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AGENDA FOR PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

Councillors: S Thorpe (Chair), C Boles, D Duncalfe,
U Farooq, J Harris, M Hayes, B Ibrahim, D Quinn,
G Staples-Jones, D Vernon and M Walsh

Dear Member/Colleague

Planning Control Committee

You are invited to attend a meeting of the Planning Control Committee which will be held as follows:-

Date:	Tuesday, 26 September 2023
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	https://councilstream.com/burycouncil/3204

AGENDA

4 PLANNING APPLICATIONS *(Pages 3 - 8)*

Reports attached.

BURY COUNCIL
DEPARTMENT FOR BUSINESS, GROWTH AND INFRASTRUCTURE
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

26 September 2023

SUPPLEMENTARY INFORMATION

Item:01 Land adjacent to 23 Meadway, Bury, BL9 9TY Application No. 68709
Erection of 2 no. detached dwellings.

Extension of Time - 29/9/23

Condition

An updated Invasive Species Survey and Management Plan has been received.

GMEU have been consulted on the updated plan and are satisfied with the proposals. The condition can therefore be amended to state that the development be carried out in accordance with the recommendations of the report.

Condition 12 amended to read:

The development hereby approved shall be carried out in accordance with the recommendations of the updated Invasive Species Survey and Management Plan by LK Group, Job Number: IPM 22 1006 version 003 (received 15/9/23).

Reason. To ensure the safe and satisfactory development of the site pursuant to Bury UDP Policy EN9 - Landscape and the National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

The updated Invasive Species Survey and Management Plan has been added to the approved plans list.

Consultations

United Utilities - Further response received from United Utilities (UU) on 22/9/23.

After visiting site, UU believe the sewer lies around 9 mtrs east of the sewer line shown on their mapping system. Following this, it is believed that the houses would be directly on top of the UU sewer as it runs right through the middle of the land.

The developer would need to CCTV the sewer at their own cost and map out where it runs to get the correct location and plot out the easement.

UU have confirmed that they have now changed their original position, as the current building layout is above or close to the sewer.

Should the LPA deem the application suitable for approval UU have requested the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for the wastewater asset:

CONDITION

No construction shall commence until details of the means of ensuring the our 900*1500mm combined water sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the our 900*1500mm combined water sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

However, UU's position would be to object to the development until such time the

applicant has resolved all concerns regarding the proximity of proposed development to their asset.

UU recommends the applicant contacts them directly and if an acceptable solution is agreed to address their objection, the applicant must submit any agreed details to the Council for formal consideration.

The condition recommended by UU would require the applicant to investigate the exact location of the pipeline and following this, identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development should this be required. The condition would be worded as a pre-commencement condition, meaning development would be prevented until such time UU were satisfied with the proposals and solutions put forward by the applicant.

The LPA is satisfied that the condition would overcome UU's objection as the condition would effectively require the applicant to carry out the investigations to UU's satisfaction prior to the commencement of the development. If the applicant could not suitably satisfy the condition which would be necessary to make the development acceptable, they could not start or build out the development. Permission could therefore be granted subject to the inclusion of the condition recommended by the LPA.

Condition 18 therefore added to read:

No development shall commence unless and until details of the means of ensuring the 900*1500mm combined water sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the our 900*1500mm combined water sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details. Reason. In the interest of public health and safety and to ensure protection of essential services pursuant to the principles of the NPPF.

The applicant could also investigate the option of diverting the sewer if it is determined that the sewer would be affected by the position of the proposed dwellings. Again, this would need to be agreed with United Utilities.

Publicity

Shared representation received from 4 residents with the following issues raised -

- Having viewed the agenda and read the report prepared for the planning committee, I am writing on behalf of the Residents with our shared response.
- At least one party (the applicant or the objectors) is inevitably going to be disappointed with the outcome. When the process is conducted democratically; where equality, justice and fairness are applied, there is acceptance and confidence in the process safe in the knowledge that people involved have undertaken their duties with skill, expertise, and integrity, having been provided with accurate information.
- We believe the report prepared in this case has factual inaccuracies and makes assumptions, leading to questions about impartiality and the neutrality of the planning process at Bury County Council.
- Factually incorrect that the proposed dwellings would have a similar if not slightly smaller footprint than the existing and set within generous plots - Many of the

supporting documents clearly show that the footprint of each the existing houses (ONE property) are of a similar size, if not larger, than the area of land for TWO proposed houses. In effect, this renders the footprint of each dwelling as approximately HALF the area of the existing plots, NOT 'similar' or 'slightly smaller'. It should be difficult to argue that dwellings that have 2 out of 5 bedrooms in a 3rd storey are similar in scale or have a similar footprint to those that have at least 5 bedrooms over 2 storeys (which is the case for the existing properties.) However, this report states this very fact.

Response to objection - The objector states that the existing houses are 5 bed or more. The proposed dwellings would also be 5 bed. The footprint of the proposed dwellings would occupy a plot size which would be comparable to the footprint of the existing houses within their plot sizes.

All the existing houses on the cul de sac have also been extended and therefore have a larger footprint within their plot than originally approved. Permissions have been granted as follows -

No 15 - single storey extension at rear , 1st floor extension at side and balcony.

No 17 - 1st floor extension at rear, 1st floor side and single storey rear extension

No 19 - 2 storey side extension, single storey front extension, garage conversion, balcony, retention of balcony, 1st floor side extension.

No 21 - garage conversion, 1st floor side extension, single story rear extension, external facade upgrades

No 23 - 3 storey side extension, two storey/single storey rear extension, single storey front extension.

Permitted development rights for the proposed development would also be removed (Condition 15).

- NONE of the existing dwellings have grey windows. The inaccuracy in the report may seem insignificant; however, it is not an isolated example. Furthermore, the fact that the person compiling the report has included the colour of the windows indicates this must be of some significance in forming a conclusion.

Response to objection - The windows in the existing properties are dark in colour - dark brown or black. The point to be made is that the dark grey windows proposed to the new dwellings would not be discordant additions within the context of the street scene and the cul de sac setting. The planning application approved for extension to No 21 for example proposed black window frames.

- In terms of access, the report does not include a crucial factor - the slope which significantly impacts on lack of visibility.
- Passing place - The passing place is beyond the curve at the peak of the slope, effectively behind the conifers on the right. There is no provision for pedestrians.
- It is an incorrect assumption in the report that the access lane does not lend itself to be driven at fast or even moderate speed and any user of the lane would automatically slow down and take care along the route. As a resident of the area for 25 years, I can testify that vehicles do not always 'slow down and take care along the route.' It is not a sharp bend and there are no traffic calming measures to ensure vehicles do not move at speed. Furthermore, health and safety issues usually arise, not from residents, but visitors, taxis, deliveries (of which there are numerous each day) all of which will potentially increase with additional occupancy on the cul-de-sac.
- The report states that there should not be an assumption that future occupiers would NOT be reckless or careless drivers or cause highway safety issues. Conversely, there should not be an assumption that future occupiers would NOT be reckless or careless drivers or cause highway safety issues.

Response to objection - The issues of access have been covered in the Officer Report. The development would provide 2 passing places which would be a betterment than the existing situation and bring about a benefit for existing and future occupiers. The development for 2 houses would be a relatively small scale development and would not generate significant levels of traffic significant to cause highway safety issues. In terms of speed, there is a 5mph speed limit sign on the entrance to the cul de sac and it should not be presumed that drivers would travel faster than this or not take precautions when manoeuvring the bend in the cul de sac. There are a number of examples of narrow lanes and blind spot bends in the Borough which are accessed on a daily basis and where drivers take due care and attention which should be no different to this situation. The access has been assessed by the Local Highway Authority and considered acceptable subject to conditions.

- The report states that the driveway parking would be comparative to other properties in this cul de sac. The existing properties have driveway parking to accommodate at least 5 cars, this statement is factually incorrect.
- The report assumes that each residence will have approximately 3 cars taking the planning amendments into consideration. This would mean an increase of 40% in the cul-de-sac which in statistical (and common sense) terms cannot be deemed as 'not significant.'

Response to objection - The parking provided for the proposed dwellings would comply with SPD11 - Car Parking Standards in Bury. Plot 2 could effectively provide parking for 4 cars. This is considered acceptable.

- The reports states that occupiers of both the existing and proposed dwellings would not be leaving or arriving at the same time and therefore additional traffic would be relatively insignificant. This is a huge assumption which is not based in evidence or fact. One resident from 17 leaves for work at 7 30 each morning, which is the exact same time a resident from number 21. We occasionally cross over with a neighbour from 19 who is returning from work. Two families make the school run and leave and arrive home at similar times. To suggest that communities do not leave or arrive home at the same time is ludicrous.

Response to objection - The objector states themselves that they occasionally cross over with a neighbour. There may be times when residents do leave/arrive home at the same time but practically and generally, leaving at the exact same time and to the exact minute of every day would likely be an unusual occurrence. Notwithstanding this, two houses would not significantly add to traffic movements to and from the cul de sac and if two or even three cars left together, the cars would follow out of the cul de sac as occurs on other small cul de sac type developments and situations.

- The report states that there would be adequate space to facilitate vehicles reversing out of the plots without encroaching neighbour's driveway. We provided evidence regarding the full extent of the driveway at Number 21 leading to questions as to why inaccurate information potentially favours the applicant.

Response to objection - The area referred to in front of No 21 as their driveway is part of the cul de sac and is not the driveway to No 21. This was confirmed by the extent of the red edge site location plan which was submitted by No 21 in their planning application to extend their property.

For this application, the submitted proposed site plan is therefore correct in showing the area in front of No 21 as cul de sac.

- We hope that the Planning Committee takes these points into consideration and can acknowledge that the information provided in the report giving

recommendations is not wholly accurate, leading to concerns for us around impartiality and bias towards one party.

- We appreciate that the committee cannot undertake a site visit for every planning application received, however, had one been undertaken, the above inaccuracies and the complexities of the site would have been wholly apparent and clear.

Response to objection - The planning process is one where development are assessed not only in line with national and local planning policies but where considerations of an application are weighed up to reach a conclusion as to whether or not a development would be acceptable.

The Officer Report has assessed each aspect of the proposed development and considered it against planning policies is acceptable. The Report is not there to present a bias opinion in favour of the applicant. The Report states the issues and addresses each in turn.

In conclusion, the proposed development is considered acceptable and therefore recommended for approval.