metres should be added to the aspect standard.

There would be 15.6 metres between the front elevation of the proposed dwellings and the existing apartments to the north. The windows in the gable of the adjacent block of apartments relate to a kitchen and bathroom, which are not habitable rooms. As such, a distance of 15.6 metres would comply with the aspect standard in SPD6.

There would be 20.7 metres between the gable elevation of plot 1 and the properties on Dearden Street, which would comply with the aspect standard of 16 metres. There would be over 40 metres from the site boundary to the properties on Deardens Fold, which would be in excess of the aspect standards.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Drainage/water courses - United Utilities have confirmed that there is a water main and public sewer crossing the site. Easements are required to allow access to the water main and public sewer and the applicant has provided these easements. In addition, a culvert has been diverted with the agreement of the Drainage Section.

The applicant has submitted a revised plan, which shows the location of the water main and public sewer in relation to the proposed dwellings. United Utilities have confirmed that they have no objections to the scheme, subject to the inclusion of informatives relating to drainage.

The Elton feeder channel passes through the site and is piped at this point. The Canal and River Trust has no objections, subject to the inclusion of a condition relating to the location of the feeder channel.

Therefore, the proposed development would be in accordance with Policy EN7/5 of the Bury Unitary Development Plan.

Highways issues - The site would be accessed from Deardens Street and there would be sufficient visibility splays available. A revised plan has been submitted, which contains details of a footpath, which would connect the westerly and southerly sides of the existing turning head.

The Traffic Section has no objections in principle to the proposed development, which is similar to that which was approved in 2016, providing that:

- Proposed site plan submitted on a better detailed, topographical survey based site plan showing the current limits of adoption on Deardens Street and the adjacent adopted highway

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- The previous 'Highway Works' plan being submitted and red-edge site extended in order to complete the turning head on Deardens Street and the details required as part of condition 9 of permission 59398 are provided.
- If the provision of 1 external space per dwelling is to be accepted, the proposed garages would need to be made larger to ensure that a car could park in there. It does not appear as though a car would fit in any of the four proposed garages currently. Another option would be to create a larger car port by combining the garage and the lobby with the front door set back near the hall.

The Traffic Section would prefer that the above information is submitted prior to determination but it is considered that it would be reasonable to use conditions to secure the information in this case.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1 and H2/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards would be 2 spaces per 2 bed dwelling, which equates to 10 spaces.

The proposed development would provide 7 spaces. It is noted that the revised SPD has increased the size of parking spaces. However, the existing planning permission is a fall back position, which could be implemented. As such, the existing parking spaces of 2.4 metres by 4.8 metres would be acceptable. The application site is within walking distance of Bolton Road, which has a good public transport links. As such, the proposed development is located within a sustainable location and the level of parking provision would be acceptable in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

The request to provide integrated bat and bird boxes is covered within the landscaping condition.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 003 C, 010 B, 011 B, 020, 025 C 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.

- 3 Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

- 4 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.

- 5 Following the provisions of Condition 4 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 National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 6 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; 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 Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 7 No development shall commence unless or until details of a scheme for the disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The proposed scheme 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 the proposed maintenance arrangements must be provided. Only the approved scheme shall be implemented prior to occupation of the dwellings hereby approved.

Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.

- 8 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal feeder pipe minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works associated with such development, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework 2012 and in the National Planning Practice Guidance
- 9 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details on a topographical survey base of the provision of a footway around the Deardens Street turning head and all associated remedial works at the interface with the existing adopted highway and the boundary of Unit 1 have been submitted to and approved in writing by the Local Planning Authority. The details subsequently approved shall be implemented prior to occupation of the development hereby approved.
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 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 construction traffic from the highway network;
 - Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site or on land within the applicant's control of operatives' and construction vehicles together with storage on site of construction materials.

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

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.

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- 11 Before the development is commenced, details shall be submitted to and approved by the Local Planning Authority to cover 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 details 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.
- 12 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and 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 pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 13 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 14 The dwellings hereby approved shall not be occupied unless or until a surface water exceedance flow plan has been submitted to and approved by the Local Planning Authority. The drainage scheme shall be constructed in accordance with the approved plan, reference 20013 - 102 rev B and associated calculations, dated 18/12/21.
Reason. 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.
- 15 Prior to the commencement of development (including any site clearance) a method statement shall first be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a scheme for trial pits/a survey to be undertaken to establish the exact route and location of the existing piped Elton Feeder channel across the application site. The statement should also outline the means of construction of the foundations of the dwellings, including proposed earthmoving and excavation works required and set out how the feeder pipe would be protected during the works (including details of any proposed temporary protective fencing or buffer zone to be erected) to safeguard the waterway infrastructure during construction. The protective fencing/buffer zone should also prevent vehicles, plant, machinery or materials loading the pipe. The works shall be carried out in strict accordance with the agreed method statement.
Reason. To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 187 and 196 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 29/01/2026		DM - 29/01/2026	

