

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/04/2026	Ref: 72861/FUL
Registration: 12/03/2026	LDfC: 24/04/2026	Expiry Date: 07/05/2026
Site Visit: 27/03/2026	Site Notice: 27/03/2026	Press Date: 02/04/2026
Objections: 0	Con Area: BURY	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of a brick wall, fencing & gates to the front; Brick wall to the side and change of use of land from open space to create secure courtyard amenity space with cycle and refuse storage provision in association with 5 Crompton Street

Location: 5 Crompton Street, Bury, BL9 0AD

Description

The application site relates to a paved area in the Bury Town Centre Conservation Area which forms part of Lions Gardens, a publicly accessible area laid out in a circular formation. It is raised by about 3 steps to form a platform area and incorporates seating round the perimeter. The site is situated at the end of Crompton Street with a row of shops opposite and the pedestrian entrance to the Millgate Centre to the south. Directly to the north is an access road which leads to a service yard area at the rear for some of the units in the Millgate.

The site is adjacent to no. 5 Crompton Street, which comprises 3 storey to the front with a 2 storey addition at the rear which extends the width of Lion Gardens and has been converted into residential units through prior approval. The conversion of this building did not include any internal bin storage or external amenity space.

Planning permission is sought for the construction of a 2000m tall brick wall with 1no. pedestrian gate, 1no. service vehicle gate and 1no.bin store gate to the front elevation. The proposed wall would have piers, with stone coping on top. Permission is also sought to change the use of the land to be enclosed by the wall from open space to a secure courtyard amenity space with cycle and refuse storage provision in association with no. 5 Crompton Street.

Relevant Planning History

5 Crompton Street

49341 - Change of use from former post office to licensed food and drink operation (Class A4) - Approve with Conditions 20/02/2008

53996 - Change of Use from Sui Generis (Post Office with Sorting Office) to Shop (Class A1) and change of elevation to provide additional access and new windows - Withdrawn - Invalid 20/05/2011

55352 - Change of use of building from Sui Generis to D2 (Assembly & Leisure). - Approve with Conditions 03/09/2012

62907 - 1 No. non-illuminated fascia sign - Approve with Conditions 20/08/2018 Site Plan K691/01 confirms reinstatement of 3 no. bollards.

69480 - Prior approval for proposed change of use from Class E to 16 no. apartments (Class C3) - Prior Approval Not required 17/05/2023

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70177 - Change of use from Class E to 16 no. apartments (Class C3). Application for a Non Material Amendment to Prior Approval 69480 to allow addition of stairs within some apartments. Apartments 1, 6, 7, 8, 12, 14 and 15 will include an additional floor in the apartment to increase living space and modifications to internal arrangement. - Approve with Conditions 20/11/2023

70320 - Replace existing windows and doors - Removal of three doors and reinstatement of full length windows; Partial removal of bricked door with insertion of window; 3 no. windows with railings to be removed and replaced with larger windows - Refused 07/02/2024

Enforcement Case 12/0429 - Change of use - 13/08/2012

5 Crompton Street and land to side/Lions Gardens

49406 - Change of use from former post office to a licensed food and drink operation (Class A4) (Alternative scheme to Reference 49341 - includes external area- Approve with Conditions 19/03/2008 Proposed external drinking area approved with chairs and table indicated.

54208 - Change of use from Sui Generis (post office with sorting office facilities) to mixed use comprising retail (Class A1) , financial and professional services (Class A2), restaurant and cafe (Class A3), and drinking establishment (Class A4); Alterations to side elevation to provide canopy, additional access and new windows - Approve with Conditions 02/11/2011 The application included some of the external area at the side in Lion Gardens where it is envisaged to provide some tables and chairs in association with the cafe/drinking uses, although details of this area were not submitted.

58302 - Two storey extension to side elevation to form additional internal staircase - Withdrawn by Applicant 06/02/2015

58453 - Change of use from ground floor children's play centre and first/second floor offices to creche/day nursery/children's play centre (Class D1) to the ground/first/second floors; New access to first floor flat roof area at rear and installation of 1.8 metre high railings to create outside play area - Approve with Conditions 23/04/2015 Site Plan K691/01 confirms reinstatement of 3 no. bollards.

58472 - Two storey extension to side elevation to form additional internal staircase (resubmission) - Approve with Conditions 15/04/2015

69687 - First floor rear extension to form 1 no. lower first floor flat and loft conversion/roof alterations with dormers to form 2 no. second floor flats with external alterations and associated works - Refused 24/08/2023

Land to side of 5 Crompton Street/Lions Gardens

Enforcement Case 12/0465 - Change of use of land to Car Park

59675 - Creation of car park and turning area/drop off point to serve existing nursery premises - Refused 19/04/2016

71410 - Construction of a brick wall to the side to create secure courtyard amenity space with cycle and refuse storage provision - Withdrawn invalid

72861 - Creation of enclosure to serve the residents at 5 Crompton Street - Pending Decision

16/0002 - Breach of condition no. 3 of planning permission 58453 - 06/06/2016

17/0516 - Change of use of land to vehicle parking - 14/05/2018

72829 - Lawful development certificate for existing use of a car park associated with 5 Crompton Street - Refused 06/03/2026

Publicity

Letters sent to neighbouring properties 24/03/2026
Site notice posted to the front of the site 27/03/2026
Press notice in the Bury Times 02/04/2026

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - There is no objection to the proposal in principle in terms of heritage conservation however it is recommended that alterations to the front elevation of the scheme facing Crompton Street are made.

Waste Management - No response

Traffic Section - No formal response. Confirmed vehicular access should be prohibited due to safety. Concerns raised in relation to access to Lions and plaques, conflicts with historic legal agreements with the Millgate and obstruction to the wider area of public open space.

The Coal Authority - No response

Property & Technical Services - Estates Consultancy - Confirmation of 150 year lease on Lions Gardens and that the area is maintained by leisure/parks and countryside. No reference in that lease to prevention of enclosure but the council and the Diocese are to allowed free passage across the space if required. Confirmation that there is another document that agreed for the Lions to be placed.

Environmental Health - Contaminated Land - Conditions requested in relation to unexpected contamination and imported soil. No comments to make regarding air quality.

Environmental Health - Pollution Control - No comment

Pre-start Conditions - Not relevant

Development Plan and Policies

TC1/1	Open Space in Town Centres
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
RT1/1	Protection of Recreation Provision in the Urban Area
EN7/2	Noise Pollution
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-G6	Urban Green Space
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P7	Sport and Recreation
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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 (Recreation)

Whilst section 2 of the Planning Statement states that the proposal site is an open paved car parking area, Lawful Development Certificate 72829 confirmed that the site does not have an established lawful use as a car park.

The lawful development certificate was refused as the applicant failed to prove, on the

balance of probability, that the use to which the application relates had been established continuously for ten years from 3rd October 2014, ten years prior to the date of the application, or that the use has been established without enforcement action. As such, a full planning application for the use of the land as a car park and its operational development and engineering works would be required. The site was subject to a breach of condition notice, which was issued on the 6th June 2016 in relation to the reinstatement of bollard at the boundary of Lions Garden and Crompton Street to ensure that vehicles are prevented from entering and parking on the existing pedestrianised area.

The site in question has been identified as Civic Space in both the 2012 Recreation Audit which informed the Greenspace audit and strategy 2015 and the more recent Open Space Assessment conducted in 2026 which is still to be published. Historically the site appears to have been part of the burial grounds associated with the Union Street Methodist Church which fronted Crompton Street, becoming a pedestrianised access to the church from Crompton Street prior to the removal of the church following the Millgate development.

The site is therefore considered to be designated as protected recreation in the urban area under UDP Policy RT1/1. This was raised at validation, and confirmed by the Case Officer on the 26th March 2026 however, this has not been addressed within the supporting documentation. The proposal would therefore constitute a change of use of land, as set out within the description of development.

Policy RT1/1 seeks to safeguard the provision of recreation land within the urban area and development will not be allowed where it would result in the loss of recreation facilities unless it meets specific criteria.

Whilst similar, the approach in Policy RT1/1 has now been superseded by Paragraph 104 of the NPPF which states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Additionally, PfE Policy JP-P7: Sport and Recreation states that high quality and accessible sports and recreation facilities will be protected and enhanced.

Whilst the Open Space Audits identify the space as Civic Space, the assessment doesn't set out standards for Civic Spaces as they are fairly unique in that they are what they are. As such, there is nothing in the assessment to enable the Local Planning Authority (LPA) to determine whether there is a surplus of provision as required by Paragraph 104 of the NPPF.

The determining UDP Policy, in relation to this site would therefore be UDP Policy TC1/1 (Open Space in Town Centre) which states that within the town centres the Council will protect identified areas of open space, including those that provide an important element in civic design. The justification to the Policy specifies that open spaces in the town centres, which are considered to fall within the scope of this Policy, will generally be protected against development unless adequate compensatory provision is made or other significant benefits are derived from any specific development proposal. This policy is further supported by PfE Policy JP-G6 that confirms that existing urban green spaces would be protected and development should be designed to support the positive use of nearby green spaces, such as by offering a high quality setting, providing natural surveillance and facilitating easy access by walking and cycling. The PfE Policy does not allocate specific areas of urban green space, and it is also acknowledged that the open space in question is largely hardstanding and the trees on site have been recently removed.

The Planning Statement does reference these policies confirming that the site is adjacent to the area known as Lions Garden however no plan has been submitted to showing the relationship with the allocation to ensure that there is no encroachment or to confirm the proposals relationship and impact on this space.

The plans submitted are also conflicting to enable the LPA to make this assessment as they do not electronically scale correctly. The submitted existing block plan at a scale of 1:200 has the width of the front boundary of the red edge as approximately 2.3 metres, the Location Plan at a scale of 1:1250 has the width of the front boundary of the red edge as approximately 8.3 metres, and the Proposed Plan (drawing P(100)) has no red edge but a shows the boundary wall projecting adjacent to Crompton Street by approximately 15.6 metres, the proposed front elevation drawing (drawing P(101)) at a scale of 1:100 has the front wall facing Crompton Street measuring approximately 7.85 metres.

Whilst the Planning Statement states that the proposal would not restrict public access to Lions Gardens, this has not been evidenced within the submission documentation. In addition to the conflicts between the site plans and location plan, the proposed site plan, and proposed elevations do not correlate with the proposed elevations showing the front boundary wall sited behind the principal elevation of No. 5 Crompton Street and the proposed site plan showing the front elevation broadly in line with the principal elevation of no. 5 Crompton Street. The Planning Statement acknowledges that the site is adjacent to steps form a platform within Lions Gardens it is not clear if access to these would be restricted particularly as the proposed plans do not align. The enclosure of the space immediately adjacent to No. 5 Crompton Street would also restrict the existing natural surveillance of this area.

The assertion within the Planning Statements assessment of TC1/1 and JP-G6 that the space to be enclosed is not functional as formal open space and that the site is under private control as a car park is also inaccurate. Formerly there were bollards in place within this frontage to prevent cars parking on this site and to allow Lions Gardens, and the application site to be fully pedestrianised. Historically, and visually the spaces are linked which is reflected within the RT1/1 audits that consider the entirety of Lions Gardens, and the application site to be Civic Space rather than the area identified under the 1997 UDP allocation.

Whilst the Planning Statement does identify benefits of the proposal, these appear to be largely beneficial to the applicant rather than public benefits. It is not clear how the proposal would prevent rough sleeping, loitering or littering within Lions Gardens. Indeed the erection of a wall would prevent some of the existing natural surveillance over this open space. The applicant has also stated that the adjacent Lions Gardens is an incompatible use however the applicant was aware of this relationship prior to the conversion of No.5 Crompton Street and amendments to the design and layout at the initial stages could have protected future residents, and included in curtilage bin storage. These are the issues this application now seeks to address.

It is considered at this stage, following a review of the information submitted in support of the application that the applicant has failed to demonstrate that adequate compensatory provision, or significant benefits are derived from this specific development proposal. The proposal is therefore considered to be contrary to UDP Policy TC1/1 and PfE Policy JP-G6.

Heritage and Visual Amenity

UDP 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.

As the site is located within the Bury Town Centre Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas

and EN2/2 - Conservation Area Control of the UDP in that the Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. PfE Policy JP-P2 - Heritage also applies, and ensures that the LPA will work pro actively to conserve, sustain and enhance our historic environment.

The application site is within Bury town centre conservation area, which is on Historic Englands' Heritage at Risk Register, mainly in part because of inappropriate signage, alterations to shop fronts, on back and side streets and on Bolton Street, Market Street and The Rock. The site is also adjacent the former Post Office on Crompton Street which is a Non-Designated Heritage Asset (NDHA).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 216 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Crompton Street is referenced in the conservation area appraisal as a character area at 4.3 and still remains so today. ".....South of The Rock are the remains of the nineteenth century street pattern, including Union Street, Edwin Street and Crompton Street. Union Street was truncated by a 1960s shopping centre, but Crompton Street still retains its curving terrace whose northern view is closed by St Mary's Church. Historic setts remain in Gutter End and the alley between number 1 The Rock and the rear of St Mary's. Again, the nature of this area is that of a busy shopping precinct." As such Crompton Street is a strong contributor to the character and appearance of the conservation area, and it is important to at least preserve the character of this part of the conservation area to protect it from further harm and the risk of de-designation.

Other significant unlisted building at 4.4 of the appraisal references the former post office at 5 Crompton Street which is a Non-Designated Heritage Asset. ".....General Post Office (not buildings to rear). Built probably at the end of the 19th century, but certainly between 1893 and 1910. Red brick with stone dressings, in neo-Elizabethan style with stone mullioned windows, finials, blind-arch parapets, corner turret and tower over the main entrance. The large extension to the rear is late 20th century".

This building visually dominates Crompton Street and that part of the conservation area and makes a strong contribution to the character and appearance of that part of the conservation area. Any addition or alteration to it must be carried out sensitively in order to preserve its heritage significance and the character and appearance of the conservation area.

As set out above to the southeast of 5no. Crompton Street there is an area public open space which when combined visually with the application site, which is presently fenced off with heras fence panels and occupied by visible bin storage, represents a negative feature in that part of the conservation area but also represents an opportunity for improvement.

There is no objection to the proposal in principle in terms of heritage conservation to the proposal. It is acknowledged that the proposal would have some public benefit, removing

the existing heras fencing and screening the bins that are on site within the proposed bin store. The Conservation Officer has however recommended that alterations to the front elevation of the scheme facing Crompton Street are made.

The proposed pedestrian railing gates are considered to represent a very utilitarian design and appearance which does not represent the architectural grain of that part of the conservation area or any level of historicism. As such these gates should be constructed from timber and coloured black. In addition as an amenity space, the space created would not require vehicular access and the proposed vehicle railing gates would represent the same level of harm to the conservation area as the two proposed pedestrian gates. As such these gates should be deleted from the scheme and replaced with bollards to stop vehicle access or infill with brick as a continuation of the rest of the wall.

These amendments however have not been requested, as the principle of enclosing and changing the use of this space have not been established. Without these amendments it is considered that the proposal would represent less than substantial harm to the Conservation Area. The design, material and number of proposed gates facing Crompton Street would therefore neither preserve nor enhance the Conservation Area within which the site is located.

As set out above the proposed site plan, and proposed side elevations do not align. A set back from the principal elevation of No. 5 Crompton Street is considered to be acceptable as this would allow for some relief in the built form and give the impression of subservience in relation to No. 5 Crompton Street however, this set back is not shown on the proposed site plan.

Residential Amenity

PfE Policy JP-P1 confirms 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.

There are no adopted aspect standards for converted residential properties however, Supplementary Planning Document 6 (SPD6) provides guidance on aspect standards between residential properties for householder extensions and as such, would be a reasonable guide in this case.

Prior approval for proposed change of use from nursery (Class E) to 16 no. apartments (Class C3(a)) under Part 3 Class MA of the General Permitted Development Order has been granted at the neighbouring No.5 Crompton Street.

Assuming the layouts of the flats is in accordance with the approved plans the proposed pedestrian access would be immediately adjacent to the lounge/kitchen area of Unit 1. The lounge/kitchen areas of Units 8, 7 and 6, and bedroom of Unit 7 would also directly face onto paved area.

The proposal would impact on the amenity of the occupiers of flats 1, 8, 7 and 6 by reason of the proximity of a pedestrian access and proposed paved area directly next to their main habitable room windows. It is acknowledged however that the site is currently open to the public and as such whilst this relationship to shared amenity space would not be acceptable at other sites, this proposal is likely to increase privacy and amenity for the occupiers of this unit through the reduction of public access to this space. The reduction in the number of gates on the front elevation discussed above also has the potential to increase the amenity of the occupier of Unit 1 further in relation to general noise and disturbance associated with the proximity of this unit to the shared pedestrian access.

The proposed bin store would also be located to the southeast of the lounge/kitchen area of

Unit 1 however it is noted that this lower part of this window is obscure glazed, and this room maintains windows on the principal front elevation of Crompton Street. As such it is unlikely that the siting of the bin store would be detrimental in terms of overbearing relationships.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. 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. In addition when considering layouts PFE 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.

Contrary to what is set out within the Planning Statement, the site does not have a dropped kerb to allow vehicular access. The kerb edges are broadly in line with the road level due to traffic calming measures on the corner of Crompton Street and Edwin Street but this has not been designed to be a dropped kerb, eg with the associated reinforcements required to the pedestrian footway.

It is unclear from the information submitted with the application why 1 no. pedestrian gate, 1 no. bin store gate and 1 no. vehicular service gate is required to access the site. It would appear that the vehicular access gate would be surplus to requirements if there is direct access to the bin store from the front of the site to move bins on collection day, and direct pedestrian access to the paved area and cycle store. The servicing needs of the associated residential development have not been set out to clarify why a service vehicle would need to enter/exit this area.

It is also unclear from the information submitted if the access proposed would be safe considering the proximity to Lions Gardens, a pedestrianised access to the Millgate Shopping Centre and its location on a bend. There are also no turning facilities on site for any vehicles, which would result in cars reversing back off onto Crompton Street and Edwin Street to exit. Crompton Street is a now through road and Edwin Street is used for the servicing and deliveries by commercial vehicles to other businesses on this street.

The proposal would therefore result in the creation of a vehicular access onto Crompton Street at a hazardous location, which, due to a lack of adequate turning facilities within the site, would lead to unacceptable conflicts between vehicles reversing from the proposed parking area and pedestrians and approaching vehicles and would therefore be detrimental to highway safety and maintaining the free flow of traffic on the adjacent highway.

Prior approval for proposed change of use from nursery (Class E) to 16 no. apartments (Class C3(a)) under Part 3 Class MA of the General Permitted Development Order has been granted at the neighbouring No.5 Crompton Street. The red edge for this prior approval did not include the majority of the land subject to this planning application. As the conditions of prior approvals are limited, the conversion could not be refused due to the lack of bin storage which was raised by the Traffic Section at the time. As there are 16 apartments now occupied however, the applicant is now seeking the provision of bin storage.

By way of guidance the number of communal bins for the storage of residual waste will be one 1100litre Euro bin per five flats, thus the number of bins required may vary based on the number of bedrooms and type of development. Based on an approximate 50% participation rate by Householders in the Council's recycling collection service, the Council estimates that the capacity for recycling will be based on half the capacity of the residual waste communal bins.

For this proposal in general, waste management would recommend 3 general waste 1100l

bins for residual waste only. 1 x 1100l for each recycling stream would be required although this requirement is dependent on location and would need to be confirmed by the applicant with waste management. This would equate to 5no. 1100l bins. The containers should be enclosed in suitable housings between 5 metres and 22 metres from the residential building.

The application does not confirm the size of the bins proposed, or the distance from the residential building. The proposed site plan does confirm that 3 bins are proposed to be stored. Whilst the proposed site plan is not accurate in terms of scale the bins indicated are approximately the same width as the gates indicated on the proposed site plan. It is therefore unclear how any residents would maneuver the bins into and out of the bin store for collection. It is also unclear if 5no. 1100ltr bins can be store and accessed.

It is therefore considered that the applicant has failed to demonstrate the proposal would ensure that adequate off-highway bin storage arrangements can be provided for the number of associated flats, in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins.

Other Matters

Contrary to what has been set out on the application form, pre-application advice has not been sought for this proposal. The member of staff referenced on the application form was not part of the Development Management Team and would not have been able to advise on planning matters. In addition, no details of what was discussed within this meeting have been included within the submission details and the member of staff the applicant had the meeting with left the Authority in 2025.

The LPA has previously invited the applicant, via their nominated agent, to engage in pre-application discussions in relation to the conversion of No. 5 Crompton Street which is presently subject to an enforcement notice appeal. Unfortunately the applicant has chosen not to engage in this process for this proposal which may have been able to address a number of points set out in the above report.

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.

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 site has a complicated history in terms of land ownership, and whilst this is not relevant to the determination in relation to the proposed land use it is considered that the applicant would need to ensure that they can build the enclosure, and move the Lions and associated plaque/s as they envisage in agreement with the relevant stakeholders.

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 applicant has failed to demonstrate that adequate compensatory provision, or significant benefits are derived from the enclosure or change of use of land to ensure protection of the identified town centre open space. The proposal is therefore considered to be contrary to Unitary Development Policy TC1/1 - Open Space in Town Centres and Places for Everyone Joint Development Framework Policy JP-G6: Urban Green Space.
- 2 The submitted plans do not scale consistently, and provide conflicting information in relation to the extent of the proposed wall. It is therefore considered that the application contains insufficient information to allow the application to be fully considered in terms of visual amenity, impact on the Conservation Area and impact on the allocated Open Space in Town Centre contrary to Unitary Development Plan and Places for Everyone Joint Development Framework Policies EN1/2 - Townscape and Built Environment, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, TC1/1 - Open Space in Town Centres, JP-P1 - Sustainable Places, JP-P2 - Heritage and JP-G6 - Urban Green Space.
- 3 The design, material and number of gates facing Crompton Street would introduce a discordant feature into Bury Town Centre Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations and additions by requiring the use of sympathetic and compatible building forms and materials. It is therefore considered that the proposal would neither preserve nor enhance the Conservation Area. The proposal therefore conflicts with the following policies of the Unitary Development Plan and Places for Everyone Joint Development Framework EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/2 - Townscape and Built Design, Bury Town Centre Conservation Area Appraisal, JP-P2: Heritage and the National Planning Policy Framework.
- 4 The proposal would result in the creation of a vehicular access onto Crompton Street at a hazardous location, which, due to a lack of adequate turning facilities within the site, would lead to unacceptable conflicts between vehicles reversing from the proposed parking area and pedestrians and approaching vehicles and would therefore be detrimental to highway safety and maintaining the free flow of traffic on the adjacent highway. The proposed development would therefore be contrary to the following policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Framework EN1/2 - Townscape and Built Design, JP-P1 - Sustainable Places, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 5 The applicant has failed to demonstrate the proposal would ensure that adequate off-highway bin storage arrangements can be provided for the number of associated flats, in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins contrary to Bury Unitary Development Plan and Places for Everyone Joint Development Plan Policies EN1/2 - Townscape and Built Design, JP-P1 - Sustainable Places, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	24/04/2026	DM	01.05.2026

