

DELEGATED REPORT

Report by Helen Pressley	Date of report: 23/01/2026	Ref: 71473/FUL
Registration: 24/02/2025	LDfC: 20/06/2025	Expiry Date: 21/04/2025
Site Visit: 15/04/2025	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of building comprising of 5 no. apartments with associated parking and landscaping

Location: Land between 205-211 Bury Old Road, Prestwich, Manchester, M25 1JF

Description

The application relates to a vacant area of land between 205-211 Bury Old Road, Prestwich and backs onto the grounds of a three storey block of flats at Infant Street. The area is level and grassed with 1 no. trees located centrally within the site. The site is fronted by the adopted highway and footway and immediately fronted by a bus shelter and separate public bench. There is no dropped kerb crossing serving the site.

The site is flanked by traditional two storey terraces to the south, with commercial units at the ground floor and some residential units at first floor. A single storey commercial unit is located to the north. To the west of the site there are blocks of residential apartments, with Heaton Park located to the east. The site is located in an area allocated as a Local Shopping Centre under Unitary Development Plan Policy S1/4.

Planning permission is sought for the construction of a 2 storey building comprising of 5 no. apartments. The apartments would consist of 3no. 1 bed units at ground floor and 2no. 3 bed units at first floor. 4 no. parking spaces are proposed to the rear of the site, with an area indicated as a communal garden. Access to the site for vehicles would be via Infant Street with Pedestrian Access gained from Bury Old Road.

The proposal is a re submission of application 70561 with amendments proposed to the front fenestration, a reduction in the number of units proposed and additional information submitted in relation to the highways and access reasons for refusal.

Relevant Planning History

69710 - Erection of four storey building comprising of 8 no. apartments with associated parking and landscaping - Withdrawn by Applicant 10/10/2023

02911/ E - Proposed 8 new build apartments - Enquiry Complete 23/11/2023

70561 - Erection of building comprising of 7 no. apartments with associated parking and landscaping - Refused 09/09/2024

Publicity

Neighbour letters sent 17/03/2025. 2 objections received in relation to:

- The roads around the site and along the proposed vehicle route are busy.
- Parking within the vicinity of the site is a problem.
- Would restrict visibility of existing billboard
- The images submitted in the original Planning Statement gave a false impression of the

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proposed vehicle access .

- Development is too big for such a small site.
- Loss of green space
- Significantly taller than surrounding buildings.
- Access via car park is not owned by the applicant.
- Access is dangerous.
- Buildings along main road are semi-commercial in nature and this is the wrong use for this site.

1 comment received in relation to:

- I request that the Council condition universal bird bricks, BS 42021, on a 1 or 2 per dwelling basis at this development.
- The Ecological Report also recommends BS 42021 and would be in line with last year's Bury Council motion.

Following receipt of amended plans further neighbour letters sent 10/06/2025

1 objections received in relation to:

- The roads around the site and along the proposed vehicle route is busy.
- Parking within the vicinity of the site is a problem.
- Would restrict visibility of existing billboard
- The images submitted in the original Planning Statement gave a false impression of the proposed vehicle access
- Loss of light

Statutory/Non-Statutory Consultations

Prestwich Village Neighbourhood Forum - Objections raised in relation to overdevelopment of the site, insufficient parking, hard to maintain gap between neighbouring building, small one bedroom flats, loss of green space.

Traffic Section - Recommendation for refusal due to inadequate parking, loss of parking within Rooden Court, substandard pedestrian access, substandard bin storage facilities, and insufficient information.

Environmental Health - Contaminated Land - Conditions requested in relation to the submission of a risk assessment, remediation strategy and verification, unexpected contamination and imported soil.

EV chargepoint condition also requested.

Waste Management - No response

Drainage Section - No response

Greater Manchester Ecology Unit - There would be a net loss of biodiversity and submitted ecology report indicates that off-site credits will be used to achieve the required level of gain. Full details can be provided with the pre-commencement BNG condition. On site habitats would be the planting of 9no. rowan trees which are below the threshold for significant on site gained. Retention and management of these should be controlled through condition. Condition also requested in relation to removal of the existing trees during bird nesting season.

United Utilities (Water and waste) - Condition requested for the submission of a Sustainable surface water drainage scheme.

Property & Technical Services - Estates Consultancy - No response

The Coal Authority - Do not object to this application.

Environmental Health - Pollution Control - No response

Transport for Greater Manchester - Shelters Given the existing streetscape this is the best possible location for bus stop ref NC4174 (and the shelter). The new residential proposal needs to take consideration of the bus stop and shelter in its proposed layout and the access and windows to the building should be such that the shelter and operation of the bus stop does not present an option to the owner or tenant of the new building. Careful consideration should be given with regard to the proposed frontage and ensuring suitable distance from the property access and windows from the bus stop and shelter as there will naturally be passengers stood waiting to board.

Transport for Greater Manchester - Metrolink - The location of the proposed development is sufficiently remote from Metrolink that we have no comments to make from a Metrolink perspective in respect of this application

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
S1/4	Local Shopping Centres
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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 (Residential)

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 is an assessment of potential sites for residential development and is used to assess the housing land supply. It includes sites that have an extant planning permission, sites allocated through the joint Places for Everyone Plan 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 Council has carried out an assessment of the housing land supply to determine whether sites meet the deliverability tests in the NPPF and can contribute to the five year supply of housing land. Based on the 2025 5-year supply statement, the Council has demonstrated a 4.3 year supply of housing land. This includes a 20% buffer (as currently required in Bury due to past under delivery) and accounts for past oversupply when assessed against the adopted PFE housing requirement. The Council is therefore currently unable to demonstrate a deliverable five-year supply of housing land against the adopted 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%.

The five year supply position and the housing delivery test result need to be treated as material factors when determining applications for residential development.

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.

This means that as a result of the lack of five year supply and the latest published HDT result the 'tilted balance' set out in NPPF paragraph 11(d) applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

There are other residential uses within the vicinity of the site including flats at first floor within the row of terraced properties to the south, and blocks of residential apartments to the west of the site. As such it is considered that 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.

Given the above, the principle of the proposed development at the site would be acceptable. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Layout and Design

PfE Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 70 dwellings per hectare at this site. The application form states that the site is 760 square metres or 0.076 hectares, which based on a total of 5 dwellings would result in a density of 65 dwellings per hectare.

PfE Policy JP-H4 confirms that lower densities may be acceptable 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 Planning Statement acknowledges a lesser density that Policy requirements would be provided. The Statement then confirm on pg. 18 that *"the overall design is to reflect the character of the surrounding area. The development has been designed to be robust and adaptable over time. This has been achieved by providing sufficient internal and external spaces that provide potential opportunities for the dwelling to be extended, converted and adapted."*

It is unclear what this refers to as the proposal is for a block of flats, and not a single dwelling. The statement then continues to discuss density in relation to HDT figures, and confirming the principle of development. This is not disputed, an indeed is reflected in the principle section above.

It is acknowledged that the site is in an awkward position in terms of development with commercial development to the north and south, a main road to the front and a car park for a residential development to the rear however a higher density could be achieved by lowering the amount of bedrooms proposed for the units at first floor. This may also overcome the issues in relation to external layout, parking etc which will be expanded on below. Without prejudice to the other policy and material considerations that need to be weighted, it is considered that the applicant has failed to justify a lower density at the site to meet the policy tests set out above. Given the other fundamental matters to be discussed within the latter part of the report the applicant has not been asked to address this issue.

The proposed block would be of a suitable height when reviewed in relation to the existing terrace to the south of the site. The proposed eaves would be at a similar height and the proposed windows would be suitably aligned when viewed in relation to this established row of properties. It is considered that the block when viewed from Bury Old Road would be in keeping with the street scene.

A small communal garden would be located to the rear of the block of apartments, with units 4 and 5 also having access to balcony areas. Whilst the 3no. bed units would have access to private balconies it is considered that the 14 square metre area of communal garden adjacent to parking and the window for the kitchen/dining area of flat 3 would be inadequate to serve the needs of the proposed ground floor units. Overall, the external layout to the rear of the site appears cramped and poorly designed utilising the left over space once the footprint of the building and number of units have been established rather than being a considered and integrated facet of the development. The useability of the site for future users does not appear to have been considered, and rather a layout has been set utilising a tick box exercise to show all of the required aspects without consideration of how this would translate once constructed. Access to the bin storage is blocked by the proposed undercroft car parking, and the cycle storage access would be blocked by the proposed bins. Similarly although 2x EV chargepoints are shown to the north of the 2 undercroft parking spaces it is unclear how the second vehicle would charge their vehicle if both

spaces were occupied as the charging cable would need to reach over the most northern space.

This has been raised by the Case Officer and amended plans have been submitted, but not accepted due to conflicts with the bus stop to the front of the site which is expanded on further below. These site plans show a bin store within the access to the site 21 metres from the rear exit of the building, no direct protected pedestrian access and with door opening out onto the access which would not be acceptable in any event.

The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about the dwellings proposed for the provision of adequate private amenity space, cycle storage, parking and EV charging provision, and bin storage. The reduction in footprint, and reduction in the size of the units proposed may be able to address this issue, and the density considerations set out above but this would be beyond the scope of this application and as such has not been requested.

As such, the proposal would have a detrimental impact on residential amenity of the future occupiers and would fail to provide a good quality residential environment. The proposed development therefore conflicts with the following Policy considerations set out above.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The submitted space standards table has not been updated following the reduction in the number of units proposed at the site and as such the assessment in relation to NDSS has been taken from the floor plans provided.

Notwithstanding the double beds shown indicatively within the proposed bedrooms Flats 1 - 3 on the ground floor comply with NDSS standards for 1 bed, 1 person, single storey units.

Flats 4 and 5 at the first floor would comply with overall GIA for a 3 bed, 5 person single storey dwelling. The bedrooms would comply with the floor areas and widths required. A store, and in built wardrobes in bedroom 1 would also provide adequate in built storage.

A condition can be used to secure compliance with Part M4(2).

Amenity

UDP 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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

Any assessment will take into account significant change in levels or new accommodation

to be provided at a higher storey. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases.

No side windows are proposed. Due to the nature of rooflights no undue overlooking is foreseen. The proposed first floor balconies would be recessed within the elevations.

The proposed first floor rear balconies and habitable room windows would be located a minimum of 9 metres from the directly facing rear boundary exceeding the 7 metres required by SPD 6.

The proposed balcony and first floor habitable room window for flat 4 would be located approximately 14.8 metres from the side elevation of the flats at Rooden Court. There are windows located within the side elevation of this property that face the site and it is unclear what the use of these windows is, however SPD 6 clarifies that side windows are usually not protected and as such this distance is considered to be acceptable.

In addition to the above policies JP-P1 states that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution" This is further reinforced by Policy EN7/2 - Noise Pollution which does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The only outdoor communal space for the proposed development would be adjacent to the kitchen/dining/living and bedroom window of flat 3. It is considered that the close proximity of the only communal outdoor space has the potential to cause nuisance in relation to noise to these habitable room windows contrary to the policies set out above.

The proposed layout based on a topographical plan also confirms that the proposed bedroom window for flat 2 would be located 1.5 metres from the rear of the bus shelter. Not only would this have the potential impact in terms of noise with persons stood waiting at the bus stop but also potential loss of privacy, and lack of outlook. It is considered that the close proximity of the bus stop has the potential to cause nuisance in relation to noise, loss of privacy and lack of outlook from this habitable room window contrary to the policies set out above.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability. Policy JP-C1 requires developments to be located and designed to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport. Developments should prioritise pedestrians, cyclists and public transport users.

In addition to this paragraph 116 of the NPPF confirms that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and

with neighbouring areas, that they should create safe, secure and attractive places that minimise the scope for conflicts.

Bus Shelter

Reason for refusal 5, point 6 of application 70561 states that the application and submitted plans contain insufficient, topographical survey based information in order for the following to be assessed... physical impact of the development on the adjacent bus stop/shelter and bollard provisions on Bury Old Road".

A 4 metre wide bus shelter and associated waste bin are located to the front of the site, and would be located directly in front of the proposed front pedestrian access and adjacent to the bedroom window of flat 2. This is shown on the proposed topographical plan 2887 which was not received until the 11th November 2025. These plans were sent to Transport for Greater Manchester (TfGM) shelters team who responded with the consultation comments reported above. These comments were sent to the applicant on the 5th December 2025 and it was asked that these comments were reviewed and responded to within any amended layout plans.

In January the Case Officer chased amended plans to review this, and other issues raised in December 2025 and within previous correspondence primarily in relation to access, layout, parking and the need to address previous reasons for refusal. Amended site plans and elevations were received on the 15th January 2026 that have not been accepted as they did not address the issues raised. For clarity the amended site plan shows a bus stop that is 3 metres wide, and located further north of the proposed entrance conflicting with the previously submitted proposed topographical plan that has not been updated. The amended, but not accepted street scene elevation plans show a 2.4 metre wide bus shelter again in an amended position. Following receipt of these plans the Case Officer emailed the applicant's agent stating that the bus stop had been moved which conflicted with the previously submitted topographical plan, and asked if this had been agreed with TfGM. No response was received to this however additional plans were received on the 16th and 18th January 2026 which again show a bus stop that is 3 metres wide and located further to the north of the proposed front entrance. The applicant therefore appears to be reliant on amendments to the highway and associated street furniture outside of their ownership to facilitate acceptable pedestrian access to the development.

It is therefore considered that the applicant has failed to demonstrate that safe pedestrian access can be accommodated to, and within the site without the need to move a bus shelter, bus stop and associated street furniture. These details have not been confirmed to have been agreed with TfGM. The proposed pedestrian access arrangements are therefore considered to be sub-standard and do not take into consideration the existing bus stop/shelter and bollard positions on Bury Old Road, to the detriment of pedestrian safety.

Parking

Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency. Policy JP-C1 requires developments to be located and designed to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport. Developments should prioritise pedestrians, cyclists and public transport users.

In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

The amount of parking to be provided for this proposed development is determined based on parking standard zones. The site is located within Zone 3 as set out within SPD 11. These zones have been derived based on local evidence, consideration of Places for

Everyone Policy JP-H4: Density of New Housing and by using Greater Manchester Accessibility Levels (GMAL) which measure the accessibility of locations across Greater Manchester by walking and public transport. SPD 11 confirms that when determining parking standards, developers must refer to the zone map to determine the zone applicable to the site and apply the relevant parking standards as provided in this SPD.

Within Zone 3 SPD 11 requires 1.5 spaces per dwelling flat/apartment. 6% of the total number of units or 3 spaces whichever is greater should be disabled parking provision. This would equate to 8 spaces for the proposed 5no. flats, with 3no. disabled spaces.

The application seeks to provide 3no. parking spaces with 1no. disabled space.

It is acknowledged that the site is highly accessible. There is a bus stop directly to the front of the site which is on a main road, the site is located within a local centre and it is walking distance to the Metrolink. Parking within the vicinity of the site however is extremely limited with on street parking being at capacity whenever the Case Officer has visited. The LPA has however confirmed that lesser parking than required by SPD 11 at the site may be acceptable given it's location provided it can be justified.

The applicant has submitted a Supplementary Transport Note dated September 2025 that seeks to justify lesser parking at the site. This Transport Note however states "this document will consider the likely impact on the local highway network which result from the construction of 5 number 1 bedroom flats on land between 205 and 211 Bury Old Rd Prestwich." The proposal however is for 3no. 1 bed units, and 2 no. 3 bed units as such it would appear that the case put forward within this transport note, would not accurately reflect what has been proposed by the applicant.

Indeed, when reviewing car ownership the Transport Note highlights that car ownership is lower for 1no. bed units, which may be the case for the proposed ground floor units however no assessment has been made in relation to the requirements for parking for the 2no. 3 bed units proposed at first floor. As set out above, the first floor units would be NDSS compliant 3 bed, 5 person units and as such have potential for parking needs that have not been reviewed in relation to this proposal. The conclusion of the Transport Note States " 6 spaces can be provided within the proposed rear parking area which would provide 1.2 spaces per dwelling, which exceeds average car availability per dwelling within Prestwich East." This statement however is also inaccurate as only 3 spaces, plus 1 disabled space is proposed. Even when including disabled provision which is usually accounted for separately, this would lead to 0.8 spaces per dwelling which is below the availability per dwelling within Prestwich East that has been set out within the Transport Note.

It is also acknowledged that an updated, but not accepted Transport Note has been submitted by the applicant following a request by the Case Officer to review whether further on site parking could be provided. This Transport Note appears to focus on Rooden Court and will be discussed further below. The updated Transport Note still references 5 x 1no. bed units which is not proposed.

It is therefore considered that the applicant has failed to demonstrate that the parking provision proposed would be acceptable. The proposed car parking provision is therefore considered to be inadequate and is therefore likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety contrary to the Policy considerations set out above.

The proposed undercroft car parking spaces are approximately 2.4 metres wide. This is below the 2.5metres required. Due to the design of these spaces it is considered additional space is required around them to allow users to enter and exit the vehicles without being restricted by the columns required to support the first floor. This appears to be accommodated for the southern undercroft space which has space to the side of it but not

for the northern space. Considering that this space is already below the required width for a parking space this is considered to be unacceptable and may lead to a further reduction in the parking proposed for the site.

Cycle Storage

SPD 11 requires 1 secure, covered cycle storage space per unit. 5 bikes are shown within the proposed cycle storage although it is unclear how these would be accessed due to the location of the bins/proposed parking.

Access/Rooden Court

Access to the site would be via Infant Street and through a car park associated with Rooden Court. Parking spaces within Rooden Court are not demarcated as shown on the submitted proposed topographical plan.

The submitted existing site plan (drawing No. 03) shows a layout with cars parked within Rooden Court. The proposed layout however excludes this detail. The amended, but not accepted proposed site layout shows a yellow box within Rooden Court to prevent this access being blocked, but does not show this yellow box in connection with the parking layout for Rooden Court. In any event if you review the location of the cars indicated on the existing site plan, in connection with the proposed access and red edge submitted it is clear that at least one vehicle would be parked within the proposed access to the site and if the access were to be kept clear this would result in the loss of parking for residents of Rooden Court.

The proposal would therefore result in the loss of parking spaces within Rooden Court as a result of the creation of the proposed vehicular access to the site and works to remove the existing gate, which is likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety contrary to the Policy considerations set out above.

Ecology, BNG and Trees

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

The Biodiversity Net Gain (BNG) metric has been revised during the course of the application and now includes the correct habitats and areas. It demonstrates that the proposals would result in a net loss of biodiversity. The accompanying ecology report indicates that off-site credits would be used to achieve the required level of gain. Full details of the units purchased would need to be submitted with the application to discharge the standard pre-commencement BNG condition that would automatically apply to any permission.

On-site habitats are the planting of 9 rowan trees. As these are below the threshold of significant on site gains, their retention and management should be secured by condition.

As the proposal involve the loss of trees, as a precaution a condition should be included that restricts removal during bird nesting season.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises

connections unless infeasible or unviable, with multiple-ducting.

The applicant's planning statement states that:

Despite being located outside the settlement boundary, the site is not isolated. The site is well connected to mains services, infrastructure, neighbouring developments and road networks. There is no reason why any of the above would not be achieved with all the above services and connections available within the immediate vicinity.

It is unclear what site this referencing, as the application site is not outside of a settlement boundary, however given the site's location within a local centre it is likely that full fibre can be provided for any future units.

Carbon and Energy

JP-S2 - Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

The applicant has submitted an Energy/Sustainability Statement that details that the proposed flats would be constructed from thermally efficient building fabric and includes a Part L compliance report.

The proposed elevations also include PV panels to the rear elevation which do not appear to have been assessed within the main body of this report.

Other Matters

As referenced within the main body of the report the applicant did engage in pre-application advice prior to submission of the previous application at the site, however it is considered that the applicant has failed to adequately address the issues raised as part of this advice or the reasons for refusal that were set out for application 70561.

The Local Planning Authority (LPA) has sought to work with the applicant to finalise an acceptable layout and to bring forward this vacant site within the local centre for development since its validation in February 2025. It is acknowledged that various layouts have been submitted, including a layout reducing the proposed number of units from 7 to 5, and alterations to the parking however the applicant has never fully assessed and addressed the previous reasons for refusal with a new scheme and instead sought to amend previous layouts that were not acceptable.

Updated supporting documents have also been submitted during the course of the application, but again they fail to justify the layouts, or amount of development proposed. It was not until 38 weeks after the validation of the application that a topographical of the site and adjacent highway was submitted despite this making up of one of the previous highways reasons for refusal (reason 5 application 70561), requests being made through the application and a topographical plan being listed as a document required during pre-application discussions. The first request to address previous reasons for refusal was made by the Case Officer on the 7th April 2025. The LPA has had to continuously chase information, highlight inaccuracies within submitted documentation etc throughout the application process.

The latest set of amended plans received on the 14th, 16th and 18th January 2026 have not been accepted by the LPA as they would not bring the application to a positive resolution. For clarity these plans show:

- Amended, and reduced size bus stop that does not appear to have been agreed with TfGM
- A bin store within the access and with doors opening into the access
- 2no. undercroft parking spaces that do not comply with the minimum space standards set out within SPD 11
- A red edge that no longer meets the adopted highway
- A yellow box that confirms loss of parking for Rooden Court to facilitate the

development.

The applicant's agent was made aware of the LPA's fundamental concerns with the application prior to determination of the scheme, and within the first 8 weeks of the application period. The LPA seeks to determine applications within the statutory timescales, unless an extension of time is genuinely required and it is acknowledged that 7 extensions of time have been agreed over the course of the year by the LPA to allow the issues to be addressed.

Government guidance is clear that it is at the discretion of the LPA whether to accept changes or additional information to submitted applications. The LPA also has discretion to determine if the changes need to be re-consulted on, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.

Unfortunately continued delays have led to a number of EOTs and revised timetables being agreed. No real progress in relation to the submission of information has been made since the initial concerns were raised that the applicant had failed to address the previous reasons for refusal. Plans and information that have been submitted only partially address concerns and have not been considered against the various factors that need to be weighted when delivering a site for housing. Given the time lapsed, extended periods of no contact from the applicant/agent and the quality of the information that has been submitted the LPA has decided to proceed to determination within the agreed extension of time with no further negotiations.

Response to representations

It is considered that the material considerations raised have been addressed within the main body of the report.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development for 5no. dwellings on the site of circa 0.076 hectares would not make optimal use of the potential of the site. Therefore, the proposed development would not make efficient use of land conflicting with Policy JP-H4 - Density of New Housing of the Places for Everyone Joint Development Plan.
- 2 The size of the site is inadequate to accommodate the occupancy levels of the development proposed whilst satisfying reasonable requirements for space about the dwellings for the provision of adequate private amenity space, cycle storage, parking and EV charging provision, and bin storage. As such, the proposal would have a detrimental impact on residential amenity of the future occupiers and would fail to provide a good quality residential environment. The proposed development therefore conflicts with Bury Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, Places for Everyone Joint Development Plan

Policies JP-H3 - Type, Size and Design of New Housing, JP-P1 - Sustainable Places and the NPPF.

- 3 The development would be seriously detrimental to the residential amenities of future occupants of flat 3, by reason of the noise, disturbance and general activity associated with the proposed communal outdoor space. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and H1/2 - Further Housing Development, EN7/2 - Noise Pollution and the following Policy of the Places for Everyone Joint Development Framework JP-P1 - Sustainable Places.
- 4 The development would be seriously detrimental to the residential amenities of future occupants of flat 2, by reason of the noise, disturbance and general activity associated with the existing bus stop and shelter. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and H1/2 - Further Housing Development, EN7/2 - Noise Pollution and the following Policy of the Places for Everyone Joint Development Framework JP-P1 - Sustainable Places.
- 5 The proposed car parking provision is inadequate and arrangements (including charging facilities/arrangements for Electric Vehicles) are sub-standard, which are unacceptable and likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development and HT2/4 - Car Parking and New Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 Transport Requirements of New Development, JP-P1 - Sustainable Places and Supplementary Planning Document 11 - Parking Standards in Bury.
- 6 The proposal would result in the loss of parking spaces within Rooden Court as a result of the creation of the proposed vehicular access to the site and works to remove the existing gate, which is likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development and HT2/4 - Car Parking and New Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 Transport Requirements of New Development, JP-P1 - Sustainable Places and Supplementary Planning Document 11 - Parking Standards in Bury.
- 7 The proposed pedestrian access arrangements are sub-standard and do not take into consideration the existing bus stop/shelter and bollard positions on Bury Old Road, to the detriment of pedestrian safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C1 - Our Integrated Network, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 Transport Requirements of New Development, JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 8 The proposed in-curtilage bin storage facilities and refuse collection access arrangements are sub-standard, do not meet Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and are likely to lead to the creation of vehicular and pedestrian conflicts within the site and

on the access to it, to the detriment of the free flow of traffic and highway safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-P1 - Sustainable Places and the National Planning Policy Framework.

- 9 The application and submitted plans contain insufficient, topographical survey based information in order for the following to be properly assessed:

1. Physical impact of the development, its foundations and surface water drainage arrangements on the adjacent adopted highway;
2. Provision of porous/permeable hardstanding materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
3. Provision of level vehicular and pedestrian access to the development from Infant Street.

The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-P1 - Sustainable Places and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	23/01/2026	DM	27/01/2026