

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/06/2026	Ref: 73090/FUL
Registration: 16/04/2026	LDFC: 28/05/2026	Expiry Date: 11/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 7	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of 1 no. dwelling

Location: Land to rear of 354 Manchester Road, Bury, BL9 9NR

Description

The application relates to an area of land to the rear of No. 354 Manchester Road. The site is densely vegetated and has a number of trees some of which are protected by TPO. The site is accessed via a single lane track/driveway from the A56 Manchester Road that presently serves 354A and 354 Manchester Road. The site is bound by residential development.

Planning permission is sought for the construction of a two storey, 4no bed detached dwelling house. The proposed site plan indicates that the proposal would have a wild garden to the front, side and rear with 3no. parking spaces shown to the front of the dwelling.

Relevant Planning History

72313 - Erection of 1 no. dwelling - Refused 13/11/2025

Publicity

Letter sent to neighbouring properties on

7 objections received in relation to:

- The access from Manchester Road is considered too narrow, constrained, and lacking adequate visibility for safe use.
- The proposed 5m widening is unclear, not evidenced as deliverable, and may rely on land outside the applicant's control.
- The passing place is seen as inadequate in size, location, and design, and would not safely accommodate two-way vehicle movement.
- There are concerns that larger vehicles (e.g. delivery vans, emergency vehicles) would be unable to safely access, pass, turn, or exit the site.
- Increased traffic is expected to worsen existing safety issues, creating risks of conflict, obstruction, and unsafe manoeuvres.
- Landowners do not consent to their land being used for access, widening, manoeuvring, or visibility improvements.
- The layout does not convincingly demonstrate that vehicles can enter, turn, and exit entirely within the site.
- Increased vehicle activity would lead to noise, disturbance, and loss of the current quiet residential character.
- Headlights and external lighting are expected to cause harmful light pollution to nearby homes and gardens.
- Concerns that proposed works (passing places, widening, wall removal) could damage mature trees, including cherry trees and a large tree at the frontage.
- Potential loss of bin storage area and alteration of existing boundary features (e.g.

stone wall) are noted.

- Questions are raised about incorrect site descriptions (e.g. bunker vs cellar, presence of amenity land).
- Earlier concerns remain unresolved and the revised submission does not adequately address reasons for prior refusal

1 comment received in relation to:

- Confirms no objections to the proposal.

Statutory/Non-Statutory Consultations

Traffic Section- Recommendation for refusal due to substandard access and intensification, poor vehicle manoeuvring and highway safety risk, insufficient details on access works and servicing.

Drainage Section - SUDs condition requested.

Environmental Health - Contaminated Land Contaminated Land Conditions requested in relation to site remediation and verification, unexpected contamination and imported soil.

Condition also requested in relation to the implementation of an EV charging point.

Greater Manchester Ecology Unit - Generally accepts the findings of the ecological assessment (ERAP, 2025), noting that although the site is mapped as priority woodland, it is not representative, but still has potential for species such as badger and hedgehog, requiring adherence to Reasonable Avoidance Measures and nesting bird checks during vegetation clearance.

One tree (T10) has moderate bat roost potential and will be retained, but if removal is proposed, further surveys, appropriate mitigation, and potential licensing would be required, while works to other trees with low potential should follow specified guidelines. Conditions should secure these measures, alongside an informative reminding the applicant of legal protections for species.

Biodiversity enhancements, such as bat and bird boxes and improved site connectivity, should also be incorporated. The Biodiversity Net Gain assessment identifies a small on-site loss offset by achieving a 10% gain through off-site units, which is considered acceptable, subject to a Biodiversity Gain Plan condition and submission of final metric calculations and evidence of unit purchase at the appropriate stage.

The Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

United Utilities (Water and waste) - SuDs condition requested.

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
EN8/1	Tree Preservation Orders
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development

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H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
HT2/4	Car Parking and New Development
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-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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 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.

The site is located within an established urban area, outside of the Green Belt. As such the proposal is considered to be acceptable in principle.

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 35 dwellings per hectare at this site. The supporting Density of New Housing statement confirms that the proposal site is 0.12 hectares, which based on a total of 1 dwellings would result in a density of 8 dwellings per hectare. The proposal would therefore fail to make efficient use of land.

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 supporting Density of New Housing statement states that a higher density is not practical at the site due to the dominance of protected trees. The proposal however is for a detached, 4no. bedroom property. 2no. of the proposed bedrooms have ensembles. As set out within the previous refusal at the site, within the footprint of the proposed dwelling it is entirely possible to create higher density housing through the provision of smaller units with less bedrooms. Indeed, without prejudice to the other policy and material considerations that need to be weighted, the NDSS statement also submitted in support of the proposal confirms an overall GIA of 183 m². This floor area could easily accommodate smaller units, with less parking requirements for instance. Smaller units would help increase density, make more efficient use of land and would address the requirements of PfE Policy JP-H4 that seeks to make the most of urban sites to reduce the need for additional land release.

Whilst the applicant may disagree with this position, stating within their planning statement that *"This is an extraordinary approach to be taken in determining an application, especially as this is an area characterised by larger dwellings and that will influence the determination of the appropriate form of development."* As set out below, and confirmed by the applicant in paragraph 2.3 of their planning statement the site is mixed in character and form with terraced, semi-detached and detached dwellings and as such this would appear to contradict the statement above. Whilst accepted the site is constrained by protected trees

which would dictate the footprint of any development, and lower the developable area the applicant has not demonstrated that there is a market need for 4no. bed properties, instead of smaller units on the same footprint to meet the Policy considerations set out under PfE Policy JP-H4.

As such it is considered that the applicant has failed to justify a lower density at the site to meet the policy tests set out above.

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. PfE Policy JP-H3 seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

In addition to the above UDP Policy H2/6 states that the Council will not support proposals that will result in the loss of private gardens and backland for infill development unless it can be shown that such proposals would not adversely affect the character and amenity of the area, when considering the relative density, impact on neighbouring properties and access arrangements.

As acknowledged within the Planning Statement the residential development in and around the site is mixed in character and form with a mixture of terraced, semi-detached and detached dwellings. The houses on Manchester Road, to the east of the site are detached dwellings within larger private gardens however the dwellings to the west on Windermere Drive are semi-detached.

The Planning Statement states that the proposal would have an active frontage, facing towards the drive providing a clear and legible view to the entrance of the dwelling and parking provision. As confirmed within the Officer Report for the previous application at the site, the site would be accessed via an approximately 3.5m wide existing access drive, which is routed between dwellings that front Manchester Road. Thereafter, the plot would be positioned to the rear of No. 354 Manchester Road. The access drive, at around 3.5 m wide, would be enclosed by domestic fencing that presently flanks the gardens for the neighbouring properties. Given the spacing between the dwellings fronting Manchester Road and the proposed position of the dwelling it would not have a presence in the street scene, the visibility of which would be reduced to glimpses between frontage dwellings from main vantage points and from a private access/drive.

It is considered that such an arrangement would conflict with the predominant layout and character of the area, which is characterised by dwellings set out in linear form with an adjacent full frontage to the associated residential street. Whilst acknowledged that there is an existing detached dwelling at No. 354a Manchester Road that currently utilises the access between the dwellings that front Manchester Road, this property was approved some time ago and not in relation to the current Development Plan Policies against which this application needs to be assessed and the siting of 1no. dwelling that is out of character with the adjacent urban grain and character should not warrant the introduction of further discordant development.

In response to the previous refusal on this basis the applicant has highlighted that the existing drive serves No. 354a, which was acknowledged previously and has been discussed above. The applicant also references Orchard Close, which has a private access. It would appear this is in relation to Orchard Court located to the north of the site a development of apartments that whilst sited behind gates has a block that fronts and is visible from and contributes to the character of Manchester Road which this proposed

detached dwelling would not.

Routing an intensified shared access via a gap between dwellings positioned within adjoining plots and siting a single dwelling such that they have no relationship to any street would jar and disrupt the established pattern and density of the built form in the area contrary to the above UDP policies and the NPPF.

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

1. Comply with the nationally described space standards (NDSS); 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 overall Gross Internal Area (GIA) would be 183 square metres exceeding the required GIA of 124 square metres for a 2 storey, 4 bedroom, 8 person unit.

All 4 bedrooms would exceed the minimum area and widths for double occupancy rooms however bedrooms 3 and 4 would have areas of lower ceiling heights due to the design of the roof proposed however the proposed site sections appear to indicate that a height of 1.5 metres can be provided for majority of these rooms. Over 75% of the dwelling would appear to have a minimum ceiling height of 2.3 metres.

No in built storage is annotated on the proposed floor plans, although a utility is indicated at ground floor which could be considered to be storage. This room has 2 inward opening doors which restricts the amount of usable space to less than 2 square metres which would not comply with NDSS standard (3 square metres) for a dwelling of this size. There is also an area adjacent to the ensuite for Bed 1 that, whilst not annotated, appears to be an inbuilt wardrobe. Given the overall GIA of the dwelling, and the areas identified above it is considered likely that the proposal would meet the minimum standards for inbuilt storage to comply with NDSS.

M4(2) compliance can be secured by condition.

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 or balcony and a directly facing boundary with a neighbouring property.

Proposed rear first floor bedroom window for bedroom 3 would be located approximately 7 metres from the directly facing boundary complying with aspect standards. The proposed rear ground floor windows would be screened by any rear boundary treatments.

The proposed front first floor bedroom windows, and balcony associated with bedroom 1 would be located a minimum of approximately 15.5 metres from the shared boundary with No. 354 Manchester Road complying with aspect standards. The balcony associated with bedroom 1 would also be located 13.7 metres from the side boundary and 14.4 metres from

the rear boundary comply with aspect standards.

The side bedroom window associated with bedroom 2 would be located approximately 16 metres from the shared boundary complying with aspect standards.

The proposed side windows/rooflights facing towards No. 354A Manchester Road would relate to non-habitable windows associated with an ensuite, or secondary windows associated with habitable rooms that have principal windows on main elevations as such aspects have not been applied. Given the large size of the proposed stair window, close proximity to the boundary and direct onward view of the living room of No. 354A Manchester Road however it is considered that it would be expedient to obscure glaze this window. This could be secured by condition.

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.

As set out above the access to the site is along a narrow access track, measuring approximately 3.5 metres wide and that is bound by residential fencing. This access currently only serves 2 properties, 354 Manchester Road where the driveway is in very close proximity to the access point from Manchester Road and 354A Manchester Road that is located at the end of the access track. The proposed development would result in an intensification of the use of the existing site access, which is currently inadequate in terms of width and lack of facilities that would enable vehicles to pass each other.

It is acknowledged that the red edge includes an area that may be able to be used as a passing place, and the applicant has now submitted details via a Transport Note of the design of this passing place however this passing place is not shown on any submitted site plan. The Transport Note confirms that the road is only sufficient for one vehicle but considers that the likelihood of two vehicles meeting is extremely low. The passing place is located approximately (based on the red edge) 44 metres from the highway. Should any vehicles meet along this stretch of road one vehicle would either have to reverse along the access towards Manchester Road, or back towards the passing place. Considering that this manoeuvre would need to take place along a narrow access that is bound by fencing this is far from ideal for any future users of the site.

The Transport Note also includes details of how two cars could pass at the access to the site. The area where two cars could pass includes a proposed widening to the south of the existing access and would be located on the adopted highway. Any vehicle accessing the site would then have to manoeuvre to re-align with the narrow access to the track which would then narrow to a single access track again.

The proposal would therefore not provide suitable accommodation for vehicles to enter and leave the site in a forward gear which may lead to conflicts for neighbouring land owners and is considered by the Traffic Section to be detrimental to road safety and maintaining

the free flow of traffic on the shared site access and adjacent Class 1 road (A56 Manchester Road).

The existing access is constructed from a mixture of materials including areas of flagging, tarmac and sections that appear to be unmade/chippings. The application and submitted plans contain insufficient information to confirm what works are proposed for the resurfacing of the existing shared site access required in view of the proposed use as a primary pedestrian and vehicular access to the new dwelling.

The Transport Note confirms that the bins would be pulled the back of the footway from the A56 Manchester Road on bin collection day but this has not been shown on a plan and it is unclear if this would impact on the vehicular access arrangements to the site assessed above.

The proposal would therefore fail to comply with the Policies set out above in terms of access, service and parking arrangements.

Parking

In terms of parking standards UDP 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 site is located within Zone 4 as set out within SPD 11. As such the proposal should provide 3 spaces.

3no. cars are indicated on the proposed site plan, and whilst not demarcated there appears to be sufficient space to accommodate 2.5 x 5 metre parking spaces. The onsite tracking provided within the submitted Transport Note shows that these cars can not be turned on the "permeable surface paving slabs" indicated on the proposed site plan and the site plan has not been updated to increase this area to align with these details provided.

Ecology and Biodiversity Net Gain

PfE 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 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

UDP Policies EN8/1 and EN8/2 seek to support the retention of trees, woods, copses and hedgerows to encourage natural regeneration and new and replacement tree planting. PfE Policy JP-G7 seeks to significantly increase tree cover, protect and enhance woodland, and connect people to the trees and woodland around them.

An Ecological Survey and Assessment (ERAP, 2025) has been undertaken. The site predominantly comprised woodland, and while this is identified as priority habitat on MAGIC, the ecologist found that the site was not representative of this. Greater Manchester Ecology Unit (GMEU) have confirmed that they have no reason to disagree with this assessment. The woodland did however have potential for species including badger, and Reasonable Avoidance Measures are proposed within Section 5.3.11 of the report. These should be adhered to and can be secured via condition. Nesting bird checks would also be required for any vegetation removal during the nesting bird season and this element can also be secured by condition.

The trees on site were assessed for their potential to support roosting bats and the trees were categorised by inspection of preliminary roost features (PRF). Notably, one of the trees on site (T10) was identified as having PRF-M bat roosting potential. This means that this tree would have features suitable for multiple bats or roosts of high conservation significance such as maternity roosts. The impact on bats within this tree made up part of

one of the previous reasons for refusal. Following the last refusal at the site however, GMEU have confirmed that as the tree would be retained under current proposals no further surveys are required. However, if at any point plans change and T10 (reference from PEA) will be removed, nocturnal bat surveys will need to be undertaken prior to the works proceeding. GMEU advise that these surveys should be secured via a condition.

The remaining trees on site were found to have PRF-I potential. These are trees that are small, lacking in suitable surrounding habitats and only viable for individual bats or a small number of bats. GMEU agree that the removal of any of these should be undertaken in accordance with Section 5.3.9 of the Ecological Survey and Assessment. This can be secured via condition.

An Arboricultural Survey has been submitted with the application, that does not appear to have been updated following the previous refusal at the site. The Arboricultural Report does not show the proposed passing place or proposed access arrangements in detail. The passing place appears to be located approximately 8 metres to the west of T10 which is also protected by means of a TPO.

The applicant has stated within their Planning Statement that no resurfacing of the access drive is required, and the proposed passing place is outside of the root protection area of T10. The RPA for this tree is not shown on the proposed site plan as the passing place is not shown on the site plan, and it is also not shown on the drawings included within the Arboriculture report. As no details of the passing place have been included within the Arboriculture Report it is unclear if the statement made within the Planning Statement is accurate or that the tree protection measures for T10 are adequate or suitable.

In addition to T10, the Arboriculture Report assessed 6 no. trees within the site and partial surveys of 2 no. trees outside of the site (T8 and T7). One tree is proposed for removal, tree T02 a crack willow which is not subject to a TPO. This tree was assessed as having 50-70% dead, with the rest of the tree in poor health and therefore no objections are raised in relation to the removal of this tree and replacements in accordance with PFE Policy JP-G7 could be secured by condition.

Works, and tree protection measures are proposed for the retained trees on site that could be secured by condition.

Biodiversity Net Gain

With regard to the Assessment of Biodiversity Net Gain (ERAP, 2025), this found that a loss of 0.31 habitat units will be incurred on site, and a 10% gain will likely be achieved through the purchase of off-site units. GMEU would have no objection to this approach and have no reason to doubt the baseline or projected post-development value of the site.

While the BNG assessment is not based on final plans, it is unlikely that the overall figures will change significantly when updated, and a gain will still be unachievable on site. Overall, the LPA can also be reasonably confident that the small number of off-site units that will be required could be acquired from a nearby habitat bank when it comes to discharging the BNG condition. As such, the Biodiversity Gain Plan condition will apply should this planning application receive permission. At condition stage sufficient information will be required to demonstrate how a 10% net gain will be provided, including a Biodiversity Gain Plan, final version of the BNG metric based on final plans (showing a 10% gain) and evidence of where BNG units have been purchased from.

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 confirmed that on 16/07/2025, a search of the Openreach database

confirmed that a full fibre broadband connection of up to 1600 Mbps was available at 354 (and 354a) Manchester Road, Bury BL9 9NR.

Carbon And Energy

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

The applicant has provided an energy and carbon proforma with their application and confirmed that the design of the building would exceed the minimum requirements of the 2022 Part L Building Regulations requirements.

The Carbon and Energy Statement also confirms that the hot water and space heating are to be via air source heat pump which achieves a SCOP of 3.5 or higher. The main consideration in relation to this installation will be in relation to the noise created. As such UDP Policy EN7/2 is required to be considered for this application. This policy states that the Council will not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and or/amenity users or development close to a permanent source of noise. The installation of an air source heat pumps on domestic premises is considered to be permitted development, not needing an application for planning permission, provided limits and conditions are met however permitted development rights would not apply until the property is built and occupied.

It is acknowledged that the applicant considers that because of design changes which occur over time, it is not practical to specify which product would be installed at this stage. The applicant considers that if necessary, a planning condition can require the LPA's approval of the air source heat pump and its siting prior to its installation. A specification, or proposed location however could be supplied at this stage to allow for an assessment, for a condition to be based around. As no details have been submitted in relation to the location or the specification of the air source heat pump proposed it is considered that the applicant has failed to demonstrate that the proposed heat pump would not impact on the amenity of the neighbouring properties by virtue of noise.

The Carbon and Energy Statement also confirms the that building will have a 5kW solar array fitted to the south facing elevation roof with high efficiency PV Panels. These panels have been included on the proposed elevations and roof plan and would face towards the garden area rather than towards the neighbouring properties. It is however unclear if the proximity of the trees has been taken into account.

Mining Remediation

Paragraphs 187, 196 and 197 of the NPPF seek to ensure that sites are suitable for its proposed use taking into account ground conditions, any risks arising from land instability and contamination. The application site falls within the Coal Authority's defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and a thick coal seam outcrop.

The Coal Authority notes the supporting Coal Mining Risk Assessment dated June 2025 prepared for the proposed development by Brownfield Solutions Ltd, which accompanies the application and they consider that the report has been informed by an appropriate range of sources of information.

Having reviewed the available evidence, the report author considers that there is currently a risk to the proposed development from possible shallow coal mine workings. Accordingly, recommendations have been made that in order to mitigate the risk, intrusive ground investigations are required. The findings of the intrusive site investigations should inform any remedial / mitigatory measures that may be required to ensure that the site is suitable

for the development proposed. These additional intrusive investigations can be secured by condition and the Coal Authority have provided the appropriate wording.

Other Matters

The LPA seeks to determine applications within the statutory timescales, unless an extension of time is genuinely required. In this instance given the number of issues, the extent of the changes required, and the subsequent consultation necessary once these amendments have been made the LPA has decided to proceed to determination within the required timescales.

It should also be noted that the applicant did not contact the Local Planning Authority following the previous refusal at the site to discuss the application.

Response to Representations

It is considered that the material planning considerations have been assessed within the main body of the report.

Whilst acknowledged that concerns in relation to light pollution and noise pollution associated with vehicles within the site have been raised, any vehicles moving within the site would be limited and the site is located adjacent to a main road. As such it is considered this would not warrant refusal of the scheme on these grounds.

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 1no dwelling on the site of circa 0.12 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 proposed development, by virtue of the position of the dwellings to the rear of no. 354 Manchester Road with no street frontage and accessed by a shared drive routed between neighbouring linear related dwellings, would constitute an incongruous and inharmonious form and layout of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with policies JP-P1- Sustainable Places, EN1/2 - Townscape and Built Design, H2/1 -The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development of the Development Plan and Section 12 of the National Planning Policy Framework.
- 3 The proposed development would result in an intensification of the use of the existing site access, which is inadequate in terms of width and lack of clearly detailed facilities that would enable vehicles to pass each other, both at the interface with the adopted highway and along the private access. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 -

Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.

- 4 The proposal does not provide suitable accommodation for vehicles to enter and leave the site in a forward gear, and therefore is detrimental to road safety and maintaining the free flow of traffic on the shared site access and adjacent Class 1 road (A56 Manchester Road). The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 5 The application and submitted plans contain insufficient information to confirm what works are proposed for the resurfacing of the existing shared site access required in view of the proposed use as a primary pedestrian and vehicular access to the new dwelling and bin storage and access arrangements suitable for use by the Council's Waste Management Section. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 6 The applicant has failed to demonstrate that tree T10, that is protected by means of a Tree Preservation Order number 274, would be adequately protected throughout the construction period due to plans that contain insufficient information to confirm what works are proposed for the resurfacing and widening of the existing shared site access required in view of the proposed use as a primary pedestrian and vehicular access. The proposed development would therefore be contrary to Development Plan Policies EN8/1 - Tree Preservation Orders, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland.
- 7 The applicant has failed to demonstrate that the proposed air source heat pump would not be seriously detrimental to the residential amenities of nearby occupiers, by reason of noise and disturbance. The proposed development therefore conflicts with Policy EN7/2 - Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	3/6/2026	DM	05.06.2026