

AGENDA FOR

PLANNING CONTROL COMMITTEE

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To: All Members of Planning Control Committee

Councillors : K Thomas, M Hayes, J Walker, T Cummings, S Haroon, C Preston (Chair), R Skillen, J Harris, I Schofield, Y Wright, M D'Albert, S Nuttall and McGill

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, 13 November 2018
Place:	Peel Room, 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. The Head of Development Management will brief the Committee on any changes to be made to the Planning Applications since the publication of the Agenda. This information will be circulated to Members and made available to the public on the Council's website on the day of the meeting.
Notes:	Food will be available from 5.00 pm (Lancaster Room) Pre-meeting briefing/virtual site visits at 6.00 pm (Lancaster Room) Details of site visits/Member training will be circulated separately to Members and Officers.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Planning Control Committee are asked to consider whether they have an interest in any of the matters on the Agenda and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING *(Pages 1 - 4)*

To approve and sign as a correct record the minutes of the last meeting, held on 9 October 2018. A copy of the minutes are attached.

4 PLANNING APPLICATIONS *(Pages 5 - 134)*

5 DELEGATED DECISIONS *(Pages 135 - 148)*

A report from the Head of Development Management on recent delegated planning decisions since the last meeting of the Planning Control Committee.

6 PLANNING APPEALS *(Pages 149 - 158)*

A report from the Head of Development Management on recent planning appeal decisions, since the last meeting of the Planning Control Committee.

7 URGENT BUSINESS

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

Minutes of: PLANNING CONTROL COMMITTEE

Date of Meeting: 9th October, 2018

Present: Councillor C Preston (In the Chair)
Councillors A Cummings, M D'Albert, J Harris, S Haroon, M Hayes, G McGill, Y Wright, R Skillen, J Walker

Public attendance: 18 member of the public in attendance

Apologies for absence: Councillors Schofield, Nuttall & Thomas

PCC.193 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

PCC.194 MINUTES

Delegated decision:

That the Minutes of the meeting held on 4th September, 2018 be approved as a correct record and signed by the Chair.

PCC.195 PLANNING APPLICATIONS

A report from the Development Manager was submitted in relation to the applications for planning permission. Supplementary information was also submitted in relation to planning application 63006.

The Committee heard representations from applicants and/or objectors in respect of the applications submitted. This was limited to three minutes for each speaker.

Prior to the Committee meeting, a site visit took place in respect of planning application 63006.

Delegated decisions:

1. That the Committee **Approve** the following applications in accordance with the reasons put forward by the Head of Development Management in the report and supplementary information submitted and subject to the conditions included:-

63006 Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury – Ramsbottom & Tottington – Ramsbottom Ward

Conversion of agricultural building to a dwelling with extension and new access

Note: The Head of Development Management gave a verbal update to the Officer report presented:

The proposals have been assessed in relation to para. 146 of the NPPF and determines that the proposals represent engineering operations and infrastructure development within the Green Belt. The proposals do maintain the openness of the Green Belt and therefore is appropriate development within the Green Belt. The proposals therefore accord with the National Planning Policy Framework.

63144 24A Moreton Drive, Bury – Ramsbottom & Tottington – Ramsbottom Ward

Single storey extension at rear

PCC.196 DELEGATED DECISIONS

A report from the Head of Development Manager was submitted listing all recent Planning application decisions made by Officers using delegated powers.

Delegated decision:

That the report be noted.

PCC.197 PLANNING APPEALS

A report from the Head of Development Management was submitted listing all recent Planning Appeal decisions since the last meeting of the Planning Control Committee.

Delegated decision:

That the report be noted.

PCC.198 PLANNING ENFORCEMENT

A report from the Head of Development Management was submitted providing statistical information on Enforcement activity between 1st April, 2018 and 30th June, 2018.

Delegated decision:

That the report be noted.

PCC.199 TREE PRESERVATION ORDER CONFIRMATION

A report from the Head of Development Management was submitted which set out the issues relating upon the current temporary Tree Preservation Order (TPO) designated at Crow Lumb Wood, Ramsbottom.

The Committee heard a representation from an objector in respect of the Tree Preservation Order confirmation as detailed in the report. This was limited to three minutes for the speaker.

Delegated decision:

That the Planning Control Committee confirm the extant temporary Tree Preservation Order (No.343) designated as Crow Lumb Wood, Ramsbottom.

**CHAIR
COUNCILLOR C Preston**

(Note: The meeting started at 7.00 pm and ended at 7.50 pm)

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Title	Planning Applications
To:	Planning Control Committee
On:	13 November 2018
By:	Development Manager
Status:	For Publication

Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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, I have 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 Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Development Manager

Background Documents

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

01	Township Forum - Ward: North Manor	App No. 62715
	Location: 31 Quarlton Drive, Tottington, Bury, BL8 4JY	
	Proposal: Demolition of existing dwelling house and erection of replacement dwelling house with detached garage	
	Recommendation: Approve with Conditions	Site Visit: Y
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02	Township Forum - Ward: Prestwich - Sedgley	App No. 63054
	Location: Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY	
	Proposal: Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangement and addition of basement for use as storage and plant space	
	Recommendation: Minded to Approve	Site Visit: N
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03	Township Forum - Ward: North Manor	App No. 63100
	Location: Summerseat Football Ground, Waterside Road, Summerseat, Ramsbottom, Bury, BL9 5QL	
	Proposal: Siting of storage container with enclosure	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: Prestwich - Holyrood	App No. 63191
	Location: 4 Glebelands Road, Prestwich, Manchester, M25 1NE	
	Proposal: Change of use from House of Multiple Occupation (Class C4) to a nursery (Class D1 non-residential Institution); External alterations for vehicular access to a rear car park and drop off area; Resurfacing of car park and landscaping to gardens	
	Recommendation: Approve with Conditions	Site Visit: N
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05	Township Forum - Ward: Bury East - Moorside	App No. 63273
	Location: St Pauls C of E Primary School, Porritt Street, Bury, BL9 6LJ	
	Proposal: Siting of a single storey portakabin building to be used for meetings for a temporary period of 3 years.	
	Recommendation: Approve with Conditions	Site Visit: N
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06	Township Forum - Ward: Ramsbottom + Tottington - Tottington	App No. 63275
	Location: Land off Claybank Drive, (rear of Victoria Street), Tottington, Bury, BL8 4BU	
	Proposal: Erection of 3 no. dwellings with associated access off Claybank Drive	

Recommendation: Approve with Conditions

Site Visit: N

07 Township Forum - Ward: Bury East **App No.** 63312

Location: 35 Heywood Street, Bury, BL9 7EB

Proposal: Change of use from residential (Class C3) to 7 bed/9 person house of multiple occupation (HMO) (Sui Generis)

Recommendation: Approve with Conditions

Site Visit: N

08 Township Forum - Ward: Ramsbottom + Tottington - Tottington **App No.** 63322

Location: 25 Hilda Avenue, Tottington, Bury, BL8 3JE

Proposal: Single storey extension at rear

Recommendation:

Site Visit: N

Ward: North Manor

Item 01

Applicant: Mr Khawar

Location: 31 Quarlton Drive, Tottington, Bury, BL8 4JY

Proposal: Demolition of existing dwelling house and erection of replacement dwelling house with detached garage

Application Ref: 62715/Full

Target Date: 02/08/2018

Recommendation: Approve with Conditions

The application was deferred at the meeting of the Planning Control Committee on 31/7/18 to allow further clarification on the proposals to be sought and to arrange a site visit

Site visit Description

The application site contains a detached, two storey dwelling that sits within an L-shaped plot with a large expanse of garden located to the west of the dwelling. The dwelling is located at the head of the cul-de-sac (Quarlton Drive). The residential estate is depicted by detached dwellings set back from the main highway and is at a slightly elevated height compared to the highway that leads up to the site.

There is an existing driveway accessed directly off Quarlton Drive, which leads to a single storey garage that is attached to the main dwelling. There is garden space to the front, rear and sides of the dwelling with significant tree screening to the north and west of the rear garden.

There are residential properties to the east and west of the application site and open fields to the west of the garden associated with the application site. There is a public right of way along the northern boundary with a residential property and open fields beyond.

Planning permission is sought for the demolition of the existing dwelling and for the construction of a new detached dwelling and separate detached garage. The proposal is for a two storey dwelling with additional floorspace in the roofspace. The proposed dwelling includes a gable feature to the front elevation, which extends to the rear and side of the proposed dwelling, towards the north west boundary.

The new dwelling would maintain the set back from the main highway, with a double driveway proposed to the front that leads to a detached garage.

The main dwelling would be some 13.4m wide x 7.8m deep and ridge height of 8.3m. The rear of the dwelling would have a projecting element that goes at an oblique angle to the main dwelling reflecting the shape of the garden, projecting a further 7m rearwards, 5m in width and a ridge height of 9.4m.

The proposed garage would have a pitched roof design, and would be sited in the north east corner of the site. The proposed garage would reach a maximum height of approximately 4600mm. Garden areas are proposed to the front, side and rear of the dwelling.

The site forms part of Hawkshaw Village which is washed over by Green Belt.

Relevant Planning History

01901/E - Pre - app enquiry for replacement dwelling at 31 Quarlton Drive, Hawkshaw.
Enquiry completed - 09/11/2016

Publicity

13 letters were sent to the neighbouring properties on 07/06/2018.

2 letters (originally reported) have been received from the occupants of Bramley Fold Farm and 29 Quarlton Drive, which have raised the following issues:

- Would like assurance that the building does not come within 1 metre of the boundary fence of No. 29.
- How will the proposed drainage connect to the existing ordinary watercourse on the property which links to the drains to the north of the property boundary.
- Would like to ensure flow is not affected by the proposed work and that the risk of flood to properties is not increased.

The neighbouring properties and the objectors were notified of revised plans by means of a letter on 09/07/2018.

1 letter was received from the occupiers of No. 10 Quarlton Drive, which have raised the following issues:

- Will the new house be built on the height of the ground of the old one or will the land be levelled to street level.
- If the proposal is not lowered this would be extremely imposing.
- Lots of grey and glass in the design.
- Particular notice needs to be given to water problems, and field drains.
- Concerns relating to noise and dirt during construction period.

Further consultation was carried out in relation to additional planning statement having been submitted and drainage plan on 26/10/18.

The objectors have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - No objection subject to conditions requiring a Construction Management Plan and that access and driveway alterations are provided prior to the dwelling being occupied.

Drainage Section - No objections to the proposed development subject to a conditions requiring details of surface water drainage.

Public Rights of Way Officer - No objections.

Ecology Unit - No significant ecological constraints identified by ecological consultant. No objection subject to conditions requiring a new bat assessment if demolition does not commence before 30th April 2019, no tree works between 1st March and 31st August and the submission of a landscaping scheme.

Environmental Health - Contaminated Land - No objection subject to a condition requiring a contaminated land preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy and following this a condition that requires a remediation strategy and site verification report.

United Utilities (Water and waste) - No objections subject to a condition ensuring that surface and foul water shall be drained on separate systems in line with the hierarchy of drainage options in the National Planning Practice Guidance (NPPG).

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
OL7/2	West Pennine Moors
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN5/1	New Development and Flood Risk

EN7/3	Water Pollution
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
H1/2	Further Housing Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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) and 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 Policy 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.

Principle (Green Belt)

The application site is located in the Green Belt. Para 143 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSCs).

Para. 144 confirms that when considering a planning application, substantial weight should be given to harm to the Green Belt. VSCs will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within in;
- the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages,
- limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Should the development not form any of the exceptions then the application must demonstrate VSCs.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

Policy OL1/3 - Infilling in existing villages in the Green Belt seeks to ensure that infilling in

existing villages in the Green Belt is both in scale and would not affect its character or surroundings.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which provides further guidance and stating that replacement dwellings within the Green Belt should reflect the original dwelling in terms of massing, siting, area of footprint and height. To assist in what can be considered to be disproportionate, SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling acceptable and this can be applied when assessing whether the replacement is materially larger. However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The Application Case

The planning statement submitted with the application reported in July 2018 misquoted respective volume and floor areas. Since then the applicant has employed a planning consultant and a fresh statement submitted. The respective points and volumetrics have been reassessed and are represented. The application makes the case that:

Volumes:

Existing house with out buildings compared to proposed house with outbuildings	591.77	787.61	33.09%
without outbuildings	490.09	731.61	49.28%

Policy: If the case is found to be outside one of the NPPF exceptions within para.145 (replacement dwelling being materially larger or infilling development), then the development can still be approved if VSCs can be demonstrated, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other consideration (para 144 NPPF).

Saved UDP Policy OL1/2 regards new buildings in the Green Belt as inappropriate development with exceptions including replacement dwellings where the new dwelling is not materially larger than the one it replaces.

OL1/3 - Infilling in existing villages is permitted providing that there is no adverse impact upon character or surroundings and is in scale.

SPD 8 provides guidance on new buildings within the Green Belt. Extensions are discussed and states that the Council may allow the original volume to be increased by up to a third, however each proposal will be considered on its own merits.

The proposals are considered to be materially larger than the existing dwelling but not visually so in the context of its setting as the site is well screened, within a suburban village and within a street of properties that they themselves have been significantly extended.

The proposals could also be considered to be infill development as being within the Hawkshaw village boundary and the principle of this is supported in local and national policy terms.

The Court of Appeal decision *Turner v Secretary of State for Communities and Local Government* addresses the concept of openness of the Green Belt and states "14. The concept of openness in the Green Belt is not narrowly limited to the volumetric approach suggested by Mr Rudd [counsel for the Appellant]. The word "openness" is open textured and a number of factors are capable of being relevant when it comes to applying it to the

particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents."

Therefore the site context is an important factor to consider. The site is at the end of a residential cul-de-sac forming part of the built up village of Hawkshaw. To the rear the land slopes up and is bordered by a mature belt of trees, beyond which there is a farmhouse before the countryside begins. The site would be barely visible from the adjacent footpath and as such the replacement dwelling will have a limited visual impact on openness when viewed from the north. The site is hardly visible from the west with tall trees providing effective screen, Furthermore it is viewed in the context of the surrounding plots on Quarlton Drive and the village of Hawkshaw including significantly extended properties in more readily visible plots.

When viewed from the south looking north, the existing dwelling is prominent as a relatively small single dwelling at the top of Quarlton Drive and the replacement will be seen in the context of the street, be in the same plot position with similar massing, height and width. The main extended area would be to the rear and would only be partly visible from the front, be in keeping with minor variations to roof heights across the village.

The supporting statement goes on to say that the family has strong local connections in Hawkshaw and significantly contribute to community life and want very much to stay in the village with immediate family members. The applicant is a Governor at St Mary's School contributing to local events.

The application site is the only unextended property in the street and other extensions appear to increase more than the SPG guides.

Fall back permitted development rights exist and could extend the property by far greater amounts without the need for planning permission. The case goes on to demonstrate how more than double the volume of the original house could be constructed, albeit in a possibly less coherent way (888 cubic metres through various additions could be carried out).

In Summary:

- Replacement dwellings can be considered as appropriate as long as they are not materially larger than the one they replace; SPG 8 as a guide sets out one third additional volume as a guide but this is a guide not mandatory;
- Limited infilling can be supported;
- Volume alone is not the only consideration, context and location is material to the decision;
- Very Special Circumstances can be demonstrated in location terms , permitted development rights, the applicant's ties

all of which can outweigh the harm caused to Green Belt as a result of other material considerations.

Analysis

The policy position, considerations and requirements are set out earlier in this report. In considering the harm on openness, this should be given substantial weight (NPPF para 144).

In relation to the consideration of inappropriate development, the development would be both larger in volume, footprint and height than the current dwelling. As such the proposals are considered to be inappropriate development by being materially larger than the building that is to be replaced and therefore does not meet one of the exception test of NPPF Para 145. Given the above VSCs are required and have been provided by the applicant as described above.

In consideration of volumetrics, calculations show that the replacement dwelling would be 33.09% larger than the existing dwelling including outbuildings and 49.28% excluding outbuildings. The outbuildings exist and are therefore considered to be material to the calculations. Guidance within SPD8 sets out a consideration, but not decisive within itself, that a property can be extended by a third over and above the original volume. It follows that a replacement building would still be within the spirit of this consideration and indeed meets the guidance in one way (i.e. including outbuildings, but not when outbuildings are excluded). Even taking a more conservative view, the site's context and VSCs must also be considered.

The proposed dwelling would be between 0.8m and 1.9 metres higher than the one it replaces, at the highest point and would sit both positionally and vertically in the same position of the existing dwelling.

The replacement building would still maintain an impression of a two storey dwelling with the roof and loft space formulating a feature gable utilised to provide the additional living accommodation required. The dwelling maintains a set back from the road and is located centrally within the plot replicating the position of the existing dwelling at the head of the cul-de-sac.

There are a mixture of materials present within the immediate street scene and as such it is considered that the use of render, and facing brickwork would be in keeping with the mixed character of the surrounding residential estate. In addition to this, the dwelling is located within a developed housing estate washed over by Green Belt and not located within an isolated position. Within the immediate context of this street, it has an urban rather than rural feel and the open countryside is not a character of the immediate context within this street.

Boundaries to the wider, more rural qualities and character of the Green Belt are well defined by mature trees and indeed the site is not that visible, nor would the development be visible from surrounding land or publicly accessible areas nor from land associated with Green Belt characteristics, such as openness. However, there is concern that part of the proposals seeks to remove trees in the vicinity of the garage and part of the northerly boundary. This appears to be unnecessary and as the tree screening forms part of the applicant's case in terms of VSCs, then a condition should be imposed to require a tree protection scheme, replanting scheme and landscaping scheme.

The new dwelling would have an outrigger to the rear and whilst the roof and floor levels within 'step up' as a result of land form, this would not be especially visible to either the street or beyond the site itself. The main roof to the immediate street face would be taller than the existing dwelling, but the position of the dwelling, relationship to neighbouring dwellings and contextual considerations are that the harm on the openness is clearly outweighed by other considerations.

It is noted that SPD 8 states that garages are an urban addition, not usually acceptable within Green Belt locations. However as previously stated the site is located within an established residential development and it is not uncommon to expect outbuildings and garages within this context. The proposed garage is located to the rear of the site, and would be largely screened from public views by the proposed dwelling. The proposed garage would have a pitched roof, and would be constructed from materials to match the proposed dwelling and would have no impact upon the openness of the Green Belt and is therefore considered to be acceptable.

In this instance it is considered that the proposal would comply with NPPF paragraphs 143 to 145, OL1/2 - New Buildings in the Green Belt, OL1/3 - Infilling in existing villages in the Green Belt and Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt by demonstrating that very special circumstances both exist and that they clearly outweigh the harm caused by inappropriate development and would

therefore not impact on the openness of the Green Belt.

Design and Layout

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The replacement dwelling would be within an established residential street with the immediate street scene depicted by detached dwellings, set back from the highway with gardens and parking to the front. There have been a number of extensions and alterations to the dwellings within the immediate vicinity of the site, and as such no one style of property prevails. Of particular note are the contemporary additions to No. 13 Quarlton Drive which include rendered elevations and a glazed entrance, and the partial demolition and extension of No. 7 Hawkshaw Lane which has led to a dwelling of cuboidal form.

The proposed dwelling would occupy a similar position to the footprint of the existing property, centrally within the site at the end of a cul-de-sac maintaining the existing character of the street scene. The proposal seeks to use a mixture of materials, with render, glazing elements and brickwork proposed. The proposed windows are suitably aligned, and the large expanses of glazing have been restricted to the rear elevation so that they are not visible from public vantage points. Due to the mixture of materials, and additions to the dwellings visible within the immediate vicinity of the site the use of materials and contemporary design of the proposal is considered to be acceptable in this context.

The proposed dwelling would retain the form of a two storey detached dwelling, utilising the loft space to create a second floor. The proposed dwelling has a pitched roof gable feature to the front and due to the natural topography of the site the gable feature steps up at the rear, turning towards the north west boundary. The dwelling has been designed to reflect the topography and shape of the site and as such, whilst the gable element does increase in height towards the rear of the property, this would largely be screened from the main street and public view points by the proposed front elevation of the dwelling.

As pointed out within the earlier part of the report, in order to ensure that there would be no undue impact upon the characteristics that the development seeks to support its case for VSCs, a condition should be imposed to ensure that tree retention is imposed and that there should be no extensions carried out under permitted development without first approval by the Local Planning Authority.

The proposal is therefore considered acceptable in terms of visual amenity and complies with UDP Policies H2/1- The Form of New Residential Development, EN1/2 - Townscape and Built Design and H2/2 - The Layout of New Residential Development.

Impact on Residential Amenity

UDP Policy H2/1 seeks to ensure that the position and proximity of proposals does not impact on the residential amenity of neighbouring properties. 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.

Due to the orientation of the site in relation to the neighbouring properties, the proposal is set behind the side walls of No. 12 and No. 29 Quarlton Drive, as such it is considered that the proposal would not impact on the principal front and rear elevations of the immediate neighbours.

The proposed front windows would have an onward view of the highway rather than existing residential dwellings, with no directly facing habitable room windows within 20 metres complying with aspect standards contained within SPD 6. The closest dwelling to the rear of the site is Melrose. This property is located approximately 21 metres from the proposed rear elevation and as such, exceeds the 20 metre aspect standards required by SPD 6. The large rear glazing relating to the living area at ground floor, master bedroom at first floor and bedroom at second floor are recessed within the walls of the dwelling and would have an onward view of fields rather than gardens or dwellings and are therefore considered to be acceptable.

There is a single ground floor window facing towards the boundary with No. 29. The principal window for this space would be located on the front elevation, with boundary treatments also providing a screen as such no detrimental loss of privacy is expected from this window. The first floor windows facing towards the boundary with No. 29 relate to an ensuite, which is a non-habitable room, and secondary windows for the guest bedroom. As the windows are narrow secondary windows, or relate to a non-habitable room no overlooking is foreseen. No windows are proposed at second floor facing towards the boundary with No. 29.

No side windows are proposed facing towards the boundary with No. 12. Due to the nature of rooflights, no overlooking is foreseen from the side and front rooflights proposed.

The proposed garage is located adjacent to the boundary with No. 12, adjacent to the front corner of the side garden of this property. The garage is located away from the principal elevations of the adjacent dwelling, adjacent to the corner of the side garden, and to the west of the shared boundary limiting any impact in terms of overshadowing. As such, the location of the proposed garage is considered to be acceptable.

In this instance it is considered that the proposal complies with UDP Policy H2/1- The Form of New Residential Development.

Highways

Public footpath no. 3 Tottington runs along the outside of the northern boundary of the red edged site. As there appears to be no proposals to carry out works to this boundary no objections have been raised by the public rights of way officer.

Policy HT2/4 - Car Parking and New Development requires all applications for development to make adequate provision for their car parking and servicing requirements. The proposal seeks provision for a driveway to the front, and side of the dwelling. During the application process amendments to the access to the site have been sought, to ensure that the existing lighting column and the access to no. 12 are not impeded. As a result of these amendments no objections have been raised by the Traffic Section subject to conditions requiring a Construction Management Plan and that access and driveway alterations are provided prior to the dwelling being occupied. As such the proposal is considered to comply with UDP Policy HT2/4.

Drainage

There is an ordinary watercourse adjacent to the plot which would, in accordance with NPPF guidance, be a suitable place to put the surface water discharge created by the development. The applicant would need to apply for Ordinary Watercourse Consent to do this. It is considered by the Council's Drainage Engineer that it is unlikely that this would have any adverse effect and the applicant is obliged to check the suitability of this method of surface water drainage in securing such consent. As such a condition has been attached to ensure that details of surface water drainage are based on the hierarchy of drainage options in the National Planning Practice Guidance and would be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

Any drainage scheme should include separate foul and surface water disposal rather than

replicating the existing combined system. It is considered that United Utilities would refuse to take any surface water unless the exercise to investigate disposal of surface water via the ordinary watercourse has been undertaken.

Ecology

Greater Manchester Ecology Unit have been consulted as part of the application process and noted that no significant ecological constraints were identified by the developer's ecological consultant.

An assessment and two emergence surveys failed to find any evidence of bats roosting within the property. It was therefore concluded the property was low risk, however should demolition not commence before the 30th April 2019 then the building will need to be reassessed. An informative will also be added to ensure that if a bat is found during demolition works the applicant is aware that Natural England should be contacted.

The building was assessed and confirmed as not providing bird nesting opportunities but tree and shrubs lost as part of the development had potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition will therefore be attached to ensure no works to trees or shrubs between the 1st March and 31st August.

Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. The development will result in the loss of a number of trees and shrubs, primarily semi-mature, ornamental and non-native. GMEU are therefore satisfied that the overall impact is negative at the site level only, and can be mitigated through new soft landscaping associated with the property. A landscaping scheme will be conditioned.

Neighbour Objections

The front corner of the proposed dwelling is the closest part of the dwelling to the boundary with No. 29. The proposed site plan shows a distance of approximately 1.2 metres is provided. The impact of the proposal on the residential amenity of No. 29 has been assessed within the main body of the report.

The Council's Drainage Engineer, and United Utilities have been consulted as part of the application and have recommended a condition be attached that requires that details of surface water drainage are based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) rather than replicating the existing combined system. This scheme will be required prior to commencement of development and the suitability of the scheme will be assessed by the required consultees.

Site sections have been provided with the application which show that the levels of the site will be maintained as existing. The impact of the proposal in terms of visual amenity has been assessed within the main body of the report. Problems arising from the construction period of any works eg noise and dust are covered by the Control of Pollution Acts, and as such are non-material planning considerations not relevant to the decision.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 303BUR-111, 303BUR-100, 303BUR-101H, 303BUR-102, 303BUR-103, 303BUR-104, 303BUR-105E, 303BUR-106E, 303BUR-107D, 303BUR-108C, 303BUR-109 and 303BUR-110 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
 - Hours of operation and number of vehicle movements;
 - Parking on site or on land within the applicant's control of operatives' vehicles together with storage on site of demolition/construction materials.
 - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policies H2/2 - The Layout of New Residential Development and HT2/4 Car Parking and New Development of the Bury Unitary Development Plan.

4. The proposed access and driveway alterations indicated on approved plan reference 303BUR-101 Revision H, incorporating the provision of a footway crossing extension, all associated highway remedial works and 5.0m minimum length hardstanding in a porous paving material, shall be implemented prior to the dwelling hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
5. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first

occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

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

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/1 Visual Amenity, H2/1- The Form of New Residential Development and Supplementary Document 8 - New Buildings and Associated Development in the Green Belt.

7. If the demolition hereby approved does not commence before the 30th April 2019, the building will need to be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active birds are present.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

9. A landscaping scheme, including hard landscaping proposals, shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

10. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed

Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

11. Following the provisions of Condition 10 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

12. Notwithstanding the trees shown to be removed, as indicated on the proposed site layout plan 303BUR-101, no trees shall be removed from the site unless and until a tree survey has been carried out and includes a replacement/mitigation tree planting scheme, has submitted to the Local Planning Authority for approval. The proposals shall show only those trees that are necessary to facilitate the development and in consideration for those trees removed, a replanting mitigation scheme to replace those lost, with the particular objective to maintain a screen cover of the site along the northerly boundary of the site. The development shall be carried in accordance with the approved scheme only and any trees replanted as part of the mitigation that become diseased, removed or die within 5 years of first planting, shall be replaced by similar replacement specimens. The tree replacement/mitigation shall be carried out within 12 months of the substantially completed shell of the building.

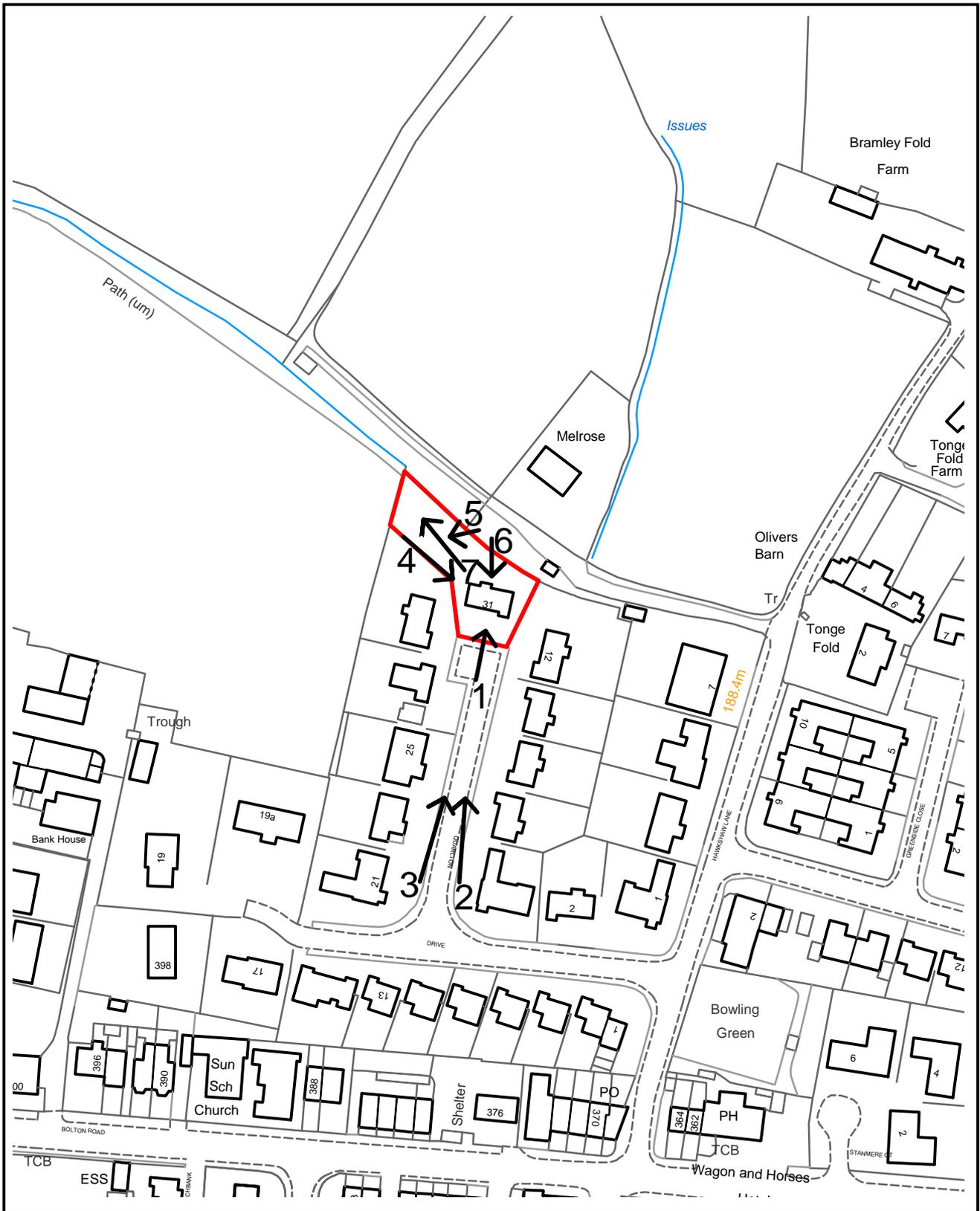
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan and in consideration of the Very special Circumstances of the site as described within Paras 143 to 145 of the NPPF.

13. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

For further information on the application please contact **Helen Goldsbrough** on **0161 253 5432**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62715

ADDRESS: 31 Quarlton Drive
Tottington

Planning, Environmental and Regulatory Services

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62715

Photo 1



Photo 2



62715

Photo 3



Photo 4



62715

Photo 5



Photo 6



62715

Photo 7



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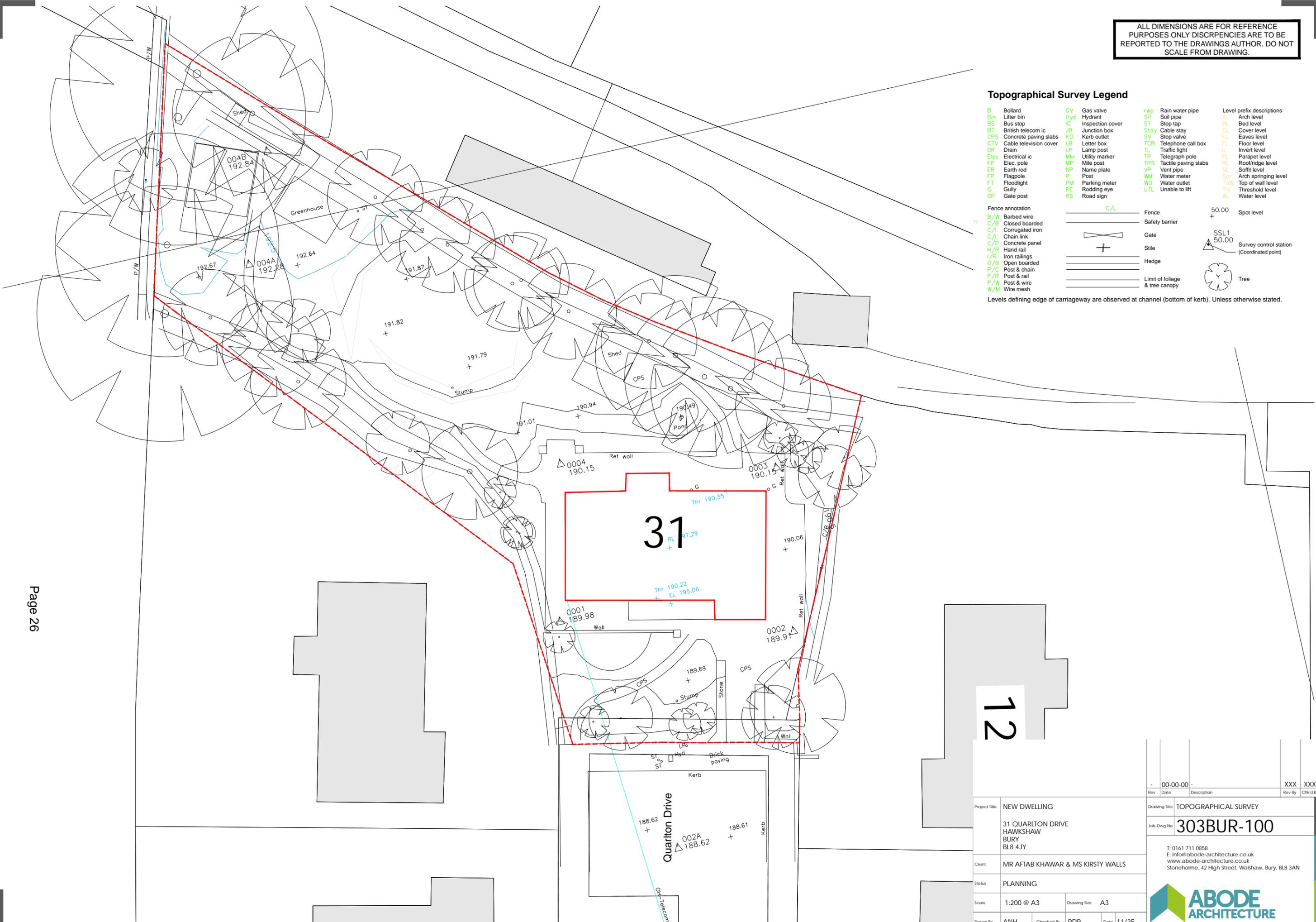
Topographical Survey Legend

B	Bollard	GV	Gas valve	rwp	Rain water pipe		Level prefix descriptions
Bin	Litter bin	Hyd	Hydrant	SP	Soil pipe	AL	Arch level
BS	Bus stop	IC	Inspection cover	ST	Stop tap	BL	Bed level
BT	British telecom ic	JB	Junction box	SV	Cable stay	CL	Cover level
CPS	Concrete paving slabs	KO	Kerb outlet	SV	Stop valve	EL	Eaves level
CTV	Cable television cover	LB	Letter box	TCB	Telephone call box	FL	Floor level
DR	Drain	LP	Lamp post	TL	Traffic light	IL	Invert level
Elec	Electrical ic	Mkr	Utility marker	TP	Telegraph pole	PL	Parapet level
EP	Elec. pole	MP	Mile post	TPS	Tactile paving slabs	RL	Roof/ridge level
ER	Earth rod	NP	Name plate	VP	Vent pipe	SL	Soffit level
FP	Flagpole	P	Post	WM	Water meter	Spr	Arch springing level
FT	Floodlight	PM	Parking meter	WO	Water outlet	ToW	Top of wall level
G	Gully	RE	Rodding eye	UTL	Unable to lift	Thr	Threshold level
GP	Gate post	RS	Road sign			WL	Water level

Fence annotation	C/L	Fence	50.00	Spot level
B/W	Barbed wire	+	+	+
C/B	Closed boarded	—	—	—
C/I	Corrugated iron	—	—	—
C/L	Chain link	—	—	—
C/P	Concrete panel	—	—	—
H/R	Hand rail	+	+	+
I/R	Iron railings	—	—	—
O/B	Open boarded	—	—	—
P/C	Post & chain	—	—	—
P/R	Post & rail	—	—	—
P/W	Post & wire	—	—	—
W/M	Wire mesh	—	—	—

Gate	SSL1	Survey control station
Stile	50.00	(Coordinated point)
Hedge		
Limit of foliage & tree canopy		
Tree		

Levels defining edge of carriageway are observed at channel (bottom of kerb). Unless otherwise stated.



Rev	Date	Description	XXX	XXX
-	00-00-00	-		

Project Title	NEW DWELLING
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS
Status	PLANNING
Scale	1:200 @ A3
Drawing Size	A3
Drawn By	ANH
Checked By	PDP
Date	11/25

Drawing Title: TOPOGRAPHICAL SURVEY
 Job-Dwg No: 303BUR-100

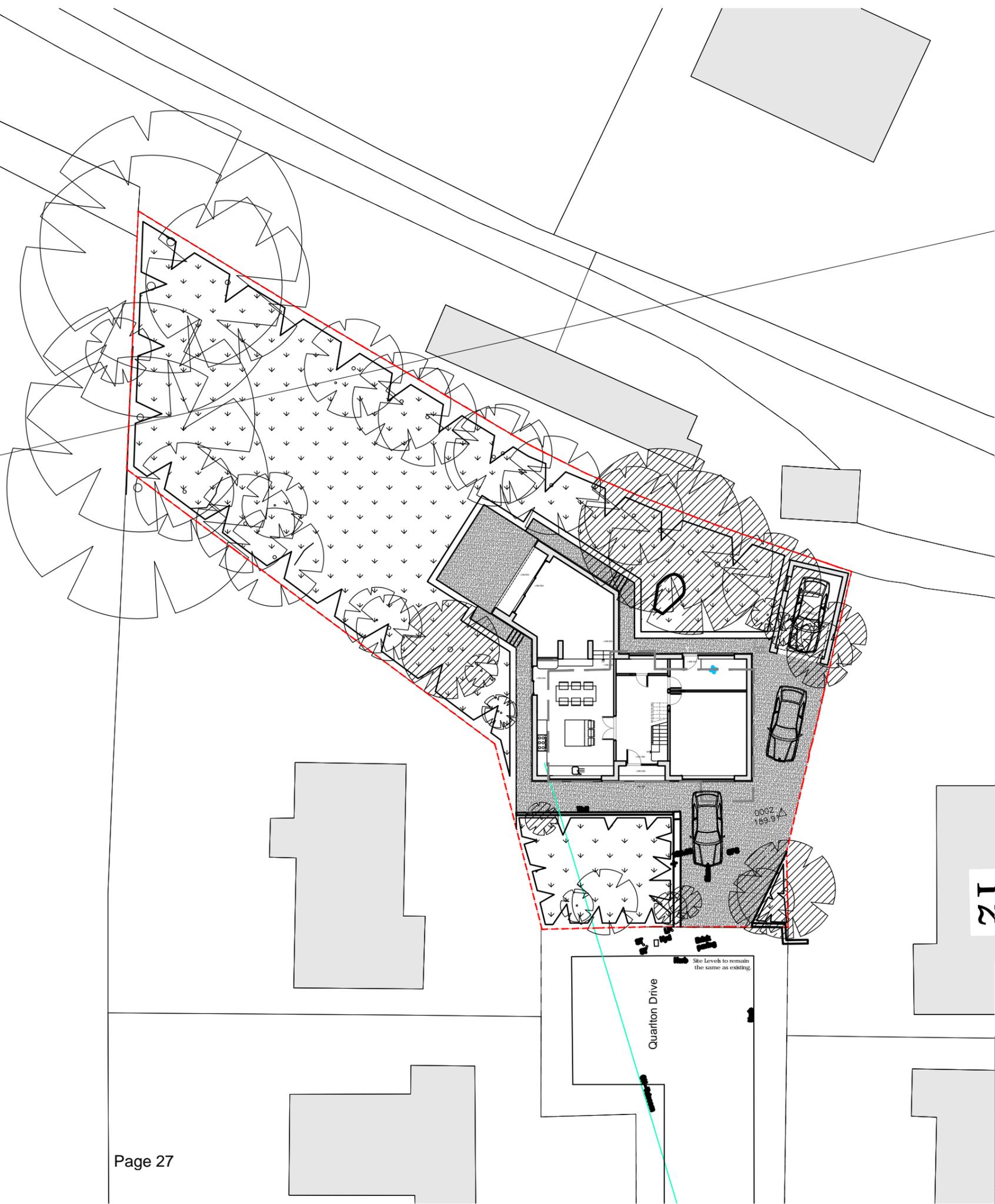
T: 0161 711 0858
 E: info@abode-architecture.co.uk
 www.abode-architecture.co.uk
 Stoneholme, 42 High Street, Walshaw, Bury, BL8 3AN

ABODE ARCHITECTURE

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-  Existing tree's to be removed.
-  Existing tree's to be retained.
-  Landscaping.
-  Drive & patio.



Rev	Date	Description	Rev By	Chk'd By
H	12-07-18	Low level wall to right of drive retained to suit highways comments.	PDP	PDP
G	06-06-18	Site plan had lines removed to be less confusing.	ANH	PDP

12

Site Levels to remain the same as existing.

Quarlton Drive

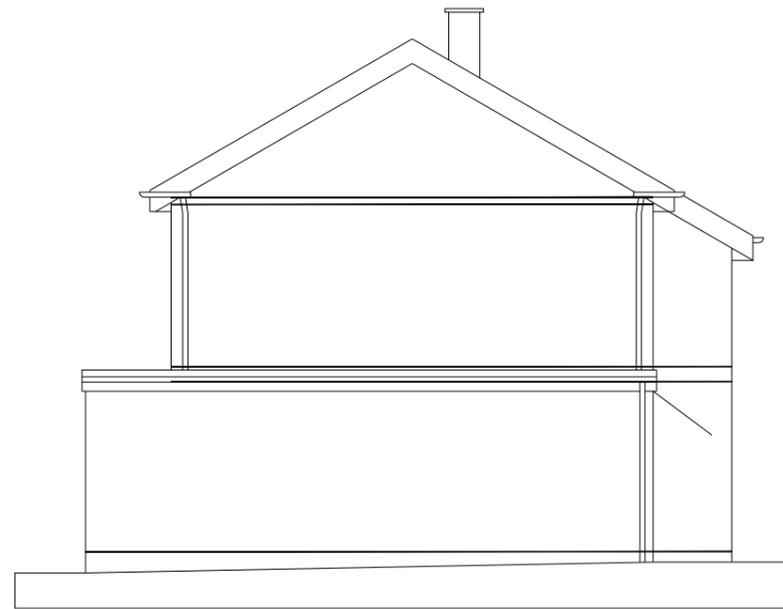
Project Title	NEW DWELLING		
	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		
Status	PLANNING		
Scale	1:200 @ A3	Drawing Size	A3
Drawn By	ANH	Checked By	PDP
		Date	11/25

Drawing Title	PROPOSED SITE PLAN
Job-Dwg No	303BUR-101H
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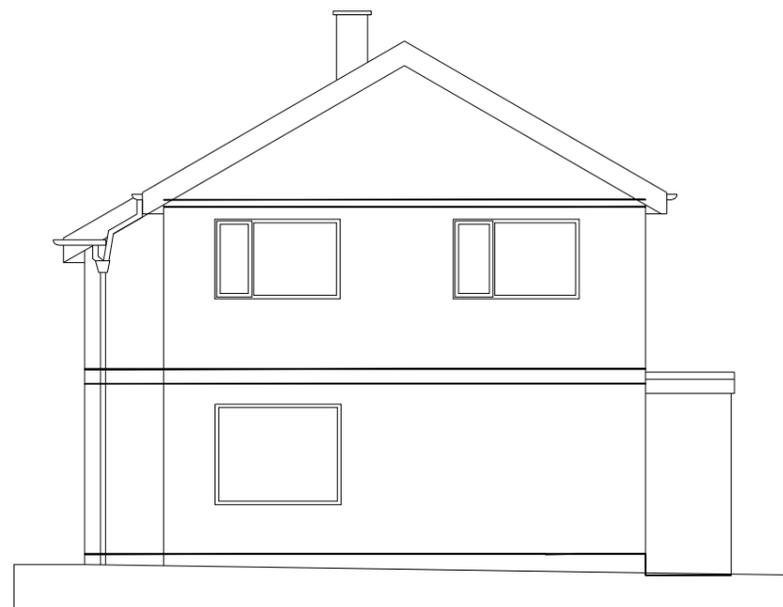
EXISTING FRONT ELEVATION (1:100)



EXISTING GABLE ELEVATION (1:100)



EXISTING REAR ELEVATION (1:100)



EXISTING GABLE ELEVATION (1:100)

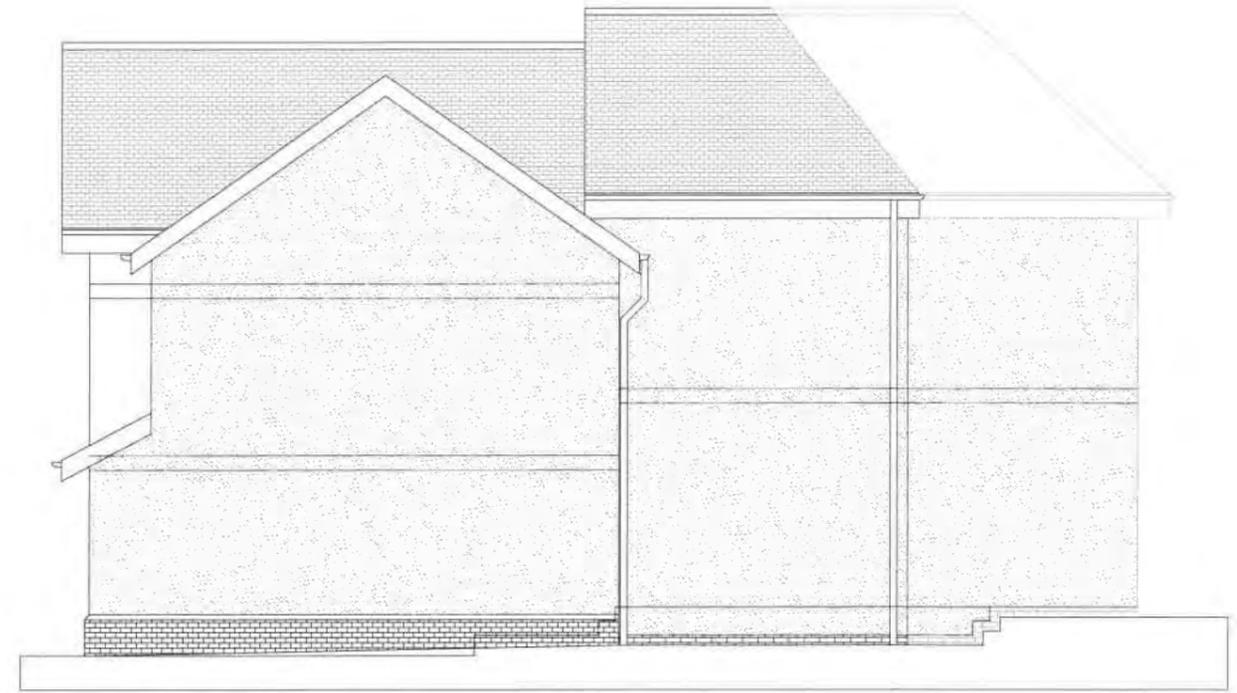
Project Title		NEW DWELLING		Drawing Title		EXISTING ELEVATIONS	
Client		MR AFTAB KHAWAR & MS KIRSTY WALLS		Job Dwg No		303BUR-103	
Status		PLANNING		T: 0161 711 0858		E: info@abode-architecture.co.uk	
Scale		1:100 @ A3		www.abode-architecture.co.uk		Stoneholme, 42 High Street, Walshaw, Bury, BL8 3AN	
Drawing Size		A3		Drawn By		ANH	
Checked By		PDP		Date		11/25	
Rev		Date		Description		Rev By	
-		00-00-00		-		XXX XXX	



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PROPOSED FRONT ELEVATION (1:100)



PROPOSED GABLE ELEVATION (1:100)

Rev	Date	Description	Rev By	CHK'D By
D	22-02-18	Wall stepped back and roofs amended to suite.	ANH	PDP
C	24-01-18	Velux windows removed on the right hand side of the building.	ANH	PDP
B	19-01-18	Ridge height extended up.	ANH	PDP

Project Title	NEW DWELLING		Drawing Title	PROPOSED ELEVATION - SHEET 1		
	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		Job-Dwg No	303BUR-107D		
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		T: 0161 711 0858 E: info@abode-architecture.co.uk www.abode-architecture.co.uk Stoneholme, 42 High Street, Walslow, Bury, BL8 3AN			
Status	PLANNING					
Scale	1:100 @ A3	Drawing Size				A3
Drawn By	ANH	Checked By				PDP

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PROPOSED REAR ELEVATION (1:100)



PROPOSED GABLE ELEVATION (1:100)



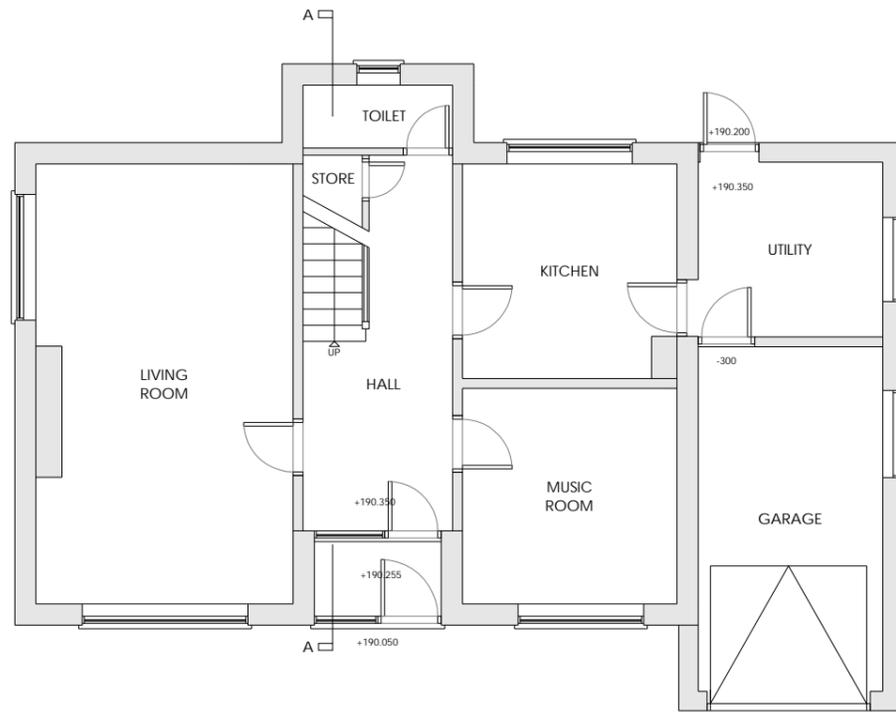
PROPOSED FEATURE NORTH WEST FACING ELEVATION (1:100)

Rev	Date	Description	Rev By	Chk'd by
C	24-01-18	Velux on the rear elevation removed and Velux on the gable and feature elevation moved to suite new location.	ANH	PDP
B	19-01-18	Ridge height extended up.	ANH	PDP

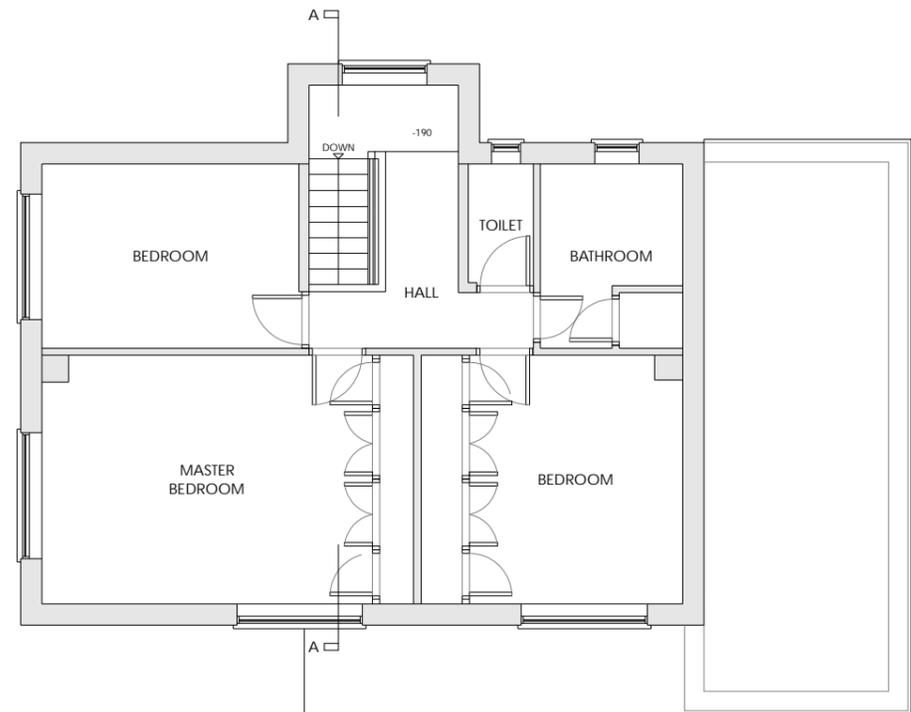
Project Title	NEW DWELLING		
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		
Status	PLANNING		
Scale	1:100 @ A3	Drawing Size	A3
Drawn By	ANH	Checked By	PDP
Date	11/25		

Drawing Title: PROPOSED ELEVATION - SHEET 2
 Job-Dwg No: 303BUR-108C
 T: 0161 711 0858
 E: info@abode-architecture.co.uk
 www.abode-architecture.co.uk
 Stoneholme, 42 High Street, Wathaw, Bury, BL8 3AN

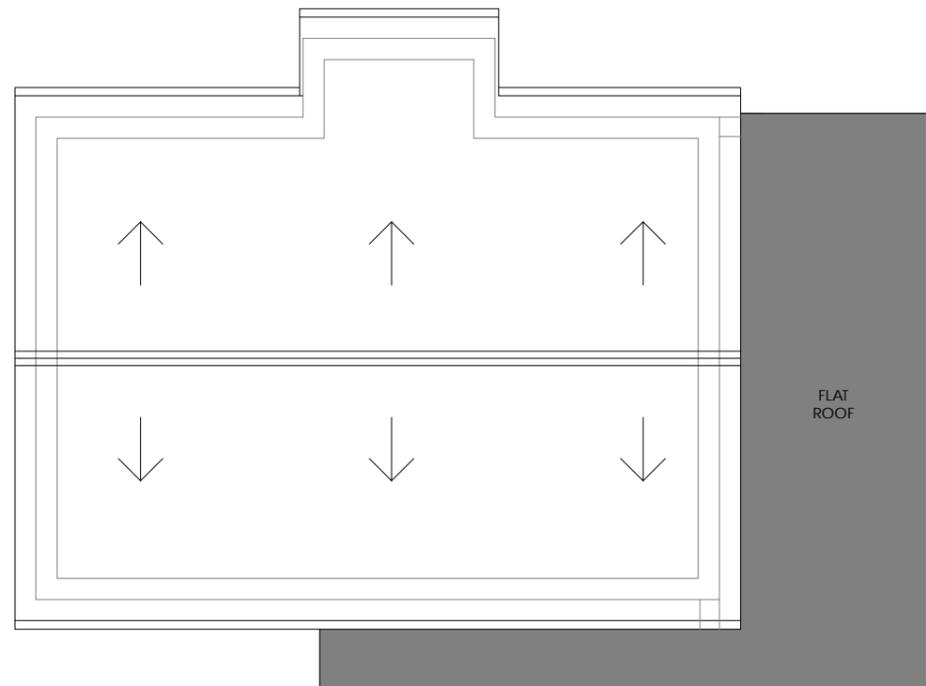
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EXISTING GROUND FLOOR PLAN (1:100)



EXISTING FIRST FLOOR PLAN (1:100)

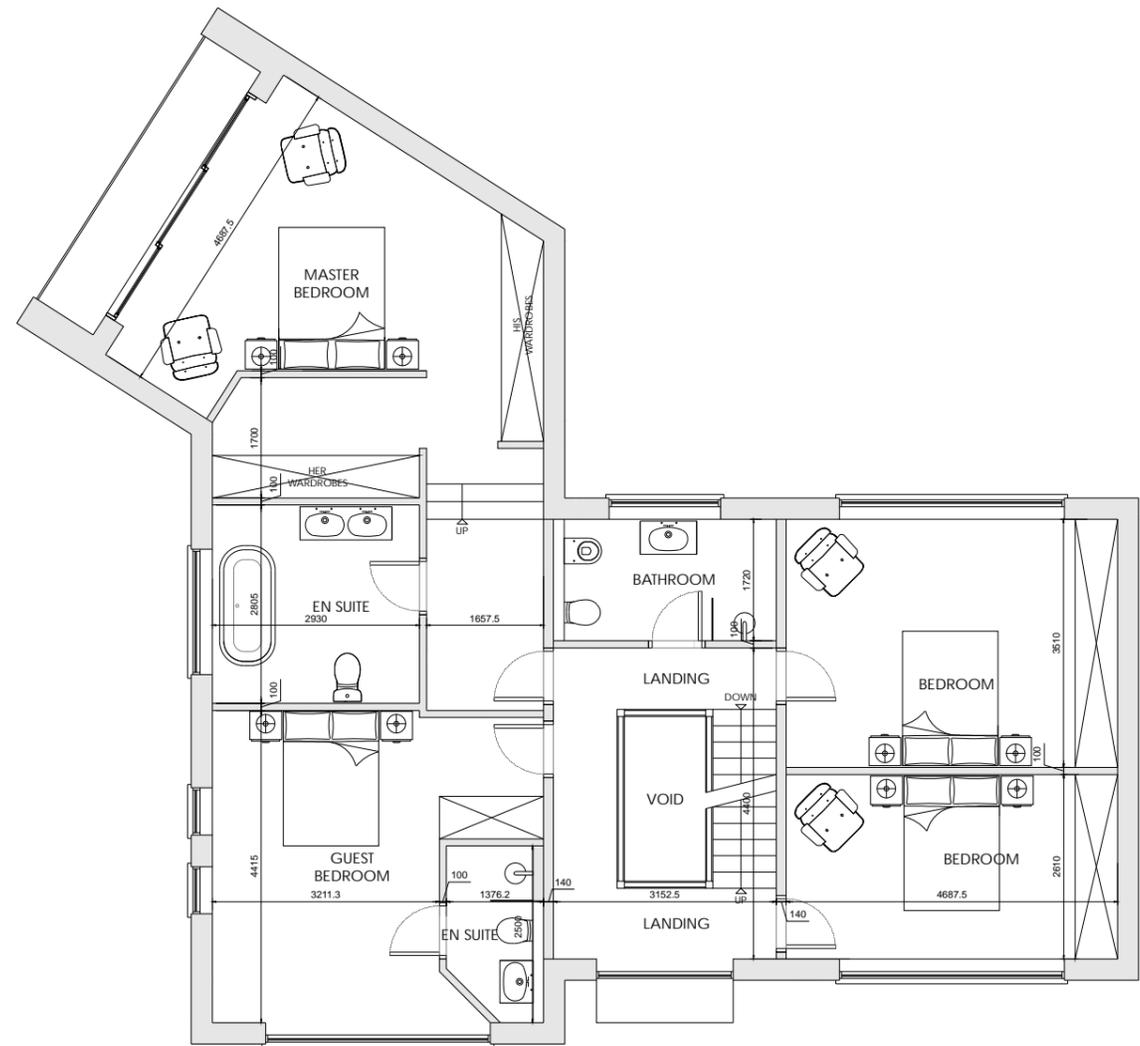
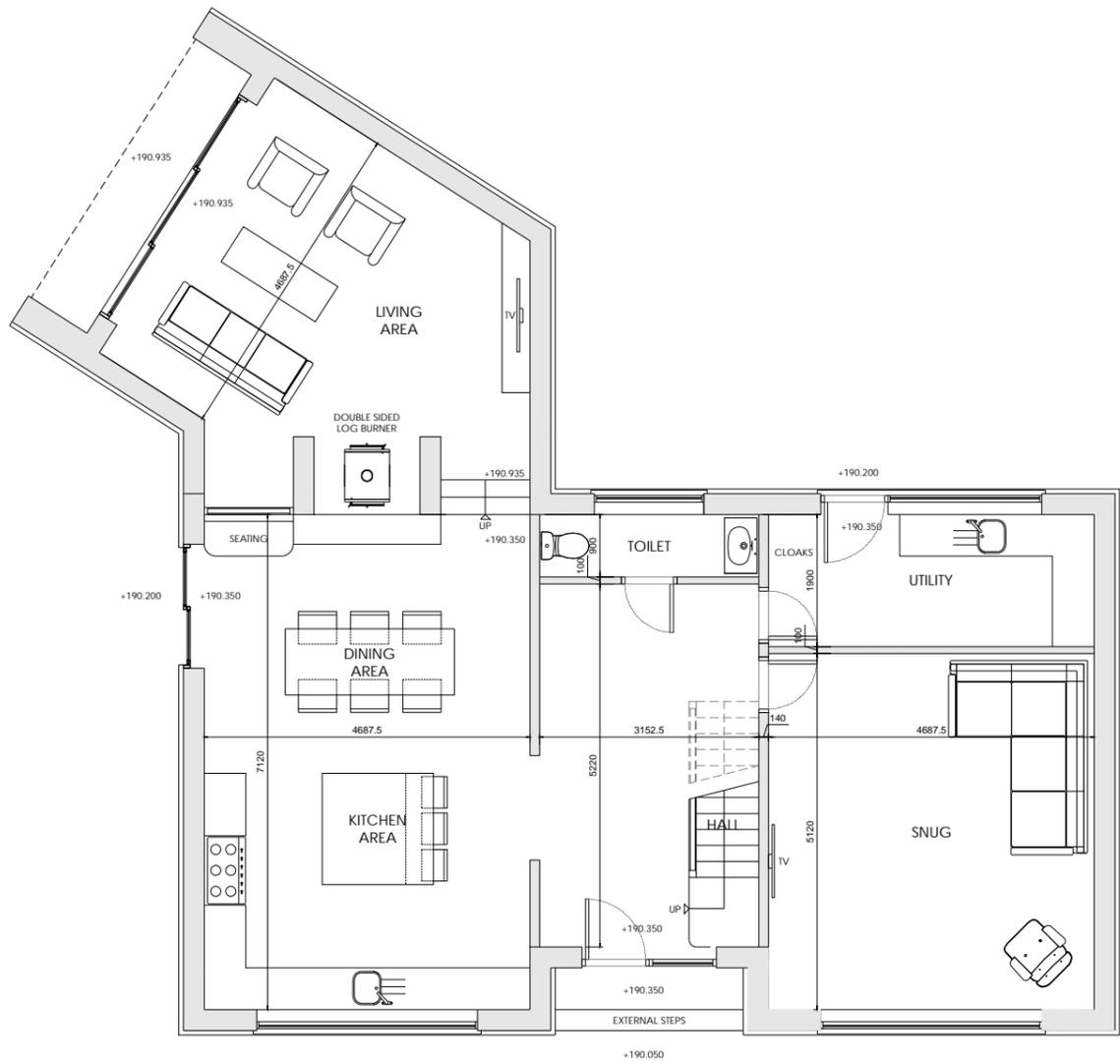


EXISTING ROOF PLAN (1:100)

Project Title	NEW DWELLING		Drawing Title	EXISTING PLANS
Client	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		Job-Dwg No	303BUR-102
Status	PLANNING		T: 0161 711 0858 E: info@abode-architecture.co.uk www.abode-architecture.co.uk Stoneholme, 42 High Street, Walshaw, Bury, BL8 3AN	
Scale	1:100 @ A3	Drawing Size	A3	
Drawn By	ANH	Checked By	PDP	Date 11/25



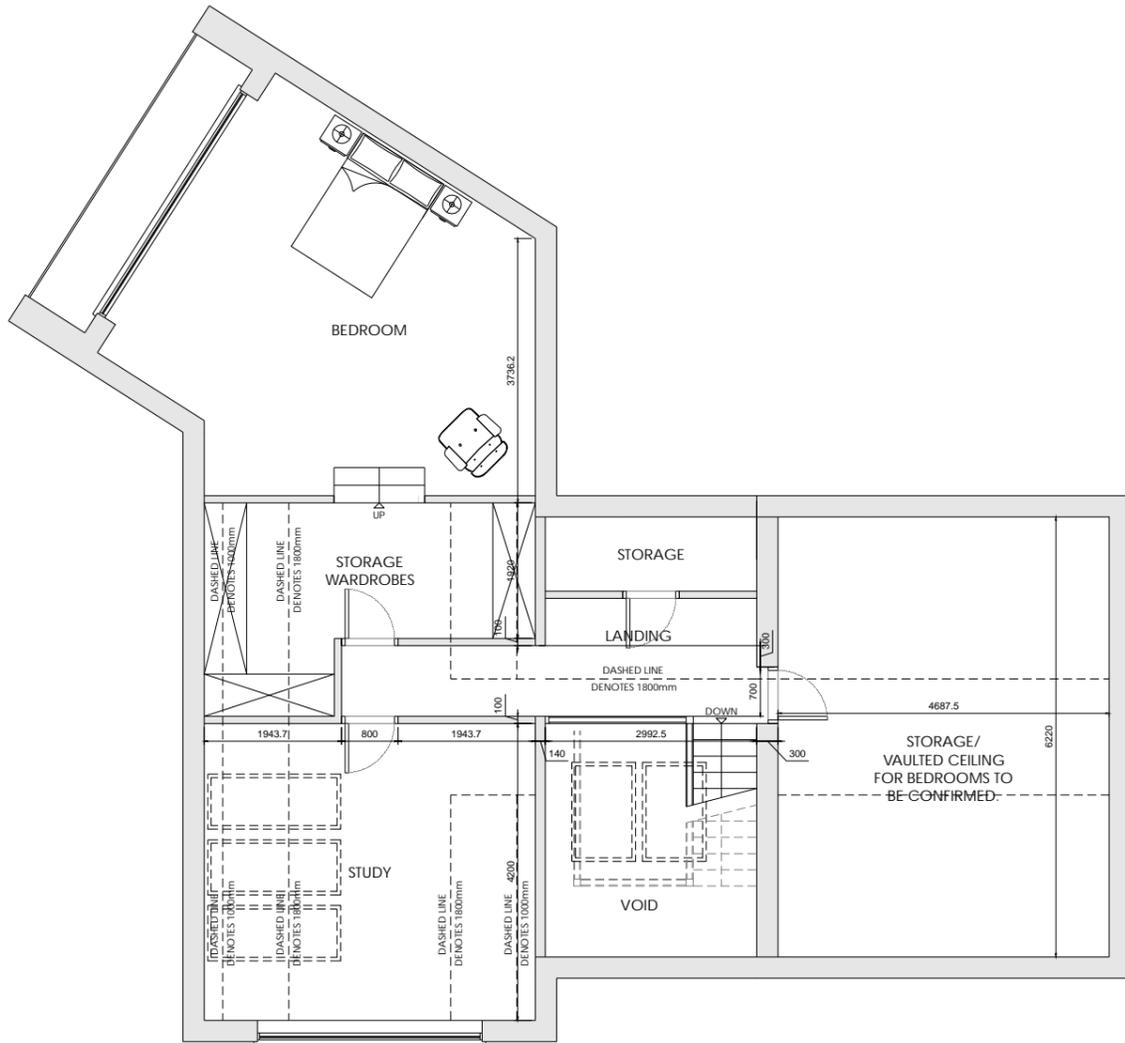
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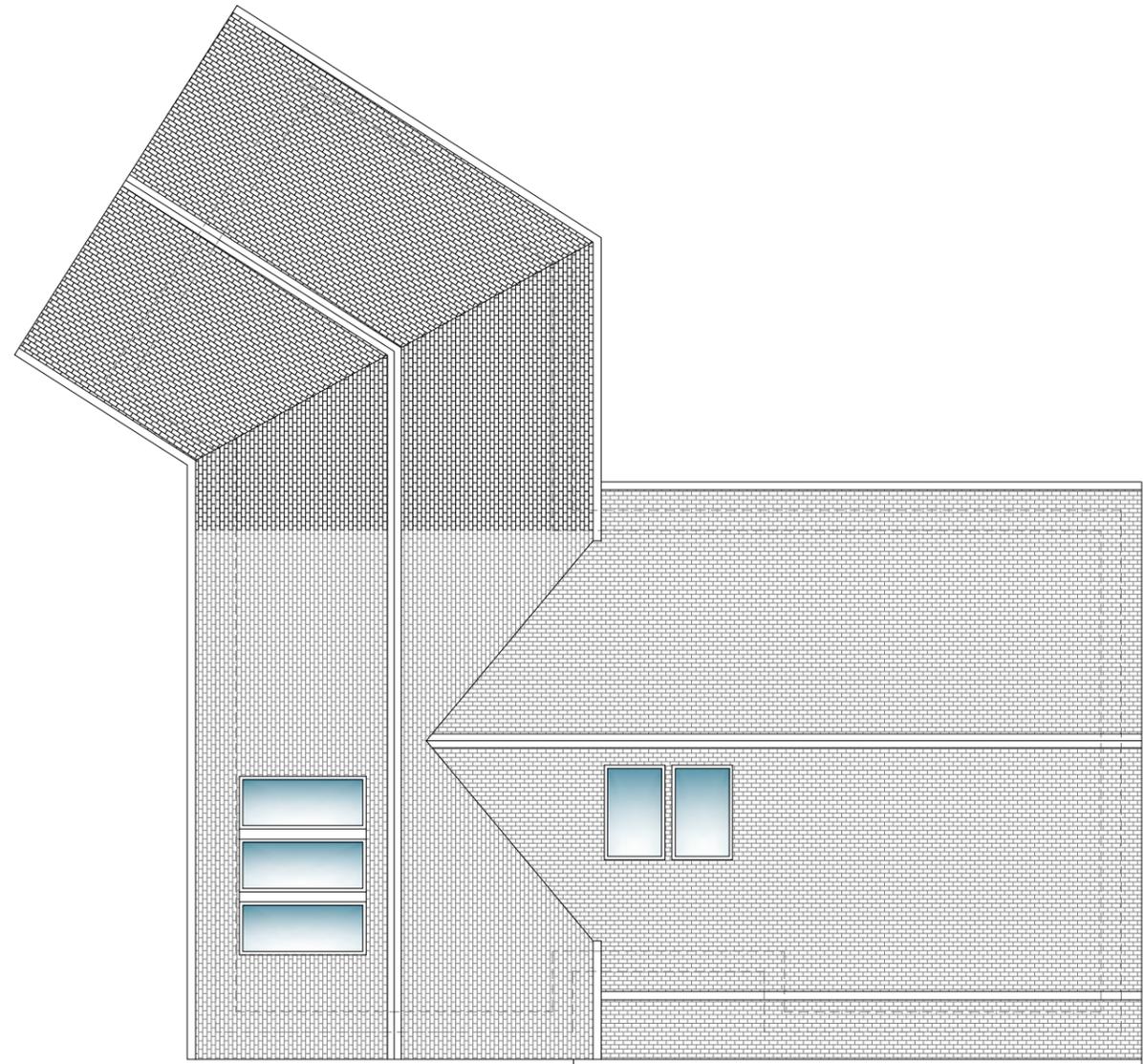
Rev	Date	Description	Rev By	Chk'd By
E	17-04-18	Bathroom had bath removed and wet room added, Master en-suite had shower removed.	ANH	PDP
D	22-02-18	Wall moved back on first floor.	ANH	PDP
B	19-01-18	Two steps removed into master bedroom	ANH	PDP

Project Title	NEW DWELLING		Drawing Title	PROPOSED GROUND & FIRST FLOOR PLAN	
	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		Job/Dwg No	303BUR-105E	
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		T: 0161 711 0858 E: info@abode-architecture.co.uk www.abode-architecture.co.uk Stoneholme, 42 High Street, Walshaw, Bury, BL8 3AN		
Status	PLANNING				
Scale	1:100 @ A3	Drawing Size			
Drawn By	ANH	Checked By	PDP	Date	11/25

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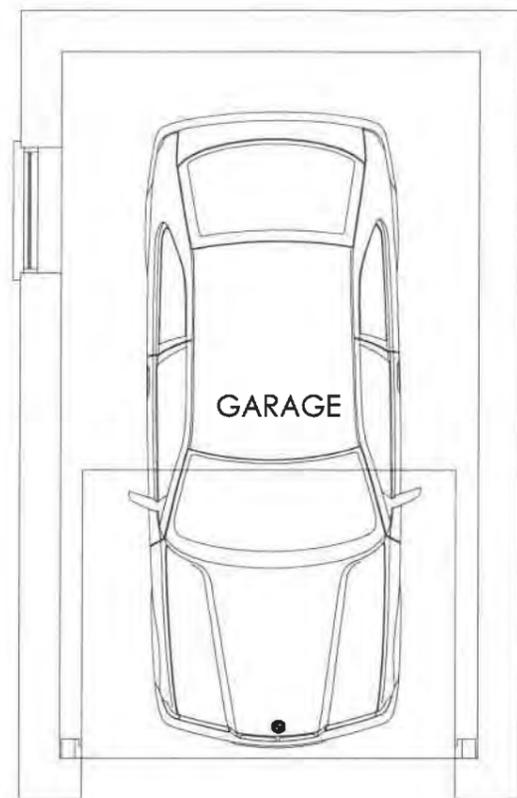
PROPOSED SECOND FLOOR PLAN (1:100)



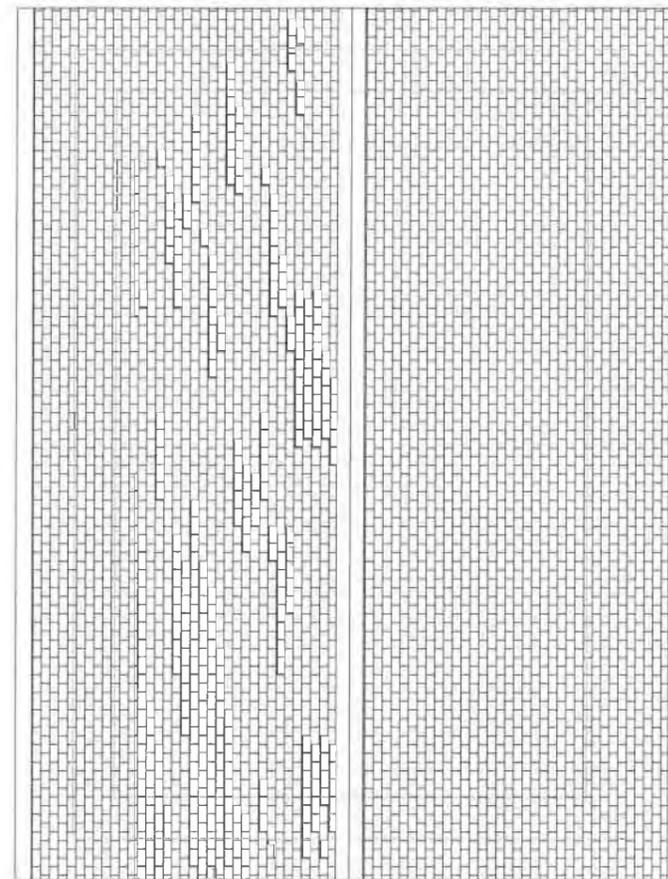
PROPOSED ROOF PLAN (1:100)

Rev	Date	Description	Rev By	Chk'd By
E	17-04-18	Office changed into study.	ANH	PDP
D	22-02-18	Wall moved back and new roof shown on the roof plan.	ANH	PDP

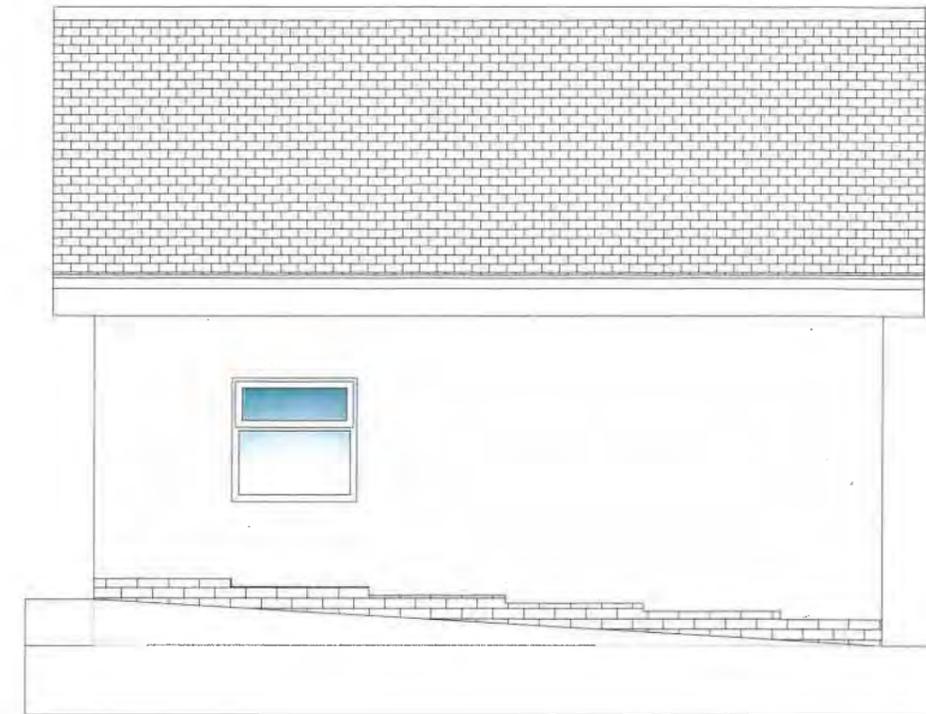
Project Title	NEW DWELLING		Drawing Title	PROPOSED SECOND & ROOF PLAN	
	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		Job Dwg No	303BUR-106E	
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		T: 0161 711 0858 E: info@abode-architecture.co.uk www.abode-architecture.co.uk Stoneholme, 42 High Street, Walshaw, Bury, BL8 3AN		
Status	PLANNING				
Scale	1:100 @ A3	Drawing Size			
Drawn By	ANH	Checked By	PDP	Date	11/25



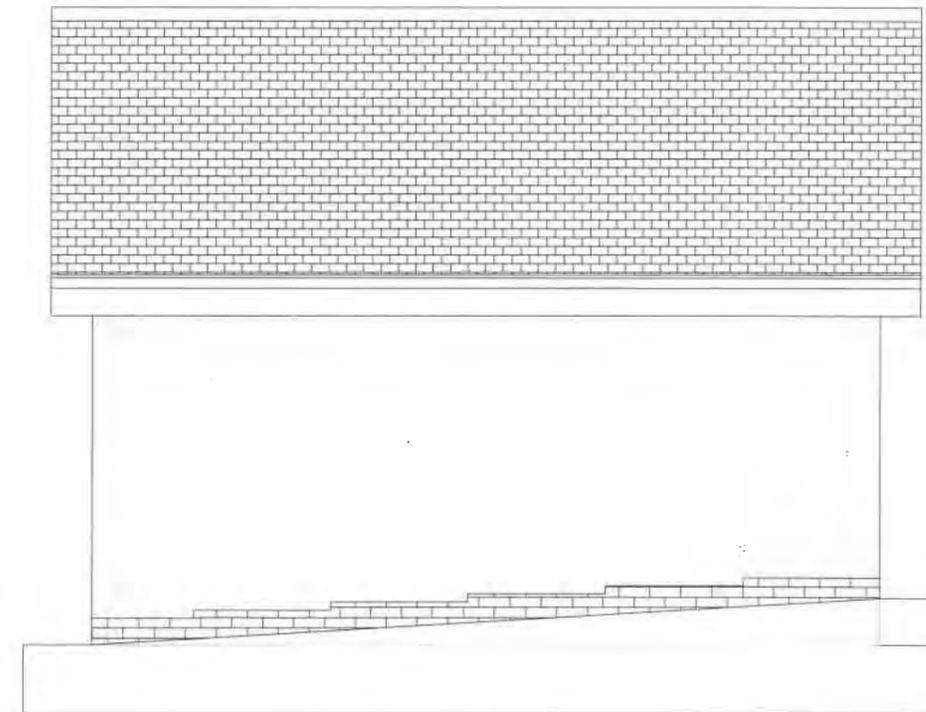
PROPOSED GARAGE FLOOR PLAN (1:50)



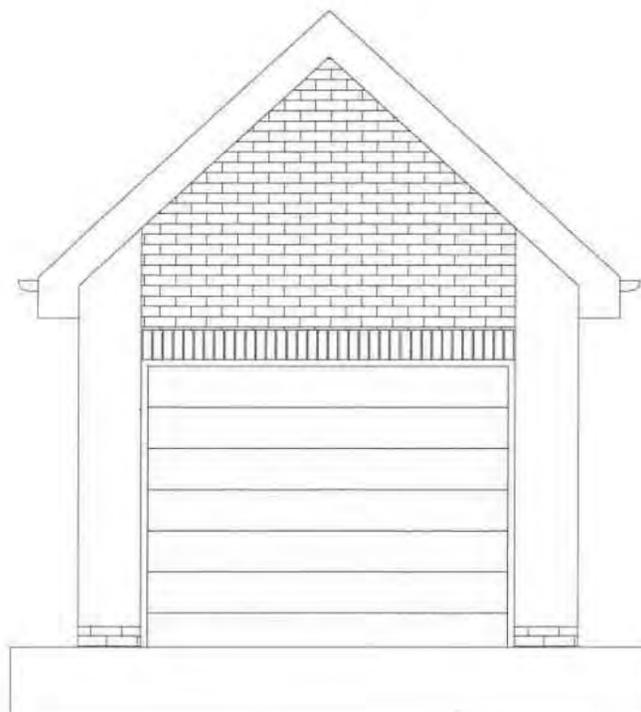
PROPOSED GARAGE ROOF PLAN (1:50)



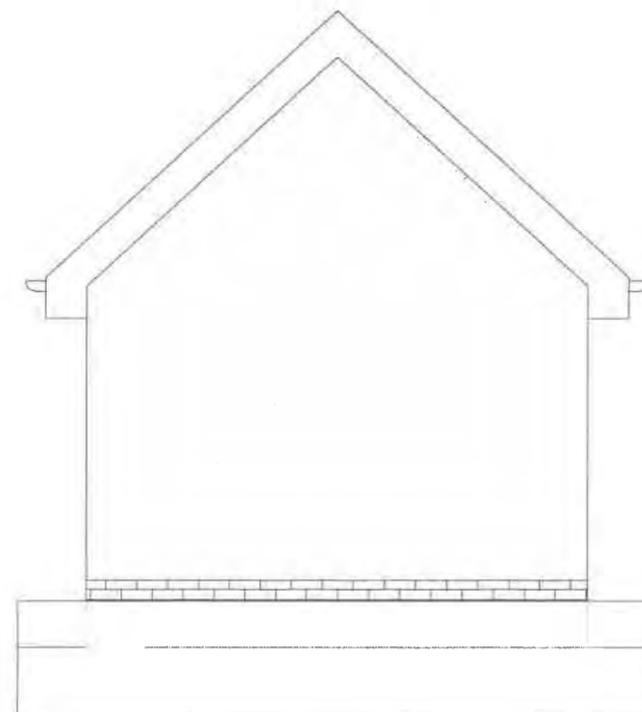
PROPOSED SIDE ELEVATION (1:50)



PROPOSED SIDE ELEVATION (1:50)



PROPOSED FRONT ELEVATION (1:50)



PROPOSED REAR ELEVATION (1:50)

ALL DIMENSIONS ARE FOR REFERENCE PURPOSES ONLY DISCREPANCIES ARE TO BE REPORTED TO THE DRAWINGS AUTHOR. DO NOT SCALE FROM DRAWING.

Project Title	NEW DWELLING		
	31 QUARLTON DRIVE HAWKSHAW BURY BL8 4JY		
Client	MR AFTAB KHAWAR & MS KIRSTY WALLS		
Status	PLANNING		
Scale	1:50 @ A3	Drawing Size	A3
Drawn By	ANH	Checked By	PDP
		Date	11/25

00-00-00	Rev	Date	Description	XXX	XXX
				Rev. By	Check By
Drawing Title: PROPOSED GARAGE PLANS & ELEVATIONS					
Job/Drawn No: 303BUR-109					
T: 0161 711 0858 E: info@abode-architecture.co.uk www.abode-architecture.co.uk Stonehalme, 42 High Street, Walslow, Bury, BL8 3AN					

Ward: Prestwich - Sedgley

Item 02

Applicant: Unimore Limited

Location: Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY

Proposal: Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangement and addition of basement for use as storage and plant space

Application Ref: 63054/Full

Target Date: 12/11/2018

Recommendation: Minded to Approve

This application is minded to approve in order to allow a legal agreement to be completed to link the application to the agreement from the previous application (60045).

Description

The site currently contains a petrol filling station, associated shop and car wash. The site is located centrally within a local shopping centre with access from Bury Old Road. The petrol pumps are located near to Bury Old Road with the shop and car wash located to the rear.

There are commercial buildings to the north and south, which front onto Bury Old Road. There are residential properties to the north (Albert Avenue), east and west with allotments beyond.

Planning permission was granted in October 2013 for the demolition/removal of the shop, car wash and petrol pumps and the erection of a single storey building containing an Class A1 retail unit with an ancillary Class A3 cafe unit (combined floor space of 418 square metres). This consent has not been implemented.

Planning permission was granted in October 2017 for the demolition/removal of the existing shop, car wash and petrol pumps and the erection of a two storey building containing a single retail (Class A1) unit at ground floor and a synagogue/shull at first floor. A new access would be formed onto Bury Old Road, which would connect to the car park, with 15 spaces.

The proposed opening hours for the proposed retail units would be from 08.00 to 23.00 on Monday to Friday and from 08.00 to 16.00 on Sundays. The retail unit would be closed on Saturdays. The opening hours for the proposed synagogue would be from 07.00 to 08.00 and from 19.00 to 22.00 on Monday to Friday, 08.00 to 21.00 on Saturdays and from 08.00 to 09.00 on Sunday. This congregation currently operate at Park View Road and are seeking an alternative venue/site.

The proposed development seeks permission for the demolition/removal of the existing shop, car wash and petrol pumps and the erection of a two storey building with basement containing storage and plant at basement level, a single retail (Class A1) unit at ground floor and a synagogue/shull at first floor.

The proposed development would be identical to the previous consent, with the exception of amendments to the elevation (additional glazing to the front elevation and a service door to the north western elevation) and the addition of the basement for storage and plant.

Relevant Planning History

33851 - Redevelopment of existing petrol filling station at 19 Bury Old Road, Prestwich. Approved with conditions - 19 March 1998

42819 - Prior approval determination - 14.7m high streetworks pole style telecommunications structure accommodating 3 no./ shrouded antennae and 2 equipment cabins at site outside 19 Bury Old Road, Prestwich. Refused - 13 July 2004.

53747 - Prior notification for 14.8 metre high streetworks pole including 3 antennae and equipment cabinets at Prestwich Service Station, 19 Bury Old Road, Prestwich. Prior approval required and granted - 19 April 2011.

56277 - Demolition of existing structures and erection of A1 retail unit with ancillary A3 use and associated car parking, landscaping and access arrangement at Texaco Petrol Station, Bury Old Road, Prestwich. Withdrawn - 15 July 2013.

This application was withdrawn as there were issues relating to the access and servicing arrangements.

56526 - Demolition of existing structures and erection of an A1 Use Class retail unit, with ancillary A3 use and associated car parking, landscaping and access arrangement (resubmission of 56277) at Texaco petrol station, Bury Old Road, Prestwich. Approved with conditions - 10 October 2013.

60045 - Demolition of existing structures and erection of a retail (A1) unit and synagogue with associated car parking, landscaping and access arrangement at Texaco petrol station, Bury Old Road, Prestwich. Approved with conditions - 31 October 2017

Publicity

The neighbouring properties were notified by means of a letter on 15 August 2018 and a press notice was published in the Bury Times on 23 August 2018. Site notices were posted on 16 August 2018.

1 letter of support has been received from the occupiers of 18 Ravensway, which has raised the following issues:

- This is a much loved, popular synagogue.
- The location of it has been an anomaly as many members do not live in its immediate vicinity. The new facility would allow current and former members to enjoy its style of worship with ease.
- The retail outlet would be a boost to the locality and would improve amenities in the area.
- I do not envisage any parking issues as all members are observant of the sabbath and do not drive.
- Services during the week tend to draw fewer numbers and any minimal traffic would be well spaced out as services and retail hours would not coincide.

3 letters have been received from the occupiers of 1 Ravensway, 137 Albert Avenue, 1A Park Hill Place, which have raised the following issues:

- We are the owners of 1A Park Hill Place and to the left is a strip of land owned by the Holy Law Synagogue. It runs beyond the length of our building.
- If this land was affected with any movement, it would affect our building. If works commence on site, it could cause damage to our building and foundations.
- We hope that the developers would address the potential problem, so we have no need to pursue a claim for damages.
- We have no objections to the proposed development.
- I strongly object as this is a densely populated residential area with insufficient parking for residents let alone a retail unit.
- Shoppers will end up parking on Albert Avenue, which is very congested due to the trade on Bury Old Road.
- There should be residents only parking on Albert Avenue and surrounding roads.

- I am disappointed that the Council have granted permission for the previous plans knowing that a synagogue and retail store without on-site parking will cause havoc to the residents.
- Our main objection is the disruption, noise, often late at night on occasions due to the synagogue already opposite our house.
- Parking in the area is limited. We are unable to take our car out of the drive in peak times unless someone is kind enough to let us out.

The objectors and supporter have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - Revised site plan has been received. Further comments will be reported in the Supplementary Report.

Drainage Section - No response.

Environmental Health Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land and asbestos.

Environmental Health - Commercial Section - No response.

Environmental Health - Pollution Control - No objections

Waste Management - No response.

Environment Agency - No response.

Designforsecurity - Recommend that a full crime impact statement is submitted.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

GM Fire Service - No response.

GM Ecology Unit - No objections.

National Grid - No response.

Electricity North West Ltd - No response.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN1/8	Shop Fronts
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S1/4	Local Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
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) and 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 Policy 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.

Principle (Retail) - Policy S1/4 states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

Policy S2/1, which states that the Council will support new retail development which accord with the following:

- are within or immediately adjoining the main shopping area of existing centres;
- sustain or enhance the vitality or viability of a centre;
- are accessible by and would encourage greater use by public transport;
- are in conformity with other policies and proposals of the Plan

In addition, where a proposal would lead to more than 40% of the frontage being in non-retail use, the Council will take into account the following factors:

- the location and prominence of the proposal within the frontage;
- the number, distribution and proximity of other premises in non-retail use;
- the particular nature and character of the use proposed, including the level of activity associated with it.

The principle of retail development was established with the grant of planning permission in October 2013 (56526) and October 2017 (60045). The proposed development seeks consent for the addition of a basement for use as storage and for plant equipment in association with the retail unit and synagogue uses above. The proposed development would be ancillary to the retail unit and a condition would be included to prevent this space from being used for sales. As such, the proposed development would have a positive impact upon the vitality and viability of the centre and would be in accordance with Policies S1/4 and S2/1 of the Bury Unitary Development Plan.

Principle (Community Use) - Policy CF1/1 states that proposals for new and improved community facilities will be considered with regard to the impact upon residential amenity and the local environment; traffic generation and car parking; the scale and size of the development; accessibility by public and private transport; the needs and requirements of the disabled.

The principle of the synagogue use at first floor was established with the grant of planning permission in October 2017 (60045). The proposed development would provide a basement for plant equipment in association with the synagogue use. As such, the proposed development would be acceptable in principle and would be in accordance with Policies CF1/1 of the Bury Unitary Development Plan.

Design and layout - The proposed development would provide some external alterations to accommodate the basement. An additional door would be provided on the north western elevation for servicing. The proposed opening would be at ground floor level and would be screened from view by the boundary treatment. The proposed basement would be 3.5 metres below ground but would not be visible externally

The front elevation of the building would be predominantly glazed at ground and first floor level. This would be in keeping with the modern design and would provide a focal point for the building. The proposed building would be constructed from grey brickwork and render, which would be acceptable and would add visual interest to the elevations. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and S2/1 of the Bury Unitary Development Plan.

Impact upon surrounding area - The proposed site plan indicates that the trees on the perimeter of the site would be retained and a condition relating to tree protection measures would be added to secure this. The proposed bin store would be located in the western corner of the site and would be accessed from the loading bay in the car park. A timber fence would be erected to the boundaries of the site, which would not be prominent in the

locality. Therefore, the proposed development would be in accordance with Policies EN1/2 and S2/1 of the Bury Unitary Development Plan.

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

The proposed building would be 9 metres in height above ground, which would be the equivalent of a three storey building. The proposed development would include a basement level, which would be 3.5 metres below ground, but would not be visible externally. There would be between 16.86 metres and 17.47 metres between the residential properties on Albert Avenue and the gable elevation of the proposed building. Whilst there are 6 windows within the gable elevation of the proposed building, these would be obscure glazed and non-openable. Therefore, the proposed development would be in excess of the 16 metre aspect standard and would not have an adverse impact upon the amenity of the neighbouring properties. Although the massing of the building would be somewhat different to that of a house.

Noise - There is a petrol station and hand car wash on site currently and there are no restrictions in terms of hours of opening. The proposed development would involve the provision of a retail unit, which would be open from 08.00 to 23.00 on Mondays to Fridays and from 08.00 to 16.00 on Sundays. The applicant is not applying to be open on Saturdays for religious reasons. The plant and equipment for the synagogue and the retail unit would be located within the proposed basement and as such, would not impact significantly upon the amenity of the neighbouring properties.

The main sources of noise would be from cars and deliveries to the site and the proposed levels of noise would be significantly lower than the existing uses at the site. It is proposed to restrict the hours of delivery to 08.00 to 20.00, which would reduce noise levels further. Therefore, it is considered that subject to conditional control, the proposed development would not have a significantly adverse impact upon the neighbouring properties. Therefore, the proposed development would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Ecology/bats - A bat survey was submitted as part of the previous application and concluded that the building is completely free of bat roosting potential. It continues that even if demolition is delayed it is unlikely that this building will develop significant roosting potential within the next few years. GM Ecology Unit was satisfied with the conclusions of the report and has no objections to the current application. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policy EN6/4 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The northern access to the site would be modified to act as the sole access into the application site. The southern access would be retained as the access to the rear of the adjacent terrace of shops. The Traffic Section has assessed the proposed access previously and a detailed site plan has been received. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report. Therefore, this aspect of the proposed development would not be detrimental to highway safety and would be in accordance with Policy S2/1 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a retail unit is 1 space per 30 square metres and for a place of worship is 1 space per 5 square metres of public floor area. This equates to 33 spaces for the retail units and 65 spaces for the synagogue (considering the public areas involved only), making a maximum of 98 spaces.

The proposed development would provide 15 parking spaces including 2 disabled parking bays, which would be below the maximum level for the combined development.

The parking provision was assessed as part of the previous application, which is summarised below. The synagogue will serve members of the Orthodox community, which does not allow for the use of any kind of mechanically propelled transport vehicles on a Sabbath or a Holy Day. As such, the members of the synagogue would have to walk to the synagogue on the Sabbath or a Holy Day. However, whilst the strict faith restriction and requirements on the Sabbath are noted, the ability to adequately enforce such a position through the planning system is difficult, if not impossible. Such a point may however be academic for the purposes of this planning application, as it is noted that the synagogue would offer prayer services on all other days.

The addendum to the previous application provided a map showing the catchment area for the proposed synagogue. This indicated that 84% of the families which regularly attend are within a 10 minute walking distance of the proposed site. As such, the proposed development would facilitate walking to the site by the congregation.

The previously approved (and the current) synagogue would be 15% larger than the current synagogue, which would allow for a modest increase in the congregation. Clarification was provided over the use of the synagogue, which would be for prayer services, with no weddings or large functions. The adjacent room would be used for childrens services, light refreshments after a service and for an occasional lecture in the lead up to a religious festival and would be ancillary to the main use as a synagogue.

There was and would be some overlap between the retail and religious uses on weekdays. The addendum from the previous application confirmed that most people would walk to the proposed synagogue but an agreement with Maccabi was reached to provide overflow parking, should it be required. In addition, there is a public car park at the former Brooklands library, which could be used if required.

Whilst the applicant made a case for the obvious shortfall when compared to the maximum parking provision and identified alternative parking arrangements, the Traffic Section had a concern that the congregation may still park on the residential streets in the vicinity, where there was and is already a reliance upon on-street parking and may leave their vehicles before the Sabbath commences and collect their vehicles once it is over, creating parking concerns (considering alternative users of the building).

A solution was put forward and agreed with the applicant to resolve this issue by the applicant funding a residents parking scheme (if the parking issue arises). This was secured by way of a legal agreement.

The general terms of the agreement sought a financial contribution from the developer to be held by the Council to implement a Resident's Parking Scheme if considered necessary. This was a total amount of £15,000 which included pre and post development monitoring surveys and implementation of a scheme. Details of the scheme are provided in the Planning Obligations section below.

Given the certainty that the legal agreement brought in relation to mitigation measures that could be put in place if parking in the area became a problem as a result of the development, the Traffic Section was in a position to support the application subject to conditions and the signing and completion of the legal agreement.

The main difference between the previous scheme and the scheme to be assessed is the proposed addition of floorspace for storage for the retail unit. It is considered that providing the mitigation measures secured above, form part of the current application, the proposed additional floorspace for storage would not add significantly to the demand of parking at the site.

Therefore, the proposed development would provide an adequate level of car parking provision and would not have an adverse impact upon the safe and efficient operation of the

highway network. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/7, HT2/4, HT4 and CF1/1 of the Bury Unitary Development Plan and SPD11.

Access - Level access would be provided to the building and two disabled parking bays would be located in close proximity to the entrance. A lift would be provided within the building and a disabled toilet would be provided at first floor level. Therefore, the proposed development would be accessible for all and would be in accordance with Policies HT5/1 and CF1/1 of the Bury Unitary Development Plan.

Planning obligations - A deed of variation is required to ensure that the planning obligations from the previous application apply to the current application.

The planning obligations are detailed below:

A Section 106 Agreement would secure a contribution of £15,000 to implement a residents parking scheme (if considered necessary) and to restrict the servicing within the site to a transit van sized vehicle as this is the largest vehicle that could operate in the turning head.

The terms of the obligation can be summarised as follows:

£15,000 in total - £5,000 monitoring/£10,000 implementation.

Monitoring to include pre commencement of development and post occupation of development parking surveys at suitable times of the week, to be carried out by TfGM or the Developer

To include a repayment clause for any unspent contributions to be returned to the Developer within a reasonable timeframe (5 years)

There is an element of risk involved by incorporating a timescale. The Council may find itself in a position where it has refunded the contribution to the developer but should the denomination of the religious faith change which could happen without the need for planning permission, this may have a greater impact on parking. However, it would be unreasonable and unwarranted to expect the Developer to be bound for an indefinite period 'just in case' and on this basis fail the legal test. A restricted period does not.

As the development involves a purpose built Synagogue, specifically designed and laid out for the Jewish faith, it is less likely to be used for another purpose or by another denomination in the Borough. There are no other examples in the Borough where this has been the case. The Traffic Section is prepared to accept this risk.

Response to objectors

- There have been no known evidence of landslip at the site. The Building Regulations would require the foundations to meet the relevant standards. In any case, these are private concerns between the objector and the developer.
- The issues relating to parking and residents parking have been addressed in the report above.
- The issues relating to noise have been addressed in the report above.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered DA14079.2.001, DA14079.2.202, DA14079.2.201, DA14079.2.904 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development, excluding demolition, shall commence unless details/samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
4. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. No infiltration of surface water drainage into the ground where adverse

concentrations of land contamination are known or thought to be present is permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

8. Foul and surface water shall be drained on separate systems.
Reason. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan and Section 10 of the National Planning Policy Framework.
9. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
10. The retail use hereby permitted shall not be open to customers outside the following times:
08.00 to 23.00 Monday to Friday
08.00 to 16.00 Sunday
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/1 - All New Retail Proposals: Assessment Criteria of the Bury Unitary Development Plan.
11. The place of worship hereby permitted shall only be occupied and available for use between the following times:
06.30 - 09.00 and 18.30 - 22.30 - Monday to Friday and Sunday
06.30 to 22.30 on Saturdays
Reason. To ensure there would be no conflict of uses and to secure maximum parking provision is available pursuant to the following Policies of the Bury Unitary Development Plan and SPD11 - Parking Standards in Bury:
Policy H2/4 - Car Parking and New Development
Policy CF1/1 - Location of New Community Facilities
12. No deliveries shall be made to the site outside the hours of 08.00 to 20.00 on a daily basis.
Reason. In the interests of residential amenity pursuant to Policy S2/1 - All New Retail Proposals: Assessment Criteria.
13. All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are

implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

14. The development hereby approved shall not be brought into use unless and until the access alterations and associated footway works indicated on plan references 1240_100 Rev P1 & 099-01/GA-01 Rev B as part of application 56526, incorporating the demarcation of the limits of the adopted highway to be agreed on site, have been implemented.

Reason. To ensure good highway design in the interests of road safety and to maintain the integrity of the adopted highway pursuant to Policy S2/1 - All New Retail Proposals - Assessment Criteria of the Bury Unitary Development Plan.

15. The turning facilities indicated on approved plan references 1240_100 Rev P1, 099-01/ATR-01 Rev B & 099-01/GA-01 Rev B as part of application 56526, shall be provided before the development is brought into use and the area used for the manoeuvring of delivery vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Policy S2/1 - All new Retail Proposals - Assessment Criteria of the Bury Unitary Development Plan.

16. The car parking indicated on approved plan references 1240_100 Rev P1 & 099-01/GA-01 Rev B shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

17. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

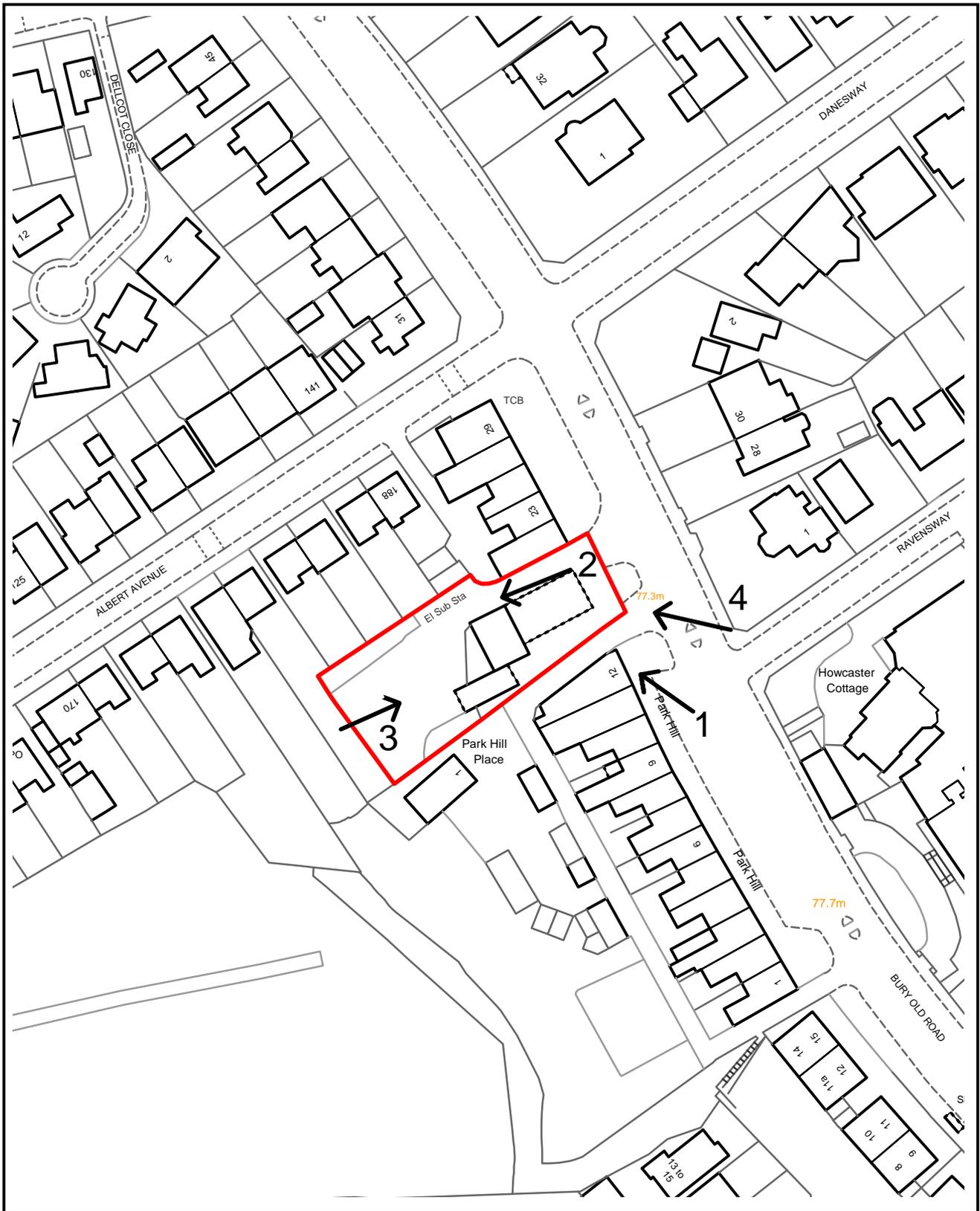
- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

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

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

For further information on the application please contact **Helen Longworth** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63054

ADDRESS: Former Texaco Garage, Bury Old Road, Prestwich

Planning, Environmental and Regulatory Services

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Photo 1



Photo 2

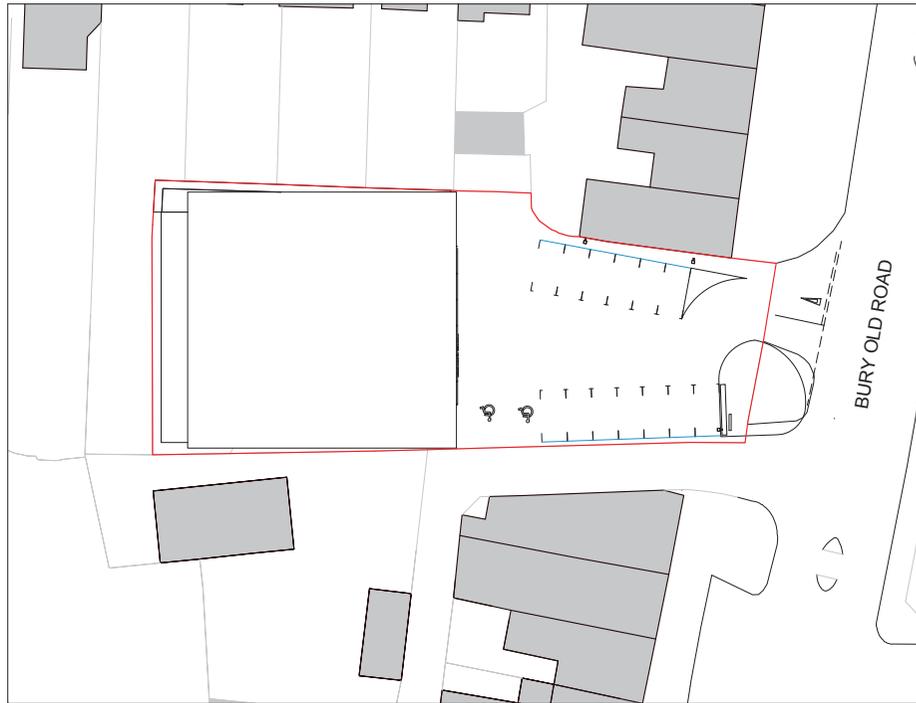


Photo 3



Photo 4

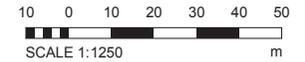




1 Site - Block Plan
1 : 500



2 Site - Location Plan
1 : 1250



Notes - Boundaries

A Application site boundary determined using OS Data.

Legend - Boundaries

- Site Boundary
- Site Ownership

DEBTAL ARCHITECTURE

72 Bury New Road, Manchester, M25 0JU.
Tel: 0161 773 1630
office@debtalarchitecture.co.uk www.debtalarchitecture.co.uk

CLIENT
Unimore Ltd

PROJECT
Shomrei Hadass

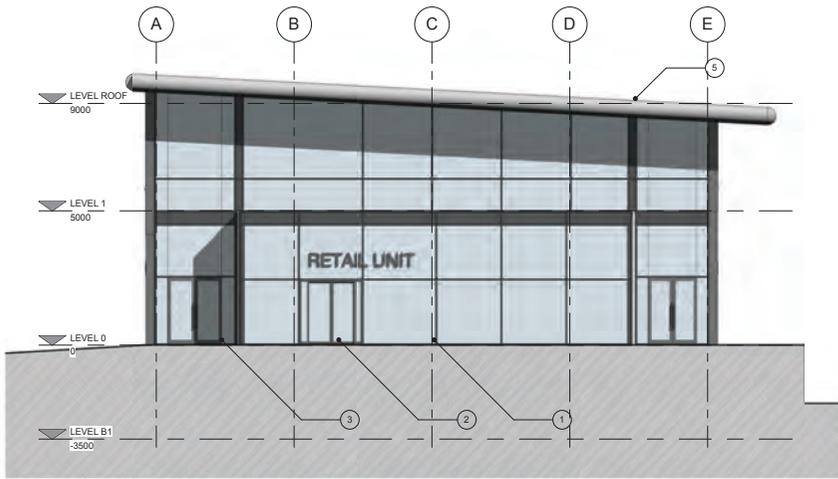
TITLE
Site - Location and Block Plan

PROJECT NO. DRAWING NO. REV.
DA14079.2. 001.

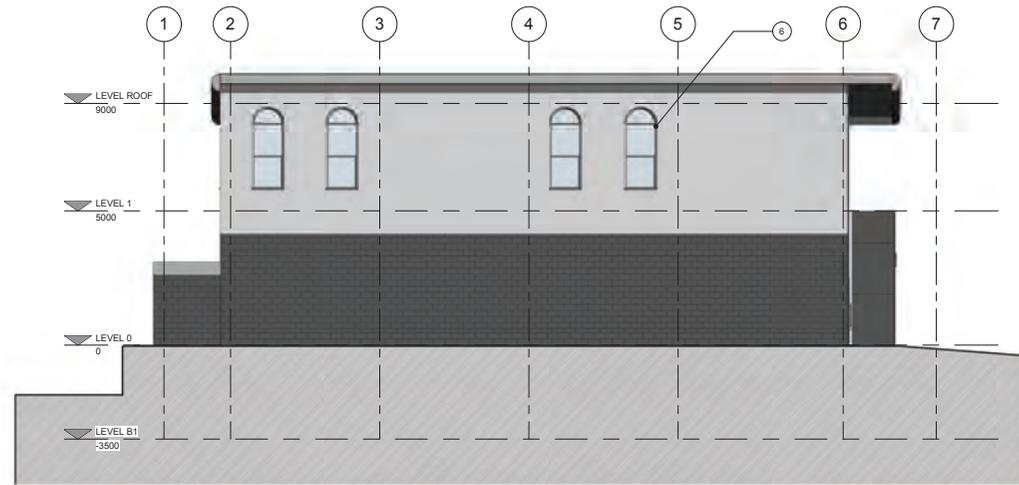
STATUS
PLANNING

SCALE @ A3 DATE DRAWN BY
As indicated 19 JUN 2018 SP

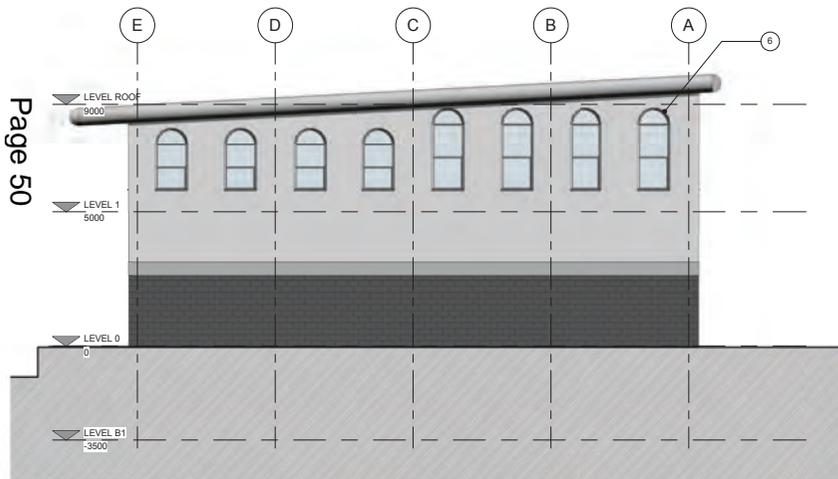
© COPYRIGHT ALL RIGHTS RESERVED. THIS DRAWING MUST NOT BE REPRODUCED WITHOUT PERMISSION. ALL DIMENSIONS RELATIVE TO THIS DRAWING TO BE CHECKED ON SITE. DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES. SEWER INVERT LEVELS MUST BE VERIFIED BEFORE WORK COMMENCES. THIS DRAWING MUST BE CHECKED AGAINST ANY OTHER STRUCTURAL/MECHANICAL DRAWINGS PROVIDED. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS ISSUED FOR CONSTRUCTION. ALL DIMENSIONS ON THIS DRAWING ARE IN MILLIMETRES UNLESS OTHERWISE STATED.



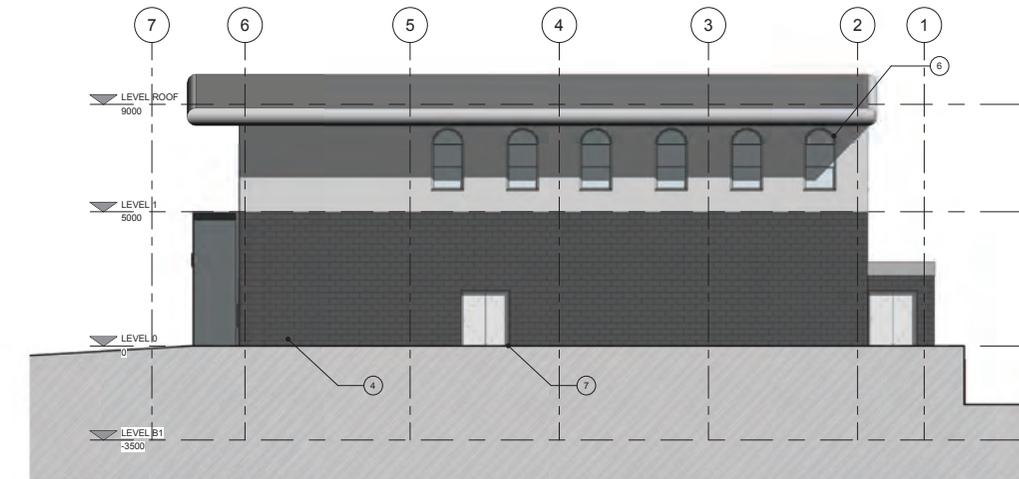
1 Front - Proposed
1 : 100



2 Left Side - Proposed
1 : 100



3 Rear - Proposed
1 : 100



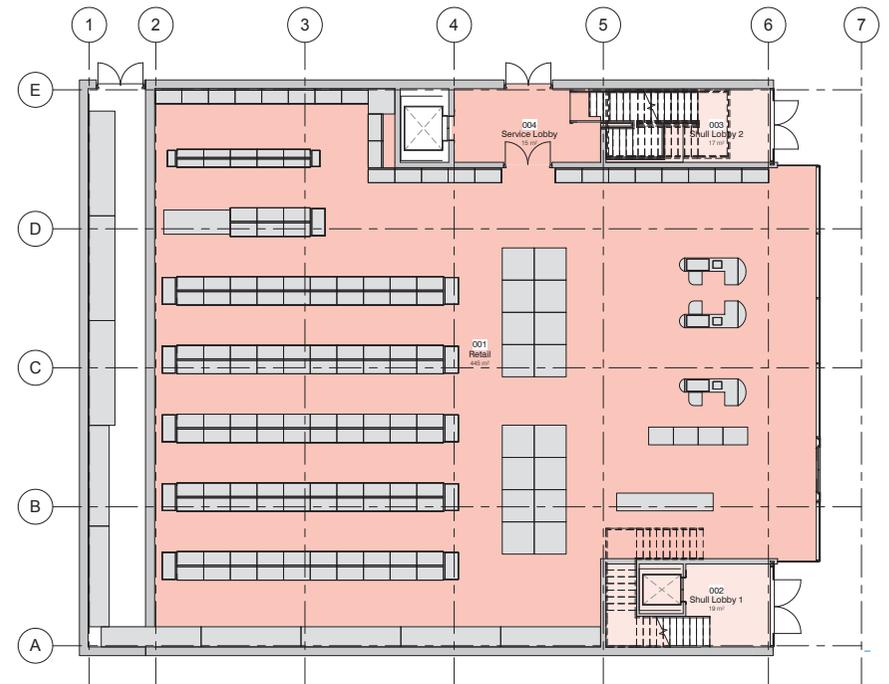
4 Right Side - Proposed
1 : 100

Page 50

Note Block - Elevations - GA

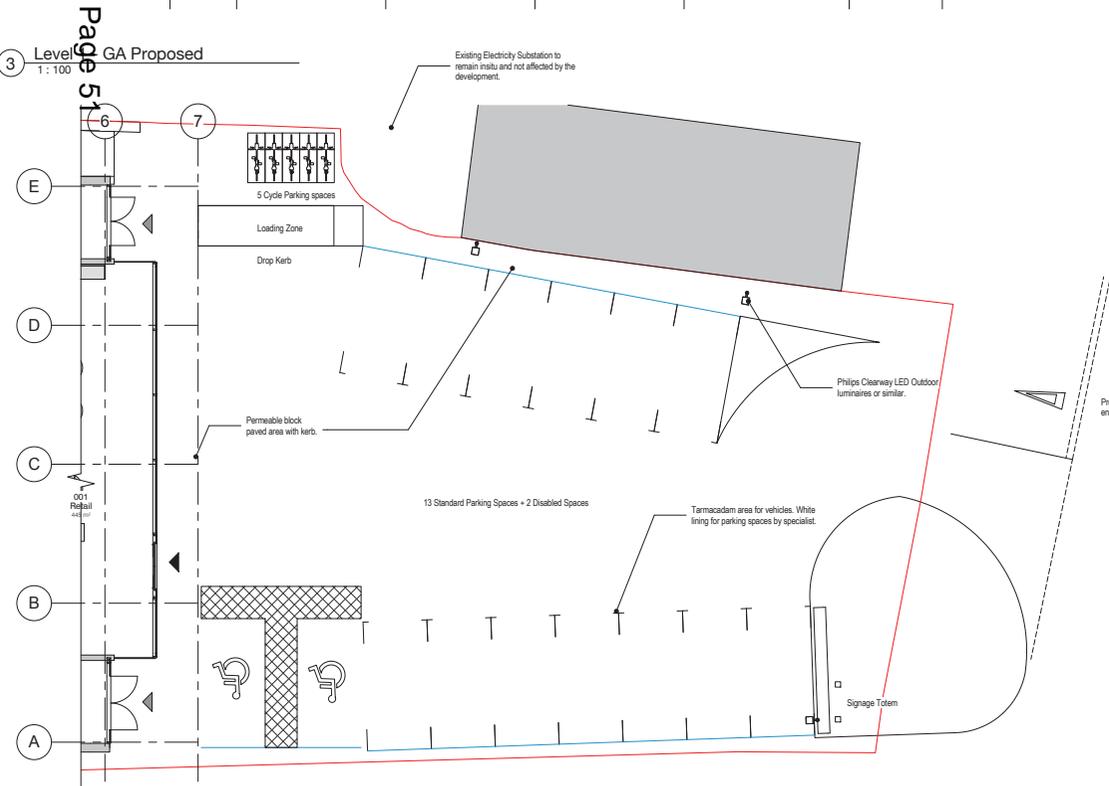
- 1 Proposed aluminum framed curtain walling with clear and opaque panels.
- 2 Proposed Shopfront Entrance
- 3 Proposed Synagogue Entrance
- 4 Proposed fair faced concrete blockwork. Forticrete Paver or similar.
- 5 Proposed Roof with bullnosed fascia
- 6 Proposed obscured and non-operable windows.
- 7 Service entrance.

DEBTAL ARCHITECTURE								
<small>79 Bay Hill Road, Northwood, N16 6AJ Tel: 01473 773 1033 Fax: 01473 773 1034 info@debtalarchitecture.co.uk www.debtalarchitecture.co.uk</small>								
<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Client</td> <td>Unimore Ltd</td> </tr> <tr> <td>Architect</td> <td>Shomrei Hadass</td> </tr> <tr> <td>Project</td> <td>Proposed GA Elevations</td> </tr> </table>			Client	Unimore Ltd	Architect	Shomrei Hadass	Project	Proposed GA Elevations
Client	Unimore Ltd							
Architect	Shomrei Hadass							
Project	Proposed GA Elevations							
DA14079.2. 202.								
PLANNING								
Scale	1 : 100	Date	19 JUN 2018	Sheet	SP			

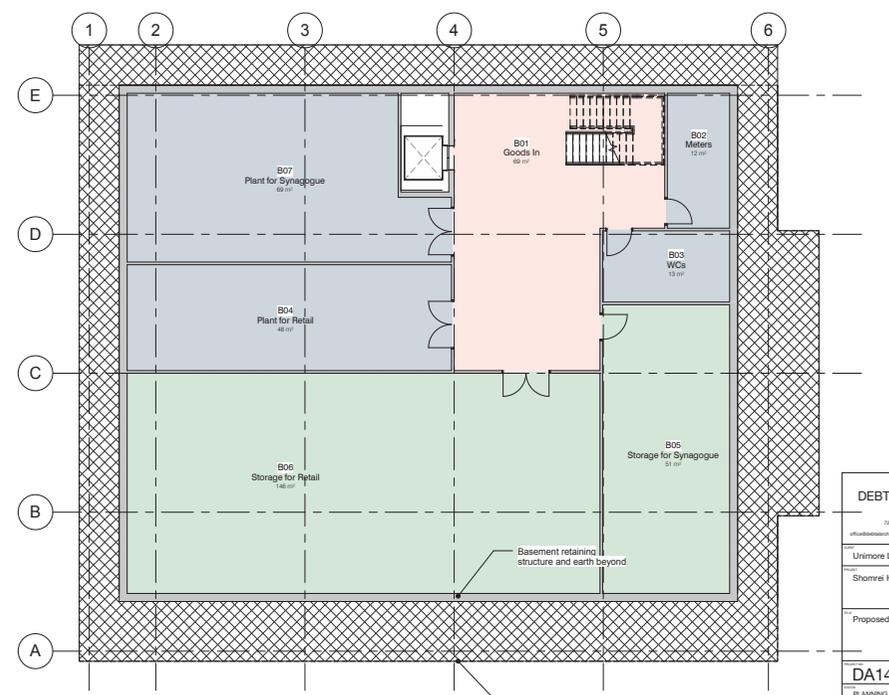


3 Level 1 - GA Proposed
1:100

1 Level 0 - GA Proposed
1:100



2 Level 0 - Proposed Landscaping
1:100



4 Level B1 - GA Proposed
1:100

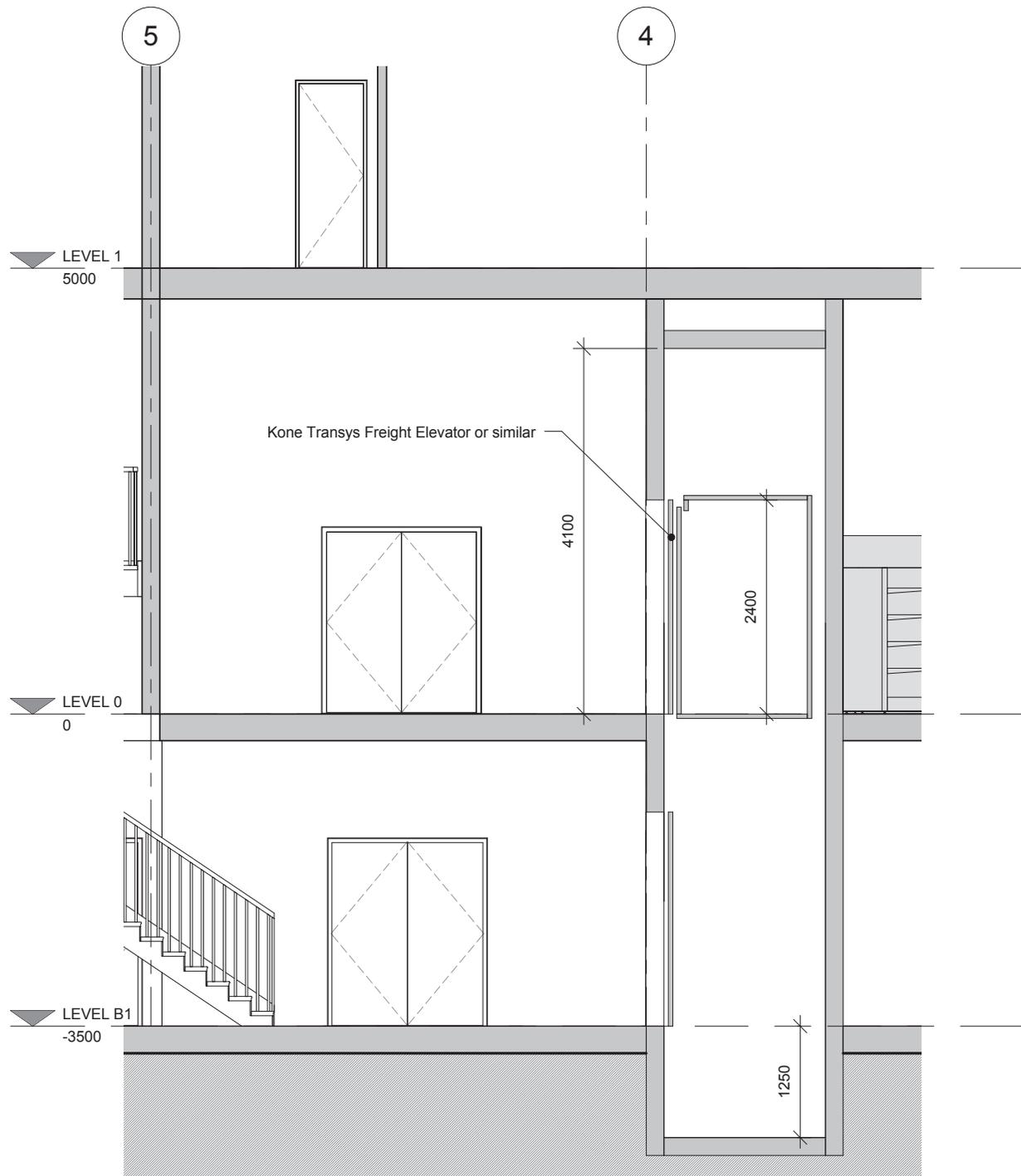
DEBTAL ARCHITECTURE
 79 Bay View Road, Westborough, NSW 645
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 www.debtalarchitecture.com.au

Unimore Ltd
 Shomrei Hadass

Proposed GA Plans

DA14079.2 201.
 PLANNING
 1:100 19 JUN 2018 SP

Page 51



1 Section - Elevator
1 : 50

DEBTAL ARCHITECTURE		
72 Bury New Road, Manchester, M25 0JU. Tel: 0161 773 1630 office@debtalarchitecture.co.uk www.debtalarchitecture.co.uk		
CLIENT	Unimore Ltd	
PROJECT	Shomrei Hadass	
TITLE	Elevator Section	
PROJECT NO.	DRAWING NO.	REV.
DA14079.2.	904.	
STATUS	PLANNING	
SCALE @ AS	DATE	DRAWN BY
1 : 50	25 JUN 2018	SP
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Ward: North Manor

Item 03

Applicant: Ramsbottom United Junior Football Club

Location: Summerseat Football Ground, Waterside Road, Summerseat, Ramsbottom, Bury, BL9 5QL

Proposal: Siting of storage container with enclosure

Application Ref: 63100/Full

Target Date: 10/10/2018

Recommendation: Approve with Conditions

Description

The application proposes to retain a storage container at Summerseat playing fields on the north side of Waterside Road. The site is within the Green Belt, River Valley and is a Special landscape Area. Although not within Summerseat Conservation Area, the boundary runs along the western edge of the field. The field, is designated Recreational space within the Development Plan and is used for multiple recreational purposes including sports pitches, used by Ramsbottom Junior Football Club. Waterside Road runs along the southern boundary and there is a band of trees and shrubs around the northern and western boundaries.

It is proposed to retain the steel container in its present position, on the edge of the tree line along the northern boundary, level it and enclose it with a timber 'hit and miss' enclosure. The container would be used for the storage of football equipment (goal posts, nets, barriers, pitch marking equipment etc) and it is proposed to accommodate a chemical toilet.

The container measures L5.7m by W2.4 by H2.6m and is painted green. The timber 'hit and miss' enclosure would surround the container to a height of 2.4m. There would be double gates at the front, facing the field. It is also proposed to plant around the enclosure to encourage climbing plants.

Relevant Planning History

43691 - Siting of steel container (SW corner of playing field) - Refused for two reasons - Insufficient information and detrimental impact on visual amenity.

Publicity

Site note posted 20/08/2018. The following 31 neighbours were notified by letter dated 15/08/2018. Willow Cottage, Lammy Bank, Nos.44-66(even) Robin Road, 1-9 Plantation View, 2-12(even) and 13 Riverside Drive.

11 objections have been received from 9 properties and concerns are summarised below:

- The industrial container is an eyesore and out of keeping with the site and surroundings.
- It will be even more conspicuous when the trees lose their leaves.
- The trees around it were planted to provide a backdrop of views of Holcombe Hill.
- It is too large and not necessary for its purpose.
- It is not positioned properly.
- Inappropriate in the Green Belt.
- Inappropriate in context of the nearby Conservation Area.
- The football equipment such as posts, nets etc could be stored in smaller units.
- The container could attract children and youths and lead to anti-social behaviour.
- Loss of trees
- The area is vulnerable to flooding.
- Most of those supporting the proposal are not local residents.

52 representations have been received in support of the proposal and these are summarised below:

- The container is essential in supporting the football club with the associated connections with health and fitness.
- Bats now inhabit the container.
- The container is well screened and not incongruous with the landscape.

All those who have made representations have been notified of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Drainage Section - No objection.

Environmental Health - No objection.

Environment Agency - No objection.

United Utilities - No objection.

Unitary Development Plan and Policies

EN6/4 Wildlife Links and Corridors

EN9/1 Special Landscape Areas

OL1/5 Mineral Extraction and Other Development in the Green Belt

OL5/2 Development in River Valleys

RT1/2 Improvement of Recreation Facilities

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) and 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 Policy 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.

National Planning Policy Framework (NPPF) and central government guidance

The NPPF 2018 sets out central government's planning advice. It indicates that there is a presumption in favour of sustainable development and that development should be approved unless there are adverse impacts which outweigh the benefits or specific policies which indicate development should be restricted.

RT1/2 Improvement of Recreation Facilities - The Council will give favourable consideration to proposals for the appropriate improvement of existing recreational land and facilities in the Borough.

OL1/2 New Buildings in the Green Belt - The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

OL5/2 Development in River Valleys - Within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

a) where the area is designated as Green Belt the established Green Belt policies will apply;

or

b) where the area does not form part of the Green Belt, at least one of the following circumstances is met:

- that the development represents limited infilling to an established valley settlement or industrial area;
- that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
- that the development is required in association with an outdoor recreation or appropriate tourist facility;
- that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;
- any other development that would be appropriate in a Green Belt.

EN1/1 Visual Amenity - Development will not be permitted where proposals would have a detrimental effect on:

a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;

b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN1/5 Crime Prevention - The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime. In assessing development proposals particular attention will be paid to the:

- a) use and creation of defensible space;
- b) creation of opportunities for natural surveillance;
- c) location and design of street lighting;
- d) location of footpaths and access points;
- e) location and design of parking facilities;
- f) design of landscaping.

EN5/1 New Development and Flood Risk - The Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences. When assessing proposals against this policy, the following criteria will apply:

- a) the impact on the floodplain;
- b) the increase in surface water run-off as a result of the proposal;
- c) the impact on fluvial flood defences;
- d) the incorporation of mitigating works.

EN6/3 Features of Ecological Value - The effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals. Any proposal should seek to retain such features and incorporate them into the development.

EN6/4 Wildlife Links and Corridors - The Council will seek to consolidate and, where appropriate, strengthen wildlife links and corridors, and will not permit development which would adversely affect identified areas. In particular, the Council will seek to ensure that new development within or adjacent to identified links or corridors contributes to their effectiveness through the design, landscaping and siting of development proposals and mitigation works, where appropriate.

EN8/2 Woodland and Tree Planting - The Council will support and encourage new woodland and tree planting in the Borough. In considering development proposals, the

Council will encourage the planting of hedges, trees and woodlands using locally native species.

EN9/1 Special Landscape Areas - In those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

Need - The container is required, principally to store equipment for Ramsbottom United Junior Football Club. The applicant states that the existing smaller storage containers situated nearby and previously used to store posts etc, are not considered sufficient and are corroded. If the proposal is approved, a condition would require the existing containers to be removed.

There is no doubt that the container would be useful to the football club and enable equipment and machinery associated with the day to day operations of the Football club to be stored in relative safety. It is also indicated that a proposed toilet within the container would be a useful facility, particularly for the younger children.

The proposal would constitute an improvement to outdoor recreational facilities and therefore would be acceptable in principle and comply with the NPPF and UDP Policies RT1/2 Improvement of Recreation Facilities.

Impact on the Green Belt and River Valley - Paragraphs 143 - 146 of the NPPF indicate that both buildings and material changes of use of land within the Green Belt are not, in principle, inappropriate if they involve outdoor sport or recreation. In terms of the impact on the Green Belt and River Valley, it is not considered that the proposed container, given its location, scale, the proposed screening and planting, would have a significantly detrimental impact on the character and openness of the Green Belt/ River Valley. The proposal is therefore considered to be acceptable and complies with the NPPF and UDP policies in relation to the Green belt.

Siting, Visual Amenity and setting of Conservation Area - The original scheme proposed to retain the container on site without any screening and this was considered to be unacceptable in relation to visual amenity. Following discussions with the applicant, the revised scheme proposed the timber compound and screen planting in an effort to make the container more acceptable in what is a sensitive location within the Green Belt and close to Summerseat Conservation Area.

Whilst smaller and low level containers would be preferable on the site, the football club have been given the larger container and consider it to be more practical in terms of what it can accommodate. As the larger container is subject to this application, it should be assessed on its individual merits and not against any alternative proposals.

The container is set well back on the northern edge of the field on the tree line and would be screened by the timber enclosure with planting to further mitigate its visual impact when viewed against the backdrop of the trees. Given the siting and proposed screening, the proposal would not have a detrimental impact on visual amenity generally and specifically in relation to Summerseat Conservation Area, located to the west. The proposal therefore complies with UDP Policy EN1/1 Visual Amenity.

Residential Amenity - Given the nature of the proposal and its location, there are no serious residential amenity issues arising.

Highways - The provision of the container would probably reduce the need to transport equipment to the playing field as it would be stored on site. There are no serious highway safety issues relating to the proposal.

Flood Risk - The site lies within Flood Zone 2, which relates to a 1-1000 year event. Given that the storage container is not a particularly flood sensitive structure/use, there is no reason to refuse the proposal on grounds of flood risk. Appropriate informatives would be attached to any approval notice.

Temporary Consent - Given that the container is not a permanent structure and may degrade over time, it is considered appropriate to restrict consent to a period of 3 years. After this time the applicant would be required to remove the container and associated structures (base and enclosure) or submit a further planning application.

Health and Safety - During periods of ground maintenance and on training and match days, the proposed container, would likely improve health and safety for both volunteers and children by providing a shelter in poor weather and a toilet facility and would be self-managed.

Objectors - The initial concerns of the objectors in relation to the container being in position without any additional screening were understandable. Whilst no further objections have been received since residents were notified of the revised plans, there may still be concerns about the structure from local residents. However it is not considered that there are any valid reasons to refuse the application.

Given the temporary nature and scale of the proposal, it is considered to be, on balance, acceptable and complies with the NPPF and UDP policies listed.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

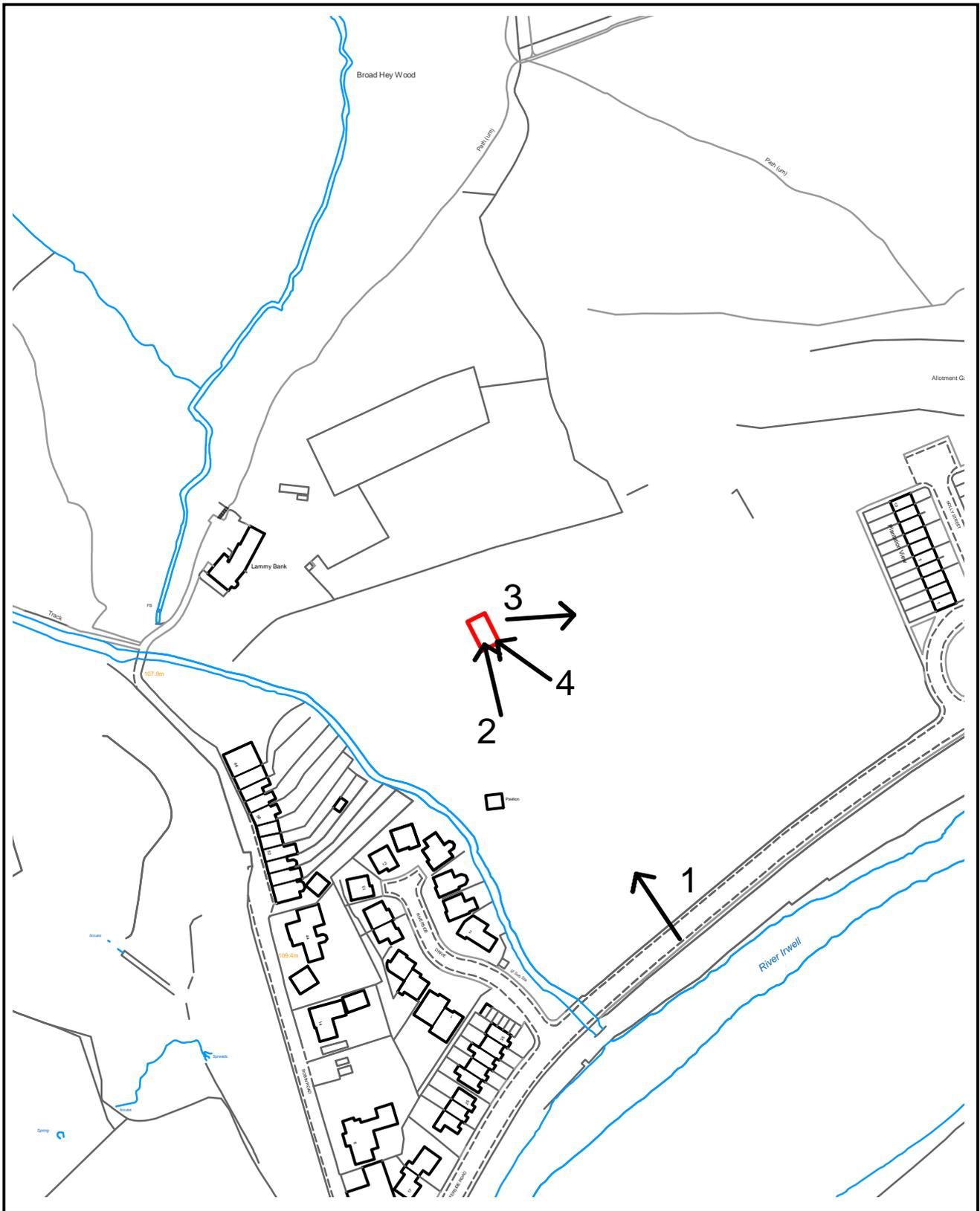
1. Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the structures and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its continued retention.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to the NPPF and UDP Policies EN1/1 Visual Amenity, OL1/2 New Buildings in the Green Belt and OL5/2 Development in the River Valley.
2. This decision relates to Location plan 1:1250, Revised site plan 1:500 and details of fenced compound and shipping container 1:50 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Within two months of the date of this decision notice, the following works shall be completed.

- The container shall be positioned on a concrete base and made level.
- The fenced enclosure shall be constructed in accordance with the approved plans.
- A planting plan shall be submitted to the Local Planning Authority for approval. The planting plan shall be implemented within 6 months of approval.
- The three low level steel containers, previously used to store equipment, shall be removed completely from the site.

Reason. In the interests of visual amenity pursuant to the NPPF and UDP Policies EN1/1 Visual Amenity, OL1/2 New Buildings in the Green Belt and OL5/2 Development in the River Valley.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63100

ADDRESS: Summerseat Football Ground, Waterside Road, Summerseat

Planning, Environmental and Regulatory Services

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63100

Photo 1



Photo 2



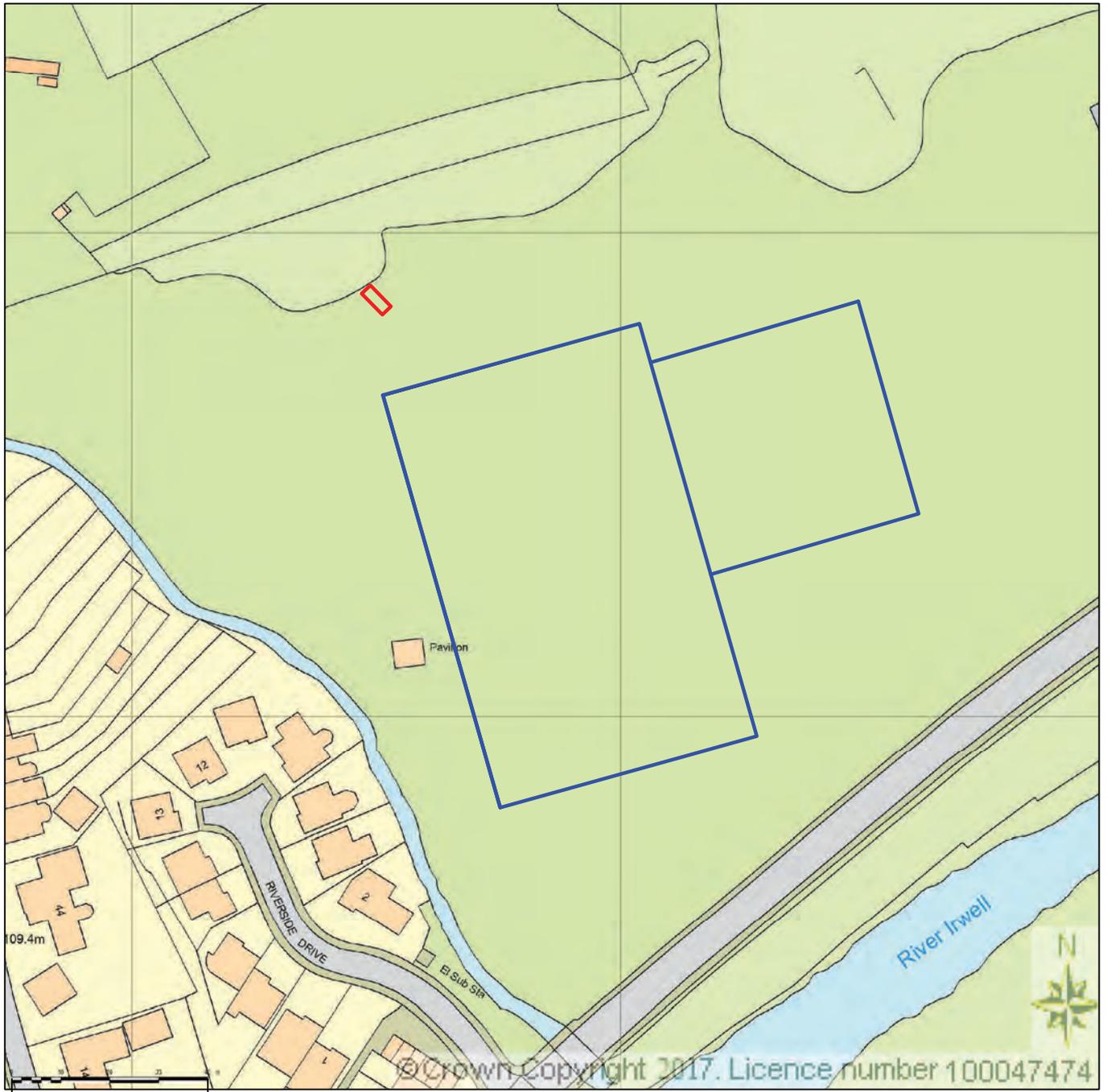
Photo 3

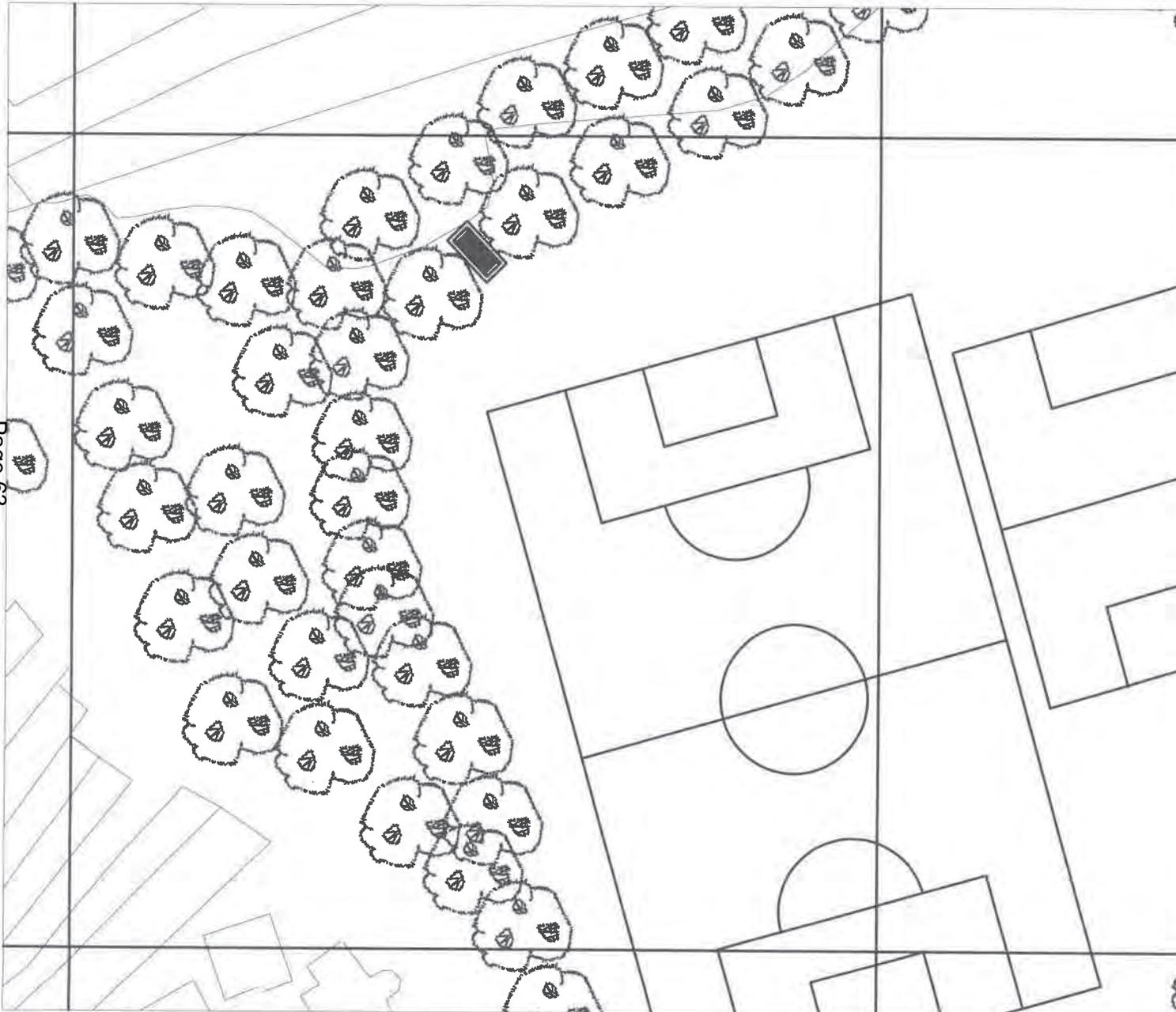


Photo 4



1:1250 LOCATION PLAN OF:
SUMMERSEAT PLAYING FIELDS, WATERSIDE ROAD,
SUMMERSEAT, RAMSBOTTOM BL9 5QL





415100

NOTES:

1. 20 FT GREEN SHIPPING CONTAINER PLACED LONGITUDINALLY INTO THE TREE LINE TO MINIMISE THE AESTHETIC IMPACT.

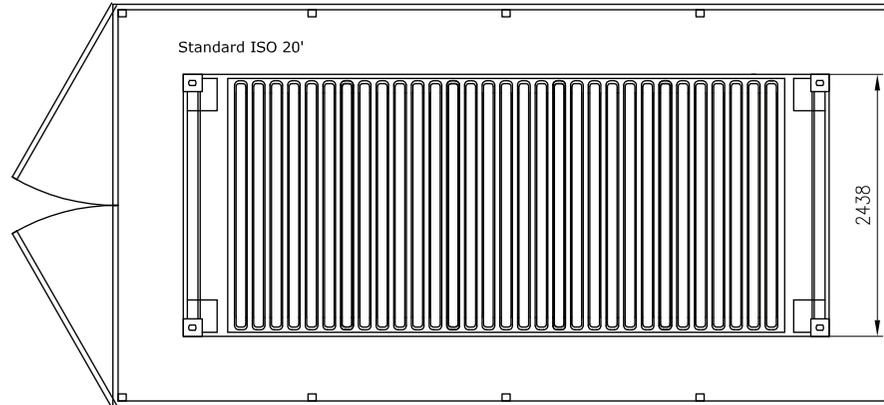
2. CONTAINER TO BE ENCLOSED IN A 2.4m HIGH SOLID WOOD COMPOUND CONSTRUCTED FROM HIT AND MISS FENCING WITH GATES TO THE FRONT ELEVATION. THIS COMPOUND IS INTENDED TO SCREEN THE CONTAINER FOR AESTHETIC PURPOSES. CLIMBING PLANTS WILL BE UTILISED TO FURTHER SOFTEN ITS APPEARANCE.

3. CONTAINER TO BE SUPPORTED ON 4 NO. CONCRETE PLINTHS CONSTRUCTED FROM PRE-CAST SLABS OR CONCRETE PLINTHS CAST IN SITU.

415000

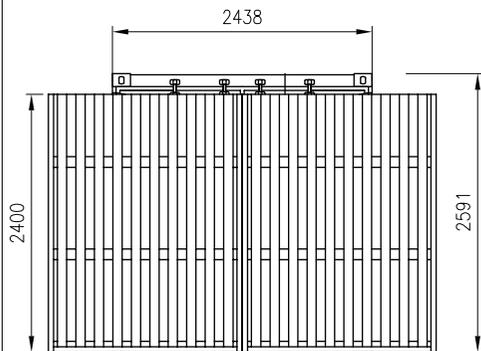
1:500 site plan of Summerseat Playing Fields showing proposed storage container site

REVISION 1 23/09/2018

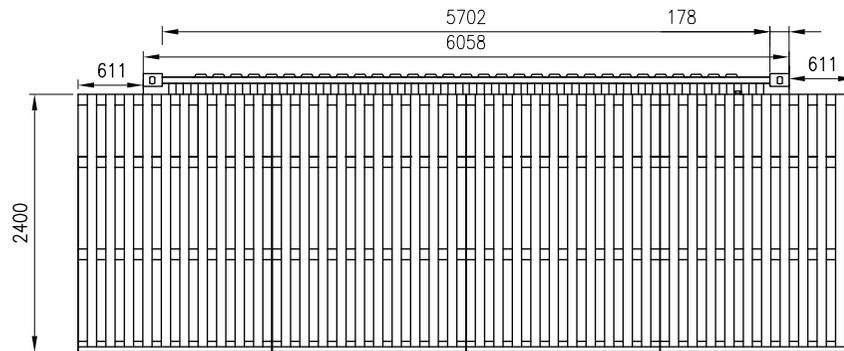


PLAN VIEW SHOWING HIT AND MISS FENCE COMPOUND SCREENING THE SHIPPING CONTAINER, FULL WIDTH OPENING GATES

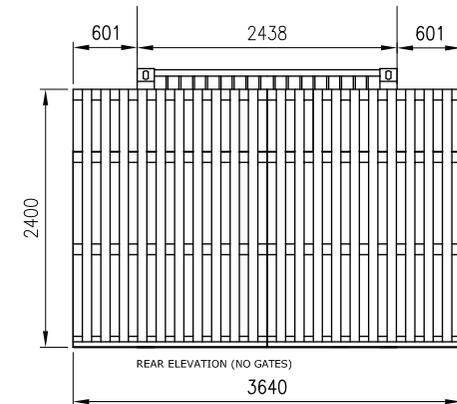
- NOTES
1. HIT AND MISS FENCED COMPOUND TO SCREEN THE CONTAINER
 2. VERTICAL HIT AND MISS FENCE 2400 MM IN HEIGHT.
 3. CONTAINER MOUNTED ON CONCRETE PLINTHS AT EACH CORNER.



FRONT ELEVATION SHOWING FULL WIDTH OPENING GATES



SIDE ELEVATION SHOWING HIT AND MISS FENCE SCREEN



REAR ELEVATION (NO GATES)

20ft iso shipping container sited within a hit and miss fenced compound. Scale 1:50

Ward: Prestwich - Holyrood

Item 04

Applicant: Jennie Platt Ltd

Location: 4 Glebelands Road, Prestwich, Manchester, M25 1NE

Proposal: Change of use from House of Multiple Occupation (Class C4) to a nursery (Class D1 non-residential Institution); External alterations for vehicular access to a rear car park and drop off area; Resurfacing of car park and landscaping to gardens

Application Ref: 63191/Full

Target Date: 26/10/2018

Recommendation: Approve with Conditions

Description

The application relates to a large detached Victorian property which is set within the Poppythorn Conservation Area.

The site is located at the end of a road close to a junction and mini-roundabout and in an area characterised by residential dwellings. Directly adjacent to the east is No 6 Glebelands Road, to the west on the corner of Poppythorn Lane and Glebelands Road is Poppythorn Court apartments which share the vehicular access with the site. Opposite are a row of terrace properties.

The property has accommodation over 3 floors, and has been added to by a single storey extension at the rear.

Vehicular access is off Glebelands Road which is shared with the Poppythorn Court apartments and leads to the rear of the property and a graveled area used for parking, together with a patio and garden area. The rear garden is bounded by timber fencing and tree planting.

The property was recently granted planning permission from a residential care/rehabilitation home (Class C2) to a House in Multiple Occupation (HMO) for 11 people (approved May 2018). This permission has been implemented and there were no pre-commencement conditions. It is noted that the parking and bin store areas have been provided, although these conditions have not been formally discharged.

This planning application seeks a change of use from the HMO to a nursery (Class D1) with parking and drop off area and landscaping proposals. The nursery would be located over the ground and first floor, with the second floor used for staff offices, facilities and training purposes.

At the rear of the property, the car park would be retained to provide 5 parking spaces and a turning area at drop off and pick up times.

It is proposed to use the garden area as the outdoor play space and erect a 2m high acoustic timber fence along the boundary with No 6 Glebelands. A timber clad bin store and pram/buggy store would be located at the side of the property with an additional buggy store located in the car park.

Opening hours would be 7.30am to 6pm Monday to Friday and it is anticipated that circa 48 children would attend, with 7 full time and 2 part time staff.

There would be no external alterations to the property.

Relevant Planning History

50461 - Single storey extension at rear - Approve with Conditions 26/11/2008
52762 - Partial demolition of single storey outbuilding and erection of new single storey extension to link to main house - Approve with Conditions 15/09/2010
53720 - Variation of condition no. 2 of planning permission 52762 - Approved drawings to allow alterations to single storey extensions at rear - Approve with Conditions 20/04/2011
62634 - Change of use from residential care home (C2) to 11 bed house of multiple occupation - Approve with Conditions 23/05/2018
63192 - 1no. non illuminated sign - Approved

Publicity

Letters sent to 25 properties on Poppythorn Lane, Glebelands Road, Poppythorn Court and Newlands Drive.

Three letters of objection received from Nos 26, 30 Poppythorn Lane and 7 Glebelands Road

- What action is being taken to protect the trees in the rear garden? Trees and shrubs are as likely to reduce noise levels if they are retained as much as the acoustic timber fence and it is virtually impossible to erect such a fence in the rear gardens without a substantial culling of trees if it is to be sited in front of the existing fence. Suggest a condition be attached to prevent this taking place;
- The children's markings on the car park are inappropriate and unnecessary in a conservation area;
- Re-turfing the gardens is mentioned - is this astro turf;
- Staggered times are noted - is this possible?
- Concerned with the proposed change of use and the affects that this may have on increased traffic congestion;
- Concerns of the potential unauthorised and dangerous parking during certain periods;
- Neutral about the change of use but believe the parking is totally inadequate for this type of business;
- The road has parking both sides and is often single lane making it difficult to pass;
- To suggest otherwise is naive and you only have to look at the chaos at Kids Planet and they have a proper car park and still needed double yellow lines.

The objectors have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition to provide a car park prior to the commencement of the use.

Borough Engineer - Drainage Section - No response received

Waste Management - No response received

United Utilities (Water and waste) - No response received

Children's Services - This department was not consulted on the application as the applicant would be required to adhere to legislation relating to the provision of childcare which is a separate matter to that of planning.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
EN5/1	New Development and Flood Risk

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) and 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 Policy 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.

Policies - Chapter 8 - Promoting healthy and safe communities of the NPPF states the aim to achieve healthy, inclusive and safe places which encourage social interaction and provide social, recreational and cultural facilities and services the community needs, to enhance the sustainability of communities and residential environments.

UDP Policy CF1/1 - Location of Community Facilities considers proposals with regard to factors including impact on residential amenity, traffic generation and parking provision, scale and size of the development, suitability of the chosen location in relation to the catchment area and accessibility.

Section 72 sets out the duties imposed upon a Local planning Authority in respect of Conservation Areas in exercising its planning functions.

In Chapter 16 of the NPPF - Conserving and enhancing the historic environment, paragraph 192 states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where a development proposal would 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.

UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control seeks to preserve or enhance the special character of the Conservation Areas. In the case of the re-use of buildings or the introduction of new uses, assessment will be made on the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

SPD11 - Parking Standards in Bury offers guidance for parking provisions in new development.

Principle - The site is located within an urban area which is residential in character and therefore in a catchment area for the nursery and would be located in an area which would benefit the local community and serve local needs. It is close to Prestwich Town centre and within 300m walking distance from the metrolink and 400m from the amenities and facilities in town and as such within a sustainable area.

The premises would be capable of accommodating the proposed use without alterations and any additions or changes to the site in terms of structures or works could be removed or would be reversible.

As such, it is considered that the proposed development would be acceptable in this location and would comply with CF1/1 and the principles of the NPPF.

Conservation area issues - Whilst the proposed use would be of a different character to

the residential nature of the area, there would be no physical alterations to the building or its layout which would harm the Conservation Area and therefore considered to preserve the character of the Conservation Area.

The plans indicate it is proposed to tarmac the rear car park in a light grey colour which the applicant states would be more hard-wearing and enable the area to be used as outdoor play space. This would be a type not generally accepted in a Conservation Area given its visual impact and permanence and there are other surfacing solutions which would be more appropriate within such a designation. As such, a condition would therefore be included that notwithstanding the submitted plans, details of the car park surfacing shall be submitted for further approval, to which the applicant has agreed.

The plans show that children's illustrations would be incorporated within the surfacing. Depending on the type of surfacing, these may or may not be incorporated within the car park. Notwithstanding this, it is considered that in any event, as the markings would be brightly coloured, they would be at ground level and not overt prominent to public views, and could be surfaced over at any time, and therefore considered acceptable in principle.

The pram stores would be timber clad structures, 1.5m wide and 4.1m long, one would be located towards the front of the building along the side elevation. Although visible from the streetscene, it is considered that the size and scale and material to be used would not introduce a discordant feature in the Conservation Area. The other pram store would be located in the car park at the rear and would not be visible to views.

The bin store enclosure would also be located on the side elevation towards the rear of the building. Position behind a bay window, and set back within the site, it would not be a highly visible structure.

It is considered the bin store structure and pram stores would be relatively minor additions, would be appropriate in size, scale, design and material and would also be removable structures, and as such considered to preserve the character of the Conservation Area.

As such, it is considered the proposed use and associated development would be a sustainable and acceptable use which would preserve and safeguard the character of the Conservation Area and as such comply with UDP Policies EN2/1 and EN2/2 and the principles of the NPPF.

Layout - In terms of the external layout, there would be little in the way of changes in comparison to the existing arrangement. The front entrance would be the main access into the building with a drop-off entrance at the rear from the car park. The existing parking spaces would be slightly pushed back adjacent to the boundary with No 6 Glebelands to create a larger turning area for cars to turn around and outdoor play space in the southern part of the site would be re-turfed.

Internally, there would be some removal of partition walls to create larger rooms. The children would be accommodated at ground and first floors and the second floor utilised as staff facilities.

Minimal alterations would enable the property to be brought to an acceptable standard for a nursery use and as such the proposed layout is considered acceptable and comply with UDP Policies EN1/2 and CF1/1.

Impact on Residential amenity - The property is located within a residential area and residents would not expect levels of activity or noise to be significantly above that usually found in such areas.

In terms of previous uses, the property has previously operated as a care home which in itself would generate trips from care workers, and the existing use as an HMO was considered not to significantly increase noise or disturbance beyond that operating as a

normal residential household.

The site is located within a residential area and the proposed use such whereby it would serve the local community and a catchment area, advocated by UDP Policy CF1/1, and anticipated that users of the nursery would live in the locality. That said, there will be a certain amount of vehicular movements to and from the site from those further away, mainly from the drop-off and pick up times of the children. To address this, the applicant proposes a management strategy to allocate time slots for drop offs and there would be an area at the rear of the property for cars to facilitate this, thereby taking cars off the highway and minimising traffic on the road.

The drop off and collection of children would generally be at a time when the majority of people would either be travelling to/from or are at work/carrying out daily activities and would not be affected by the activity around the site.

Noise and disturbance associated with the use itself during the daytime would likely not be perceptible, although there would be times when the children are outside in the outdoor play area, when there would be higher levels of noise.

The applicant has acknowledged this could be the case and have sought to provide mitigation in the way of the erection of a 2m high acoustic fence which would be erected along the boundary with No 6 Glebelands. This would be in addition to the existing fence which already runs along the boundary as well as the tree planting which provides some buffer and screening and which would be retained.

Along the rear boundary there is screening and planting by a row of mature trees which are protected by the Conservation area designation. Poppythorn Court and the houses to the east on Poppythorn Lane are considered to be substantially screened and protected by the existing boundary fence which runs along the site and are far enough away not to be significantly affected by the outdoor play area.

It is therefore considered that the proposed nursery use would not have a detrimental impact on the adjacent occupiers or those living in the area and as such the proposed development would comply with UDP Policies EN1/2, CF1/1 and HT2/4.

Highways issues - SPD11 - Parking Standards in Bury advises that maximum standards for parking provision for a nursery would be 1 per full time equivalent staff. For 7 full and 2 part time staff, this would require a maximum of 8 spaces.

The application proposes 5 parking spaces adjacent to the boundary with No 6 Glebelands.

The site is located close to Prestwich Town Centre within walking distance to the metrolink and bus services and there would be the provision of a cycle store to encourage staff to cycle to work.

National Planning Policy in the NPPF advocates the principles of sustainable development including the encouragement and reliance on public transport and the move away from private car use. Given the town centre location, proximity of transportation services and facilities nearby, and the encouragement to car share or cycle, the proposed parking provision is considered to be acceptable.

The applicant states that there would be a managed drop off strategy, with parents allocated time slots. In the morning this would be 7.30am to 9.30am and in the evening 3.30am to 6pm. Notwithstanding this, there is a tendency for drop off and pick up times to nurseries to be staggered in any event, as it would be unlikely that parents/carers of the children would operate to the same work/life schedules.

The site is also located within a residential area which would serve the local community or catchment area and where it would be expected that a certain number of users would live in

the locality and would walk to and from the nursery.

Whilst there would be a certain level of traffic generated by the proposed use, it is considered that managed effectively, and with the allocation of specific time slots, traffic to the area would not increase significantly to cause unacceptable levels of traffic and congestion to the area.

The Highway's Section is satisfied that the parking provision and drop-off facilities would be satisfactory and the development is considered to be acceptable and in line with the principles of the NPPF, UDP Policies HT2/4 - Car Parking and New Development and CF1/1 - Location of Community facilities and SPD11.

Drainage - In terms of drainage of the car park, details have yet to be clarified and approved, and therefore it is unclear whether the car park would have a permeable surface. Notwithstanding this, the proposed plans show that there would be a linear drainage gully along the rear edge between the car park and the garden. This would ensure that surface water would drain within the site.

Waste management - The collection arrangements would be the same as for the existing property.

Response to objectors

- Apart from some bushes, the trees along the boundaries would be retained and the acoustic fence would be erected directly behind the existing and as such considered acceptable. The trees are protected by their conservation area designation.
- The issues of the play markings on the car park, and the parking and access have been covered in the above report

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Site plan 001; Existing site block plan 002; Existing ground floor plan 003; Existing first floor plan 004; Existing second floor plan 005; Proposed landscape plan 006 rev A; Proposed ground plan 007 rev A; Proposed first floor plan 008; Proposed second floor plan 009; Pram shelter 012 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The car parking and turning facilities indicated on approved plan reference 006 rev

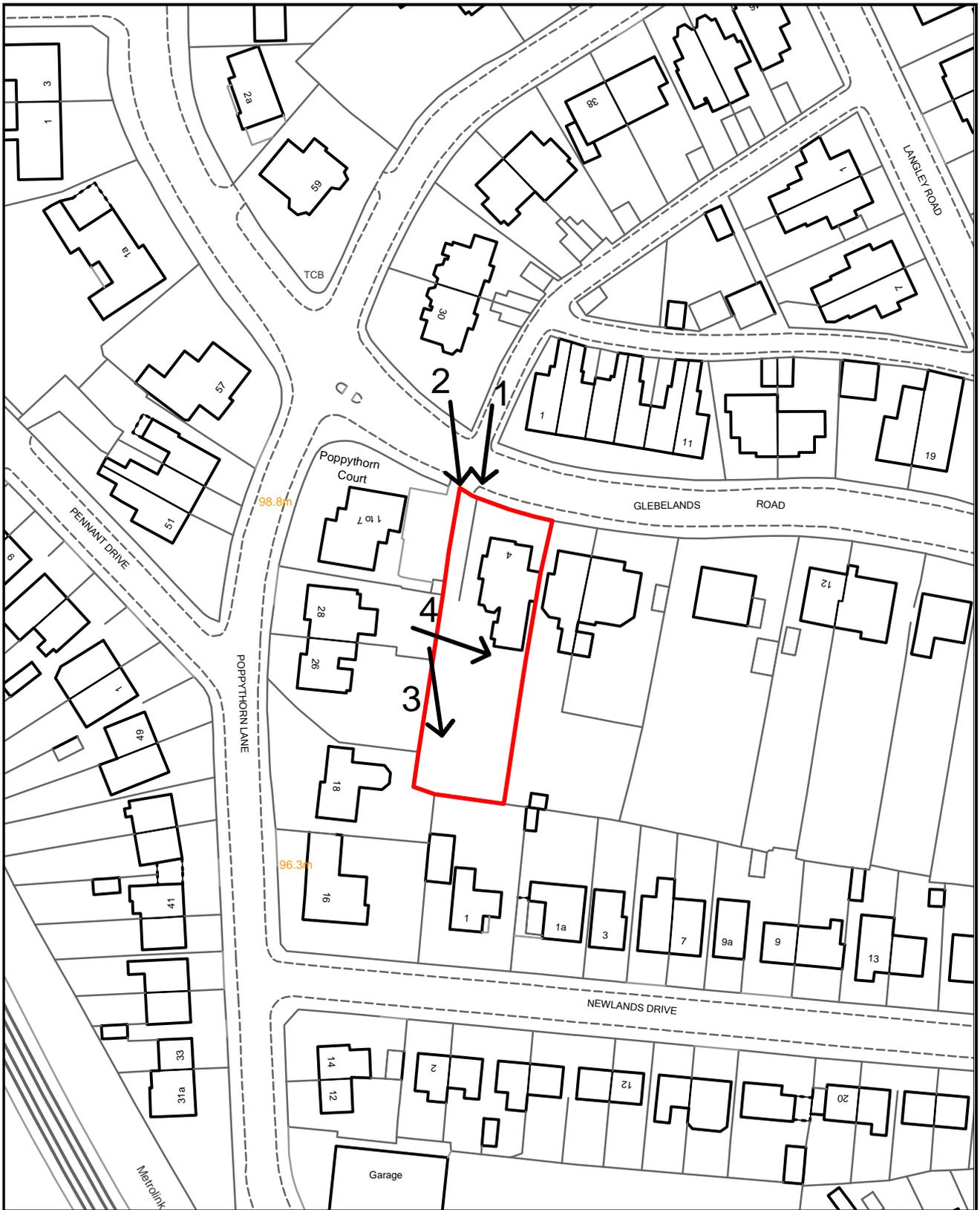
A shall be implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To ensure adequate off street car parking provision and minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development and CF1/1 - Location of New Community Facilities.

4. The acoustic fence hereby approved on plan 'Proposed Landscape Site Plan 006 rev A' shall be implemented prior to the commencement of the use hereby approved, and thereafter maintained.
Reason. To protect the residential amenity of 6 Glebelands Road pursuant to Bury Unitary development Plan Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and CF1/1 - Location of New Community Facilities.
5. The bin enclosure and pram stores hereby approved on 'Proposed Landscape Site plan 006' and 'Pram Shelter 012', shall be implemented prior to the commencement of the use hereby approved, and thereafter maintained for the duration of the use hereby approved.
Reason. In the interests of visual amenity and to ensure the adequate provision of facilities associated with the approved use, pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation areas, EN2/2 - Conservation area Control and CF1/1 - Location of New Community Facilities.
6. The drainage channel on plan 'Proposed Landscape site plan 006 rev A' hereby approved shall be implemented prior to the commencement of the use hereby approved, and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
7. The nursery shall only be open to members of the public between 7am and 6pm Monday to Friday. There shall be no weekend working.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design and CF1/1 - Location of New Community Facilities of the Bury Unitary Development Plan.
8. Notwithstanding the approved 'Proposed landscape site plan 006 rev A, prior to the commencement of the use hereby approved, details of the proposed surfacing for the car park shall be submitted to and approved by the Local Planning Authority. The approved surfacing only shall be implemented prior to the first use of the development hereby approved.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation areas and EN2/2 - Conservation area Control.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63191

**ADDRESS: 4 Glebelands Road
Prestwich**

Planning, Environmental and Regulatory Services

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63191

Photo 1



Photo 2

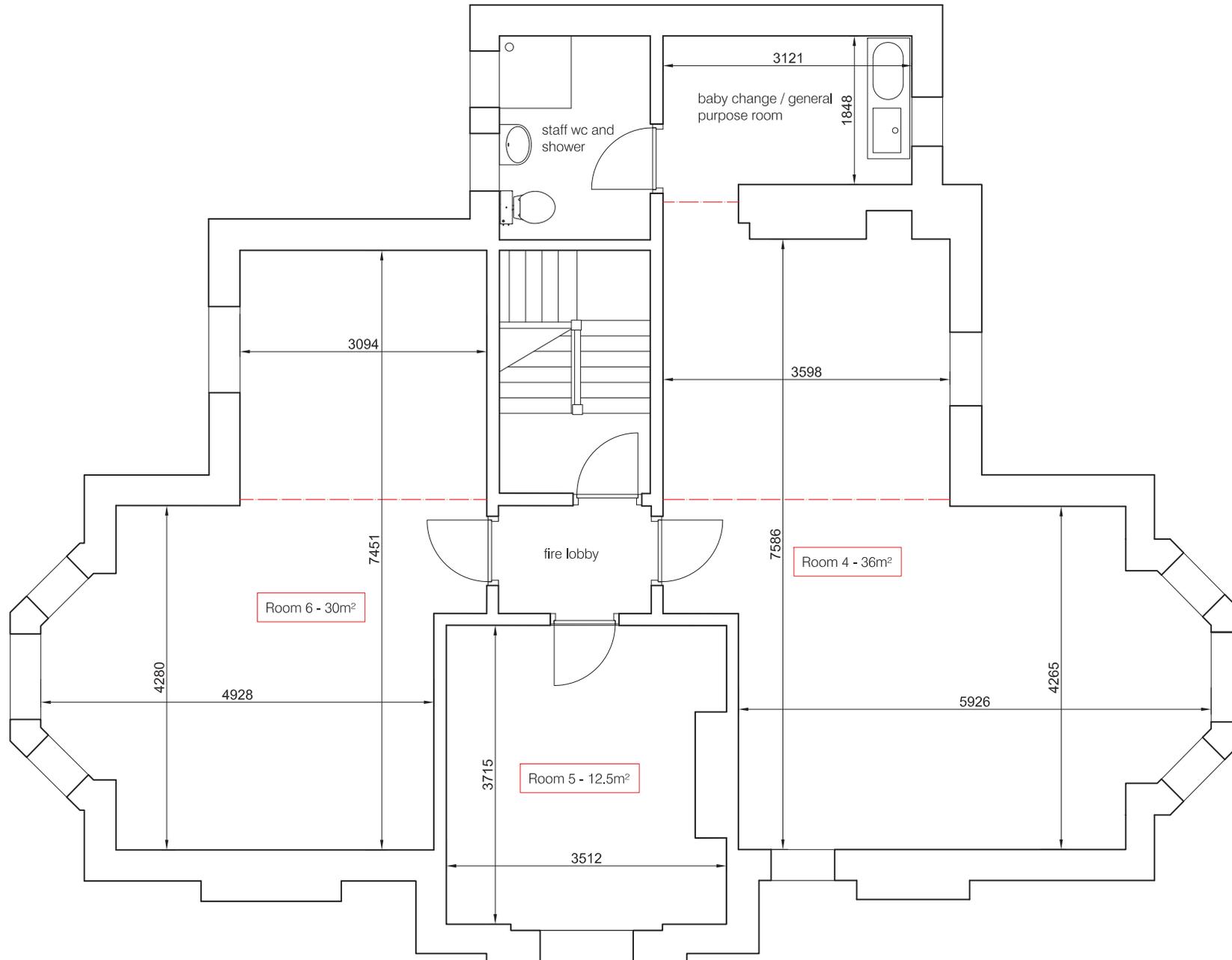


Photo 3

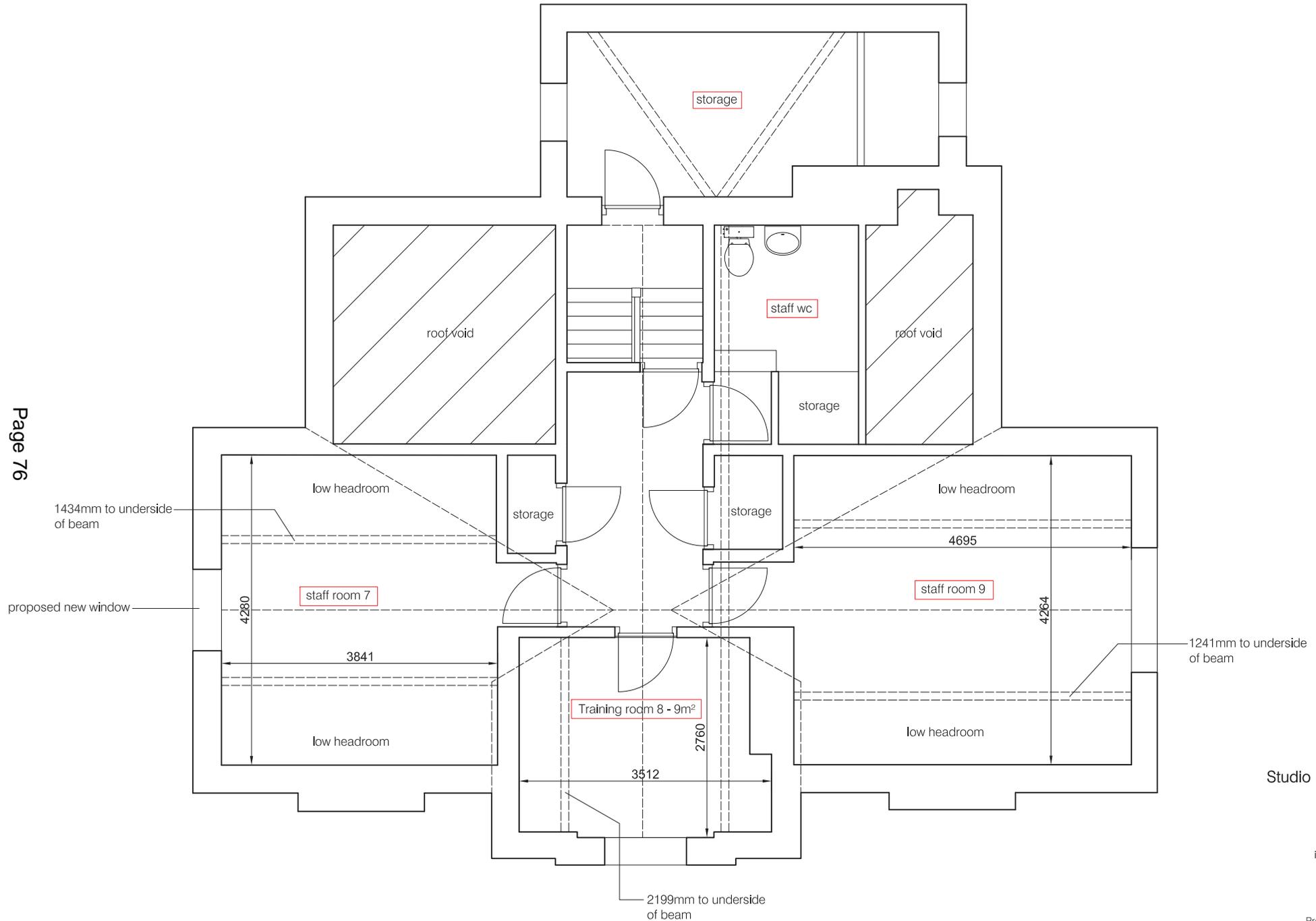


Photo 4





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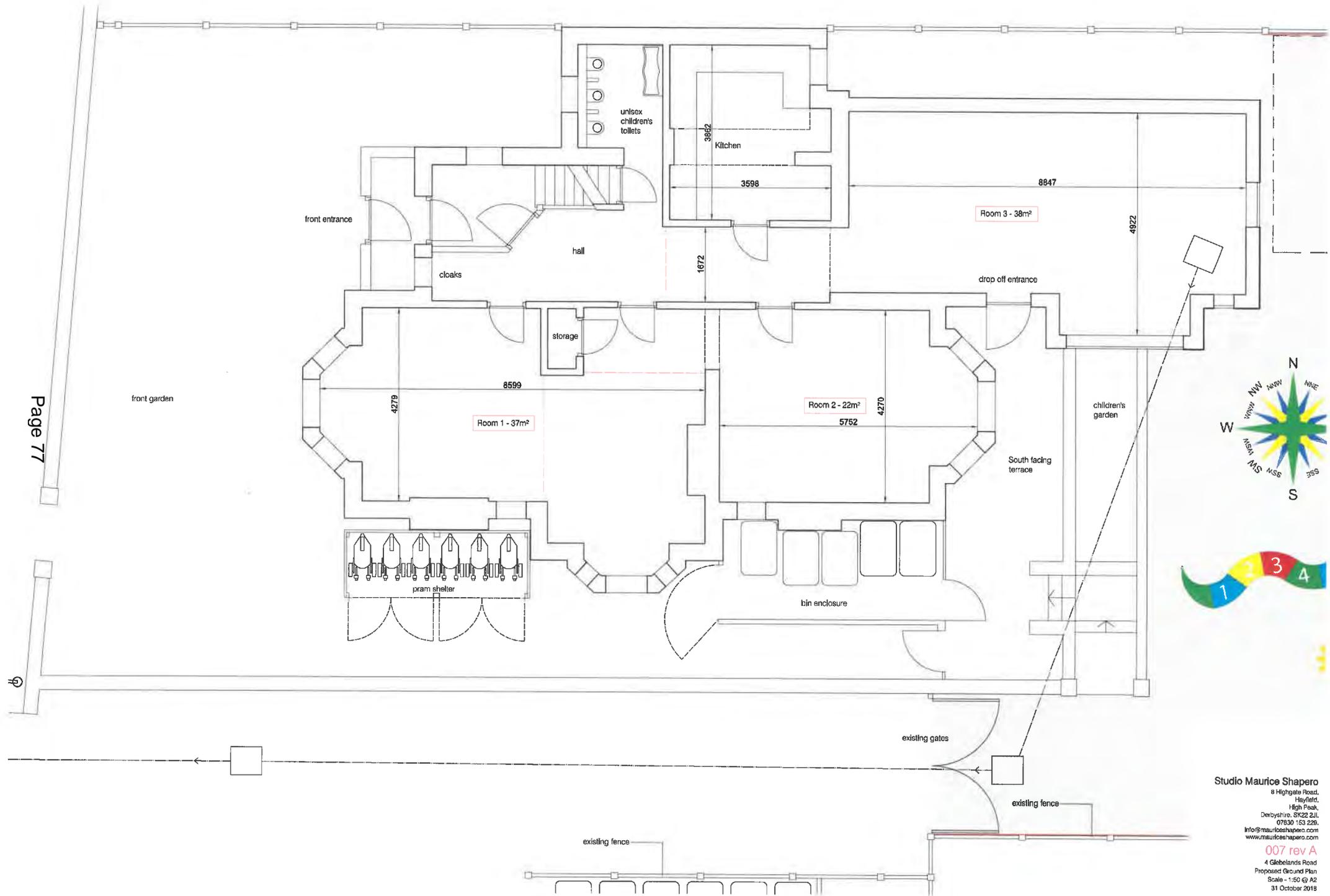


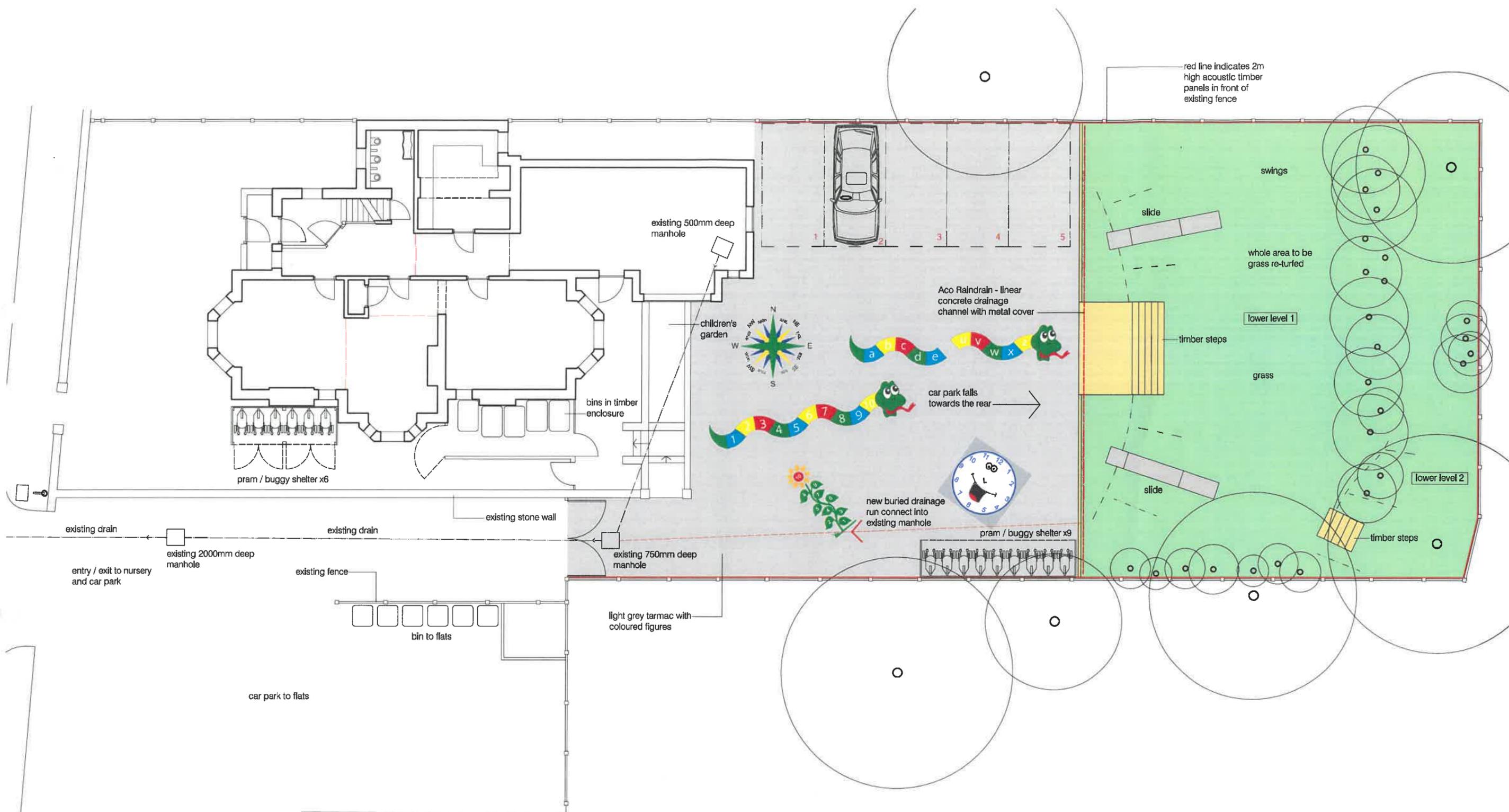
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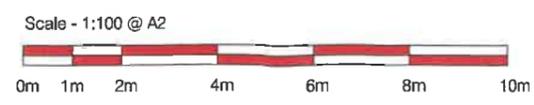
009

4 Glebelands Road
Proposed Second Floor Plan
Scale - 1:50 @ A3
April 2018





Proposed Site Block Plan 1:100 @ A2



Ward: Bury East - Moorside

Item 05

Applicant: Mrs Joanne Morris

Location: St Pauls C of E Primary School, Porritt Street, Bury, BL9 6LJ

Proposal: Siting of a single storey portakabin building to be used for meetings for a temporary period of 3 years.

Application Ref: 63273/Full

Target Date: 07/11/2018

Recommendation: Approve with Conditions

Description

The application is for the retention of a single storey office building for a temporary period of three years. It is sited close to the boundary at the north east corner of the site opposite the rear of residential properties on Huntley Mount Road. The eastern elevation of the temporary building faces the rear of the properties and is 16 metres away from the habitable room windows at ground and first floor level opposite at the nearest point. There are two windows in the elevation of the building facing the rear of the domestic properties, of approximate size 1 metre wide and 1.50 metres high. Both windows are fitted with internal blinds.

The temporary building is required for meetings with parents and one-to-one learning with pupils because all available teaching space within the school is in use. The building's requirement is due to an increase in the schools intake of pupils and this is to be adjusted within the next three years, by which time the building will no longer be required, hence the application for a temporary consent for three years. The building would only be used when the school is open.

Relevant Planning History

46136 - New covered junior entrance - Approve with Conditions 22/05/2006

59255 - Replacement of covered play area enclosure - Approve with Conditions 03/11/2015

18/0297 - Portacabin on site which is being used as classroom - enforcement enquiry.

Publicity

Letters dated 19/9/18 to the following addresses:

93 to 105 Huntley Mount Road (inclusive) and 2 to 6 Norman Street (inclusive).

- An objection was received from 101 Huntley Mount Road; carried out without permission, overlooks dining room, bedroom and back yard and will affect the value of the house.
- An objection was received from 103 Huntley Mount Road; building can be seen from bedroom, could be sited elsewhere.
- An objection was received from 105 Huntley Mount Road; done in an underhanded way, is an eyesore.

The objectors have been notified of the Planning Control Committee Meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No comments received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

CF2	Education Land and Buildings
EN1/1	Visual Amenity
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) and 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 Policy 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.

Principle - The principle of increased or additional facilities within the school grounds are acceptable where they support the provision of education facilities. UDP policy CF2 - Education Land and Buildings states the Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

The proposal would constitute an improvement to the school by providing addition space taken up by the school's increasing intake numbers and as such would accord with the aims of UDP policy CF2.

Residential Amenity - The back yard areas of No.s 101, 103 and 105 would not be overlooked by virtue of existing brick boundary treatments and garage structures of those properties. The windows at first floor level would not be overlooked because of their elevated position in relation to the building. The use of the building would not cause any

more noise or disturbance than might already exist with the existing school. The building would only be used when the school is open. There are already two temporary buildings on site which are currently in use for teaching. There are no other suitable areas within the site, due to drainage issues, levels on site and the availability of services.

To allay any concerns regarding the residential amenity of the occupiers of No.s 101, 103 and 105 Huntley Mount Road it is recommended that a condition is added to obscure glaze the windows of the temporary building. A condition is also recommended to ensure that three years after the date of any permission the building is removed or an application for permanent consent is made. As such the building would be acceptable with regard to residential amenity and the proposal would comply with UDP policy CF2 - Education Land and Buildings and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

Visual Amenity - The building, within the school site, would be viewed within the context of the existing school buildings and as such its impact is not considered detrimental to the visual amenity of nearby occupiers. The building does not, by virtue of its siting, size and design have a detrimental impact on the visual amenity on the occupiers of 101, 103 and 105 Huntley Mount Road or on the surrounding street scene. As such it would not have a detrimental visual impact on nearby occupiers or its surroundings. As such the proposal would comply with UDP policy EN1/1 - Visual Amenity.

Response to objectors - Property prices are not a planning material consideration.

The other issues have been addressed in the main report above.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

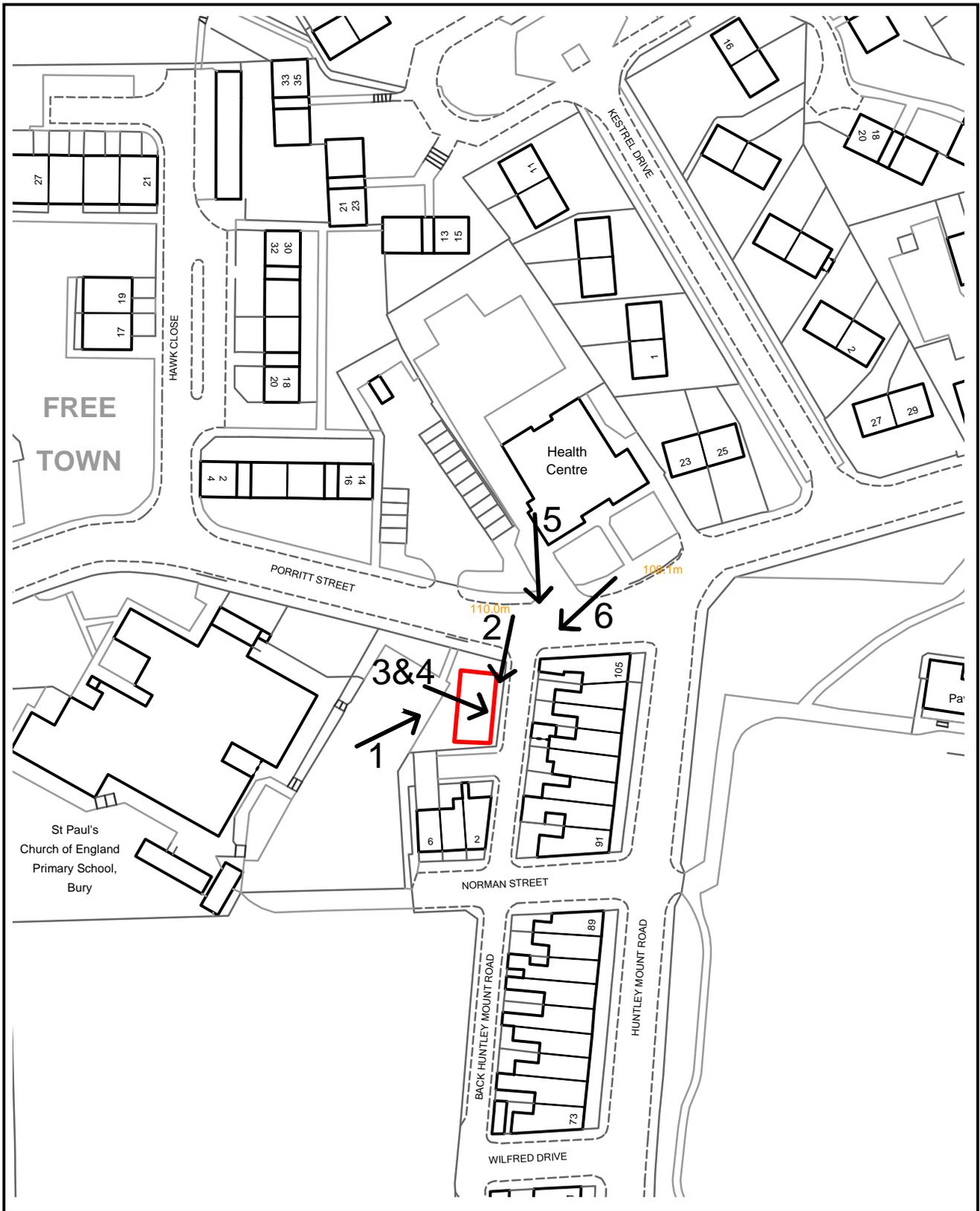
Recommendation: Approve with Conditions

Conditions/ Reasons

1. Within 28 days of the date of this permission vinyl obscure glazing shall be permanently affixed to the existing glazing in the windows in the eastern elevation of the building hereby given consent and retained in that condition thereafter.
Reason. To protect the privacy of nearby occupiers and to accord with Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
2. Within three years from the date of this permission, the temporary building hereby given consent shall be either permanently removed or have a planning application submitted for its permanent retention.
Reason. The development is of a temporary nature only and to protect the visual and residential amenity of the area in accordance with the adopted Bury Unitary Development Plan Policy EN1/1 - Visual Amenity and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63273

**ADDRESS: St Pauls C of E Primary School,
Porritt Street, Bury**

Planning, Environmental and Regulatory Services

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63273

Photo 1



Photo 2



Photo 3



Photo 4



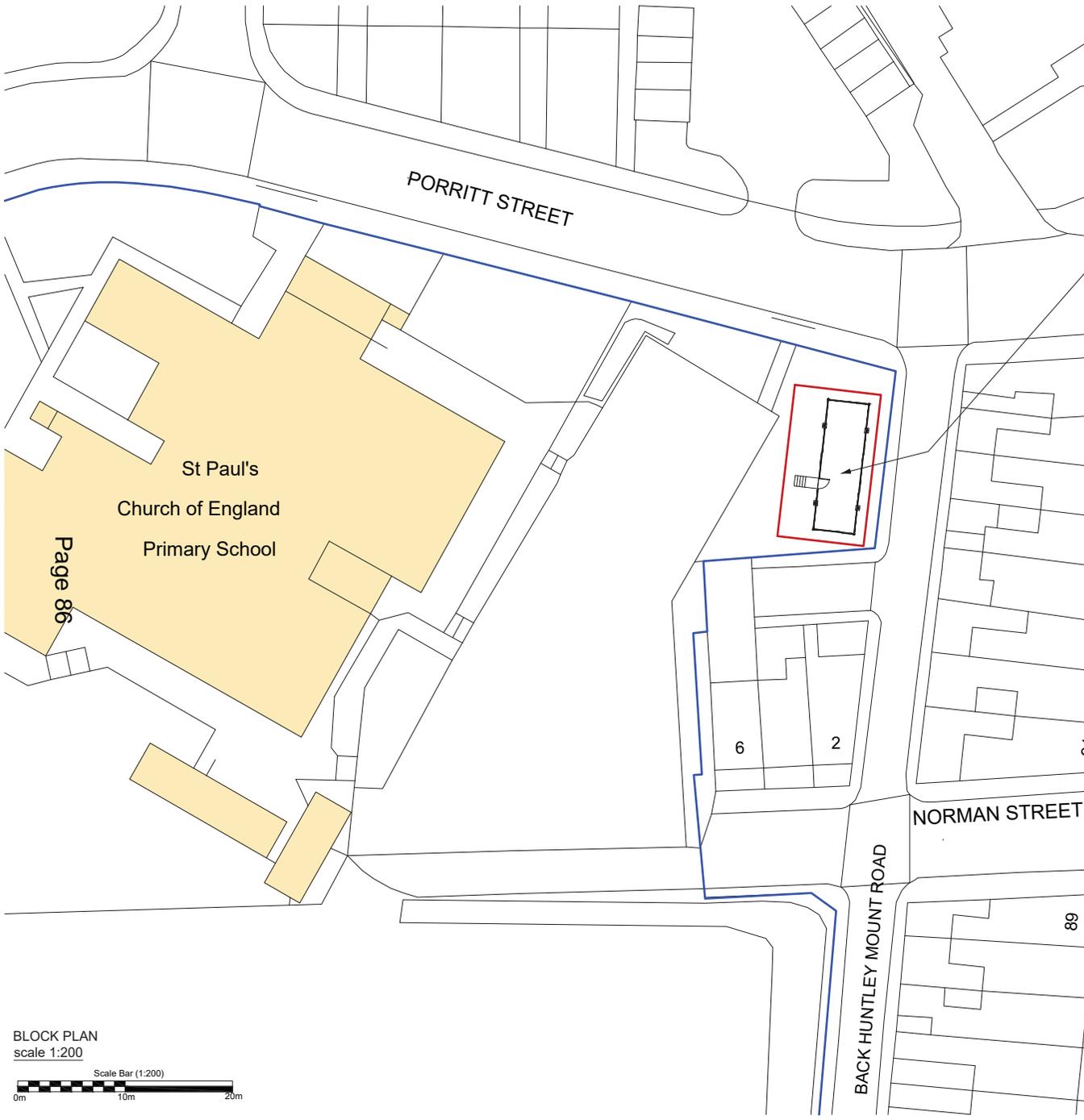
63273

Photo 5

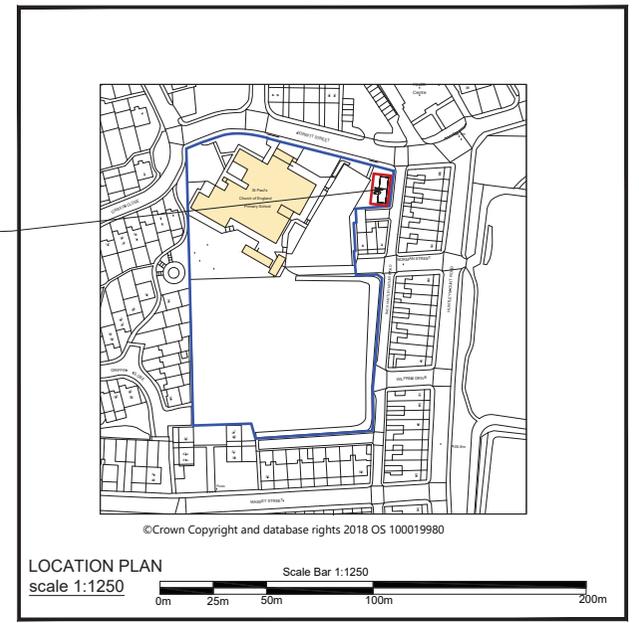


Photo 6

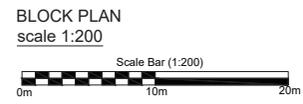




Proposed location of
single storey
Portakabin Building.



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Title LOCATION AND BLOCK		
St Paul's C of C Primary School at Porritt Street, Bury, BL9 6LJ.		
Date: 10th September 2018		
Scale : 1:200 & 1:1250 @ A1		
Drawing Number TSNG220156489		
Rev.	Date	Notes

NOTES:

- Site plan is based on existing Ordnance Survey information
- Responsibility is not accepted for errors made by others in scaling from this drawing. Contractors must check all dimensions on site. Discrepancies must be reported to the drawing owner before proceeding.

KEY:

- Application Boundary
- Area owned by client but not in application

Portakabin Limited 2000
This drawing is the property of Portakabin Limited.
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Ward: Ramsbottom + Tottington - Tottington

Item 06

Applicant: 2019 Ltd

Location: Land off Claybank Drive, (rear of Victoria Street), Tottington, Bury, BL8 4BU

Proposal: Erection of 3 no. dwellings with associated access off Claybank Drive

Application Ref: 63275/Full

Target Date: 07/11/2018

Recommendation: Approve with Conditions

Description

The application site comprises a piece of undeveloped land between the row of two storey terraced houses on Victoria Street to the east and the detached houses on Claybank Drive to the west. The rectangular site, with a spur linking Claybank Drive, covers 0.28ha and slopes down from west to east. The land, although undeveloped, comprises a mix of grassland, shrubs and trees and is not within the Green Belt, which extends beyond Turton Road to the north/east. There is a Public Right of Way running from Claybank Drive, down the northern boundary to Turton Road.

Part of the site has been extended their garden areas into the site although within the last two years the land has been reclaimed. The properties on Victoria Terrace back onto the site, across a narrow access track.

The application is seeking full planning permission for three detached, two storey, 4-bed houses with vehicular access from Claybank Drive at the northern end of the site. The new houses would be set down from Claybank Drive but are on the upslope from properties on Victoria Street. The slope would be cut away on the upper section to level the plots and the houses would be rendered with a stone plinth along the base. The stone element would also run through to the boundary walls along the access road, which would also incorporate timber fences above. The roofs are proposed to be Redland 'Cambrian' grey slates and the doors and windows would also be in grey. Sections through the site, between Victoria Street and Claybank Drive indicates the relationship between the proposed houses and the properties on either side.

The proposed unadopted access road would run along the northern boundary and sweep south, running adjacent to the existing access track along the back of Victoria Street. It would terminate in a turning head in front of plot 3. There would be a stone boundary wall with planting along the eastern/road boundary to segregate the site from the access to the rear of Victoria Street. It is proposed to install low level bollard lighting at various points along the access road and upgraded public footpath.

On the western side of the site, where the site is cut away, there would be a stone filled gabion retaining wall running north-south, adjacent to the boundary. Given the proposed releveling of the site and position of the new houses, all existing trees would be removed apart from a silver birch in the south west corner. A landscape plan, including new replacement tree and hedge planting is proposed in mitigation.

Relevant Planning History

59216 - Outline residential Development (all matters reserved) - Approved 15/12/2015.

Publicity

The following 51 properties were notified by letters dated 20/09/18.

Nos.2-54(even) Victoria Street, Nos.15, 25, 29, 32, 33, 34, 37, 39, 41, 43, 46, 48, 52-66(even) Claybank Drive, 67-75 Turton Road, 4, 7 Primrose Bank, 59 Horbury Drive, 34 Thornfield Road.

Objections, received from the occupiers at 10, 12, 14, 18, 20, 26, and 46 Victoria Terrace and 15, 39, 58, 62 Claybank Drive. Tottington District Civic Society have also objected.

Objections are summarised below:

- Contrary to UDP Housing policies.
- The proposal would have a detrimental impact on wildlife and ecology.
- There is Japanese Knotweed and Himalayan Balsam on the site.
- The layout is poor and would increase overlooking of neighbours on Victoria Terrace.
- The new houses and boundary wall would be overbearing and lead to loss of light to neighbours .
- The construction phase would cause disruption to neighbours.
- Plans are incorrect and do not take account of extensions at the rear of properties on Victoria Terrace.
- Land is poor and concerns about building.
- Possible structural problems in relation to properties on Claybank Drive.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection subject to conditions.

Environmental Health - No objection.

Public Rights of Way Officer - No objection.

United Utilities - No objection.

Greater Manchester Ecology Unit - No objection subject to conditions.

Greater Manchester Police - No objection.

Fire Protection Dept Bury Fire Station - No objection.

Pre-start Conditions - The agent has agreed with the pre-start conditions.

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN3	Archaeology
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution
EN7/1	Atmospheric Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
HT2/4	Car Parking and New Development
H1/2	Further Housing Development
EN6/3	Features of Ecological Value
EN1/2	Townscape and Built Design
H2/6	Garden and Backland Development
EN6	Conservation of the Natural Environment
HT6/2	Pedestrian/Vehicular Conflict
HT6/1	Pedestrian and Cyclist Movement
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) and 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 Policy 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.

National Planning Policy Framework - The National Planning Policy Framework (NPPF) indicates that there is a presumption in favour of sustainable development unless there are substantial and material reasons to refuse.

Policies - H2/1 - The Form of New Residential Development. All new residential development will be expected to make a positive contribution to the form and quality of the surrounding area. Factors to be considered when assessing proposals will include:

- a) the height and roof type of adjacent buildings;
- b) the impact of developments on residential amenity;
- c) the density and character of the surrounding area;
- d) the position and proximity of neighbouring properties;
- e) the materials to be used in proposed developments, especially their colour and texture.

EN1/2 Townscape and Built Design. The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

EN6 Conservation of the Natural Environment. The Council will retain, protect and enhance the natural environment of the Borough, particularly in relation to areas of ecological, wildlife and geological importance.

EN7 - Pollution control. The Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.

EN7/5 - Waste Water Management. In seeking to limit surface water pollution the Council will not permit development which:

- a) does not have satisfactory arrangements for the disposal of foul sewage, trade effluent and contaminated surface water;
- b) will exacerbate existing problems, such as premature or increased frequency of discharges through storm sewer overflows due to inadequate infrastructure or lack of sewer capacity;
- c) would present an unacceptable risk of spillage or leakage of stored oils/chemicals or other potentially polluting substances.

EN8 - Woodland and Trees. The Council will support the retention of trees, woods, copses and hedgerows and encourage natural regeneration and new and replacement tree planting throughout the Borough.

H1/2 - Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;

- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

H2/2 - The Layout of New Residential Development. New residential development will be required to demonstrate acceptable standards of layout. Factors to be considered when assessing proposals will include:

- a) car parking provision;
- b) access for both vehicles and pedestrians, and provision for public transport;
- c) the possible need for traffic calming measures;
- d) density;
- e) space about and between dwellings;
- f) landscaping and screening;
- g) protection/provision of trees and hedgerows;
- h) open space/children's play areas;
- i) design for safety and security;
- j) access/facilities for the disabled;
- k) the existence of any public rights of way.

H2/6 - Garden and Backland Development. The Council will not permit proposals which will result in the loss of private gardens and backland for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area.

When assessing proposals, special regard will be given to:

- a) the concentration of such development in the surrounding area;
- b) the relative density of the proposal to that of the surrounding area;
- c) the impact on neighbouring properties and the local environment;
- d) access arrangements.

HT2/4 - Car Parking and New Development. The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

HT6/2 - Pedestrian/Vehicular Conflict. The Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:

- a) pavement widening/realignment;
- b) pedestrianisation schemes;
- c) improved pedestrian crossing facilities;
- d) proposals designed to reduce traffic speed;
- e) provision of clearly signed pedestrian routes.

SPD6 Alterations and Extensions sets out specific aspect and separation distances between residential properties.

Principle - The principle of residential development on the site was established by the previous outline application, approved in December 2015 and remains extant.

Layout, Appearance and Visual amenity - The linear layout is governed by the nature of the site and the relationship between neighbours on either side in terms of aspect and separation distances required. The houses reflect the pattern of properties on Claybank Drive rather than Victoria Street and although they have sizeable footprints, each sited within a large plot with extensive landscaped gardens between each property.

The contemporary appearance, whilst in contrast to the stone terrace along Victoria Street, is considered to be acceptable within the locality. The proposal, terms of visual amenity, complies with the NPPF and UDP policies EN1/2, H2/1 and H2/2.

Residential Amenity - It would be useful to set out specific separation distances that are expected to be retained between properties to protect residential amenity, set out in Supplementary Guidance Note 6 Alterations and Extensions, adopted in 2004 and updated 2010. Although specifically referring to extensions, the guidelines should also be applied to new build schemes. These are:

- 13m distance between a principle ground floor habitable room window and a two storey blank gable/wall.
- 6.5m distance between a principle ground floor habitable room window and a single storey blank gable/wall.
- 20m distance between a principle habitable room window to a principle habitable room window in a neighbouring property.
- 7m between first floor habitable room window and boundary to neighbouring garden.

In terms of the above guidelines, the proposed new houses are positioned so that they are 'side-on' to properties on Victoria Street and satisfy the separation distances. Of the three new houses, plot 3 is positioned closest to properties on Victoria Street. The new house on plot 3 would be 15m from the habitable room windows on the rear elevation and although the floor level of the new house would be just over 1m higher than the nearest properties on Victoria Street, the separation distance is considered acceptable and complies with guidance.

Only the house on plot 1 would have windows on the side facing houses on Victoria Street. The ground floor window would be to a kitchen/diner while the first floor window would be an obscure glazed and to a bathroom. Discounting extensions, the distance between the proposed habitable room window on the ground floor to the main habitable room windows on the rear elevation of properties on Victoria Street would be 22.3m. This distance is acceptable in that it would safeguard the amenity of neighbours and comply with UDP policy and guidance.

Permitted Development - Given the nature of the site and relationship with properties on Victoria Street, it would be considered appropriate to remove permitted development rights for the new houses.

Access and Parking - The proposed driveway from Claybank Drive would remain unadopted and is considered adequate to serve the three houses. The driveways and garages would be sufficient to park at least two cars. The Highways team has no objection to the proposal as the access and parking arrangements would be acceptable subject to details of works to the highway being submitted. In terms of access and parking the proposal is therefore acceptable and complies with the NPPF and UDP Policies H2/2 and HT2/4.

Public Right of Way (PROW) - The Public Right of Way (78A) that runs along the northern boundary of the site between Claybank Drive and Turton Road would be resurfaced and remain open. As such the proposal would be acceptable and comply with UDP policy.

Ecology - The site is greenfield and comprises a mix of informal open grassland/scrub with a number of self-seeded trees. An updated ecological appraisal was submitted and concludes that, in terms of overall nature conservation, the site's value is assessed as low/negligible. However, it does state that special consideration should also be given to potential presence of reptiles, breeding birds and slow worms during site clearance.

No significant ecological constraints were identified and residual issues relating to nesting birds and landscaping can be resolved via conditions. Greater Manchester Ecology Unit have no objection to the proposal subject to conditions relating to tree and hedge planting, removal of invasive plant species such as Japanese Knotweed and Himalayan Balsam and restrictions on development during nesting season.

Trees and hedges - The Arboricultural Report, submitted with the application concludes that the majority of trees on the site are of poor quality and should not restrict development.

The trees on the site do provide limited amenity value and provide habitat for wildlife, however they are of mixed quality and are not subject to protection orders. Given the position of the houses and changes in levels of the land most trees would be lost. However an appropriate condition would require a suitable replacement planting scheme throughout the site and in particular around the boundaries. The southern boundary of the site, adjacent to an identified watercourse, has been identified as an area where there should be additional tree and hedge planting. This would be addressed by the landscape scheme, required by condition.

Bin storage - Bins would be kept within the curtilage of each house and brought up to the small hardstanding area at the entrance to Claybank Drive for collection as the refuse vehicles would not enter the site. This is considered to be acceptable and complies with UDP Policies H2/2.

Existing Sewer - United Utilities have stated that a public sewer crosses the site on an east-west line from Claybank Drive to Turton Road, close to the northern boundary of the site and this would require an access strip width of 6m, (3m either side of the centre line of the sewer). A condition to secure a suitable drainage scheme would be attached to any approval and this would comply with the NPPF and UDP policy.

Objectors - The planning issues raised by objectors have been addressed in the above report. Concerns regarding the noise, dust and disruption during construction phase are valid but they are controlled by Environmental Health regulations and the Health and Safety Executive.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to Location Plan SLP01, Existing Site Plan/Topo EX01, proposed site plan SP01A, Floor plans HT01, HT03, HT05, Elevations HT02A, HT04, HT06, Site sections SE01A, Bin Store EW01, Boundaries EW02. The development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. Prior to commencement of development, details/Samples of all materials to be used in the external elevations, walls and areas of hardstanding, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the

interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
5. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
7. A landscaping scheme, including tree and hedge planting along the southern boundary, shall be implemented not later than 6 months from the date the first dwelling is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within three years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
8. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
Reason. In order to protect nesting birds pursuant to UDP Policy EN6 Conservation of the Natural Environment and the NPPF.
9. No development or ground works shall take place until a detailed method statement for removing or the long-term management / control of Japanese

knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason - To prevent the spread of Japanese knotweed and Himalayan balsam, which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and pursuant to Unitary Development Plan Policy EN6 Conservation of the Natural Environment.

10. The car parking indicated on approved plan reference A1826-PS-SP01 Revision A shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.

11. There shall be no direct means of vehicular access between the site and Victoria Street.

Reason. To ensure good highway design in the interests of road safety pursuant to the NPPF and UDP Policies listed.

12. Prior to development commencing, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and include a timescale for implementation. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies within the NPPF and UDP Policies H2/2 The Layout of New Residential Development, EN5/1 New Development and Flood Risk, EN7/3 Water Pollution and EN7/5 Waste Water management.

13. Foul and surface water shall be drained on separate systems. The approved scheme only shall be implemented.

Reason: To secure proper drainage and to manage the risk of flooding and pollution pursuant to the NPPF and UDP Policies H2/2 The Layout of New Residential Development, EN5/1 New Development and Flood Risk, EN7/3 Water Pollution and EN7/5 Waste Water management.

14. No development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:

- Formation of the vehicular access to the site in the form of a service strip crossing consistent with the arrangements at other properties on Claybank Drive served from this section of accessway, to a specification to be agreed and incorporating the demarcation of the limits of the adopted highway across

the site frontage;

- Retention/improvement of, and connection onto, Public Footpath No. 78a, to be used as part of the pedestrian access to the proposed dwellings, to a scope, specification and width to be agreed and incorporating the low level lighting proposed, located clear of the route of the Public Right of Way;
 - Visibility splays of 2.4 x 25m at the junction of the site access with Claybank Drive in accordance with the standards in Manual for Streets, with no obstructions above the height of 0.6m within them;
 - Bin storage/collection and access arrangements from the adopted highway to be agreed with the Council's Waste Management team;
 - Tree planting and landscaping clear of the adopted highway, taking into consideration confirmed root zones;
 - The proposed new retaining wall adjacent to the unadopted access to the rear of properties fronting Victoria Street, proposed to ensure that errant vehicles are restrained within the site;
 - All associated highway and highway drainage remedial works;
- The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority. The visibility splays shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. Insufficient details have been submitted and to ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety.

15. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Access route for construction traffic from the highway network restricted to a route from Claybank Drive and of a size that can be accommodated on residential estate roads that serve the site;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this.
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

16. Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed road within the development shall be submitted to and approved by the Local Planning Authority. The road shall thereafter be maintained in accordance with the approved management and maintenance details.
Reason. To ensure that the estate roads serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

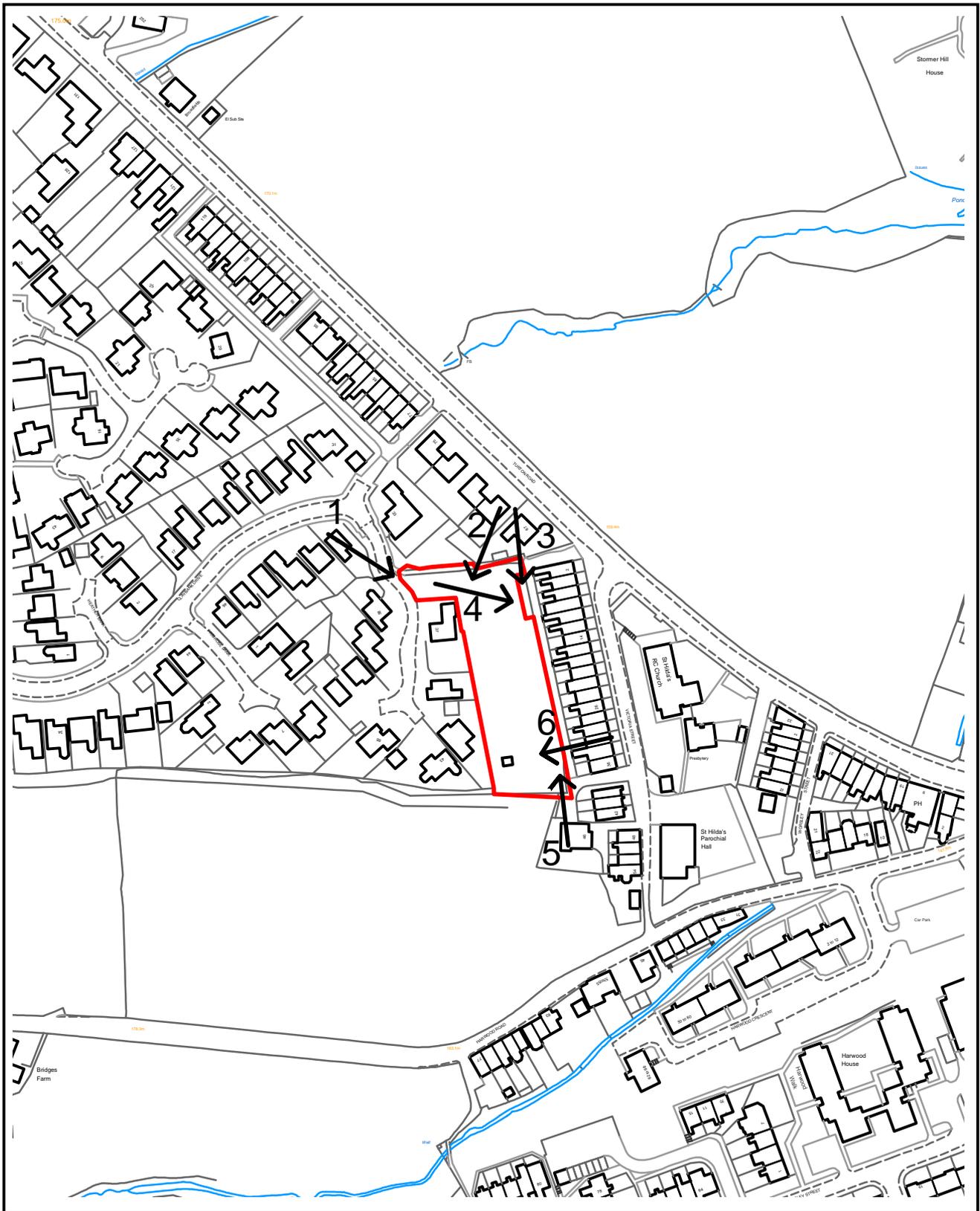
17. Prior to the construction of the street referred to in the previous condition, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
Reason. In the interests of highway safety pursuant to UDP Policy H2/2.

18. The vehicular and pedestrian access arrangements indicated on approved plan reference A1826-PS-SP01 Revision A shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied.
Reason. To ensure good highway design in the interests of road safety pursuant to UDP Policy H2/2.

19. The turning facilities indicated on approved plan reference A1826-PS-SP01 Revision A shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to UDP Policy H2/2.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63275

**ADDRESS: Land off Claybank Drive
Tottington**

Planning, Environmental and Regulatory Services

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Photo 1



Photo 2



63275

Photo 3



Photo 4



Photo 5



Photo 6



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REVISIONS



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Tel: 079555 69385
Email: chris.shiels@aa-d.co.uk

Proposed housing development:
Claybank Drive, Tottington, Bury
2019 Ltd.

EXISTING SITE LOCATION PLAN

A1826-PS-SLP01

Scale 1:500 @ A3



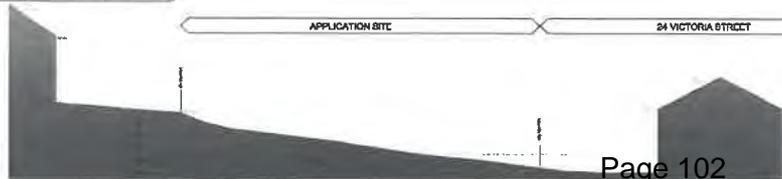
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- REVISIONS**



39 CLAYBANK DRIVE

APPLICATION SITE

24 VICTORIA STREET




 Proposed housing development:
 Claybank Drive, Totton, Bury
 2019 Ltd.
 EXISTING SITE / TOPO LAYOUT
 A1826-PS-BX01
 Scale 1:200 @ A1
 11/11/2019

NOTES

- 1. The drawing is subject to the contractual terms of the contract, which shall be the agreement of the architect.
- 2. The site is shown in plan. The figures are approximate only.
- 3. The drawing is for the purpose of providing a general impression of the proposed development and does not constitute a contract.
- 4. The drawing is for the purpose of providing a general impression of the proposed development and does not constitute a contract.
- 5. The drawing is for the purpose of providing a general impression of the proposed development and does not constitute a contract.

REVISIONS

1	Initial design	01.01.11
2	Final design	01.01.11
3	Final design	01.01.11
4	Final design	01.01.11

- KEY**
- Red line denotes Application boundary
 - Assumed line of existing public sewer with 6m easement
 - Proposed 2m wide tarmac road to new access road
 - Proposed secondary elevation to provide natural surveillance within the site
 - Approx. 750mm high stone pillar sign with name of development
 - Proposed stone 'gabion' retaining walls to plots 1-2
 - min. 750mm high stone boundary walls with 1metre timber boarded fence above
 - Private access gable from rear gardens
 - Paved hardstanding for storage of 4no. standard wheeled bins
 - External deck area providing level access from rear bifold doors
 - Proposed trees - (all existing trees removed due to poor quality)
 - Proposed low-level shrubbery planting
 - Existing ground & spot levels
 - Proposed ground & building slab levels



LEGEND

Plot	House type	Nett floor area (garage)
PLOT 1	4-Bed Detached	185.4m ² (1996ft ²) + 30m ²
PLOT 2	5-Bed Detached	195.6m ² (2105ft ²) + 34m ²
PLOT 3	5-Bed Detached	213.6m ² (2300ft ²) + 34m ²

PROPOSED HOUSING DEVELOPMENT:
Claybank Drive, Torrington, Bury
2019 Ltd.

PROPOSED SITE LAYOUT
A1824-PS-SP01B
Scale 1:200 @ A1

INTEGRITY CONSULTANTS
12 Torrey Way
Bury, Greater Manchester
M8 1JG
Tel: 0161 254 0000
Email: info@integrity.co.uk



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- Construction to show all dimensions on site prior to commencement of works.
- This drawing is to be used in conjunction with all relevant information and/or specialist drawings including any and all specifications or schedules as to be defined in the contract before the start of construction.

REVISIONS

A	As per client requirements	20.10.18
B	As per client requirements	20.10.18
C	As per client requirements	20.10.18



PROPOSED HOUSING DEVELOPMENT
CLAYBANK DRIVE, TOTTINGTON, BURY
2019 Ltd.

PROPOSED SITE SECTIONS
A1 B26-PS-5501B
Scale 1:100 @ A1



GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT

PLOT 1
GROSS FLOORSPACE
 185.43m² (1996ft²) + 30.5m² (GARAGE)

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REVISIONS

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 Email: chris.shiels@aa-d.co.uk

Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

PLOT ONE: FLOOR PLANS
A1826-PS-HT01
 Scale 1:100 @ A3
 0 1 2 3 4 5m



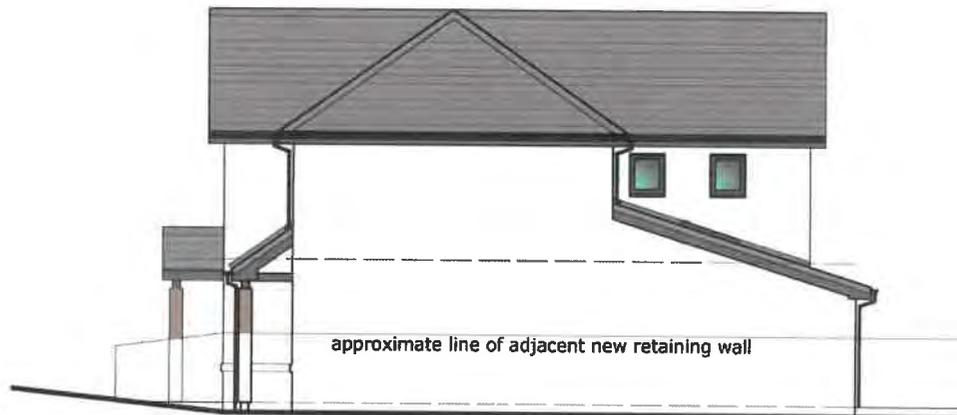
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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REVISIONS

A	Roof hipped along side elevation to reduce visual impact upon neighbour.	04.10.19
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Page 106

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Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

PLOT ONE: ELEVATIONS
A1826-PS-HT02A
 Scale 1:100 @ A3

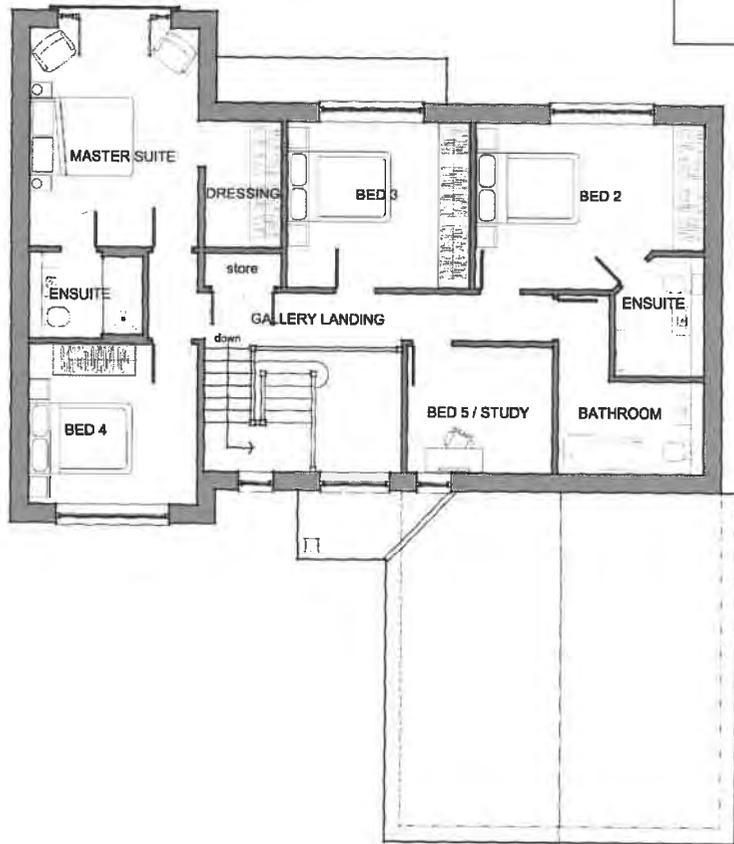
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REVISIONS



GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT

PLOT 2
GROSS FLOORSPACE
 195.60m² (2105ft²) + 34m² (GARAGE)

Lancashire Office:
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 Email: chris.shiels@ee-d.co.uk

Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

PLOT TWO: FLOOR PLANS
A1826-PS-HT03
 Scale 1:100 @ A3

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REVISIONS



FRONT ELEVATION

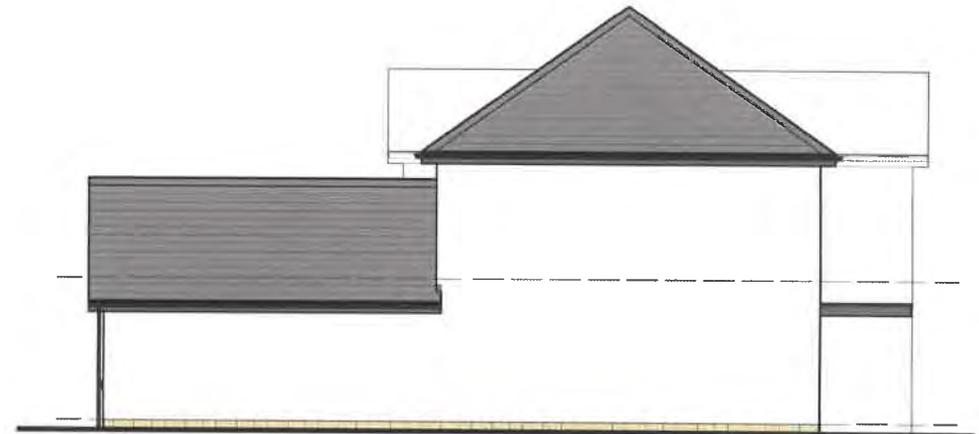


SIDE ELEVATION

Page 108



REAR ELEVATION



SIDE ELEVATION



Lancashire Office:
18 Pickering Close
Bury
Lancashire
BL8 1UE
Tel: 079555 69385
Email: chris.shiels@aa-d.co.uk

Proposed housing development:
Claybank Drive, Tottington, Bury
2019 Ltd.

PLOT TWO: ELEVATIONS
A1826-PS-HT04

Scale 1:100 @ A3



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REVISIONS

Page 109



GROUND FLOOR LAYOUT



FIRST FLOOR LAYOUT

PLOT 3
GROSS FLOORSPACE
 213.68m² (2300ft²) + 34m² (GARAGE)

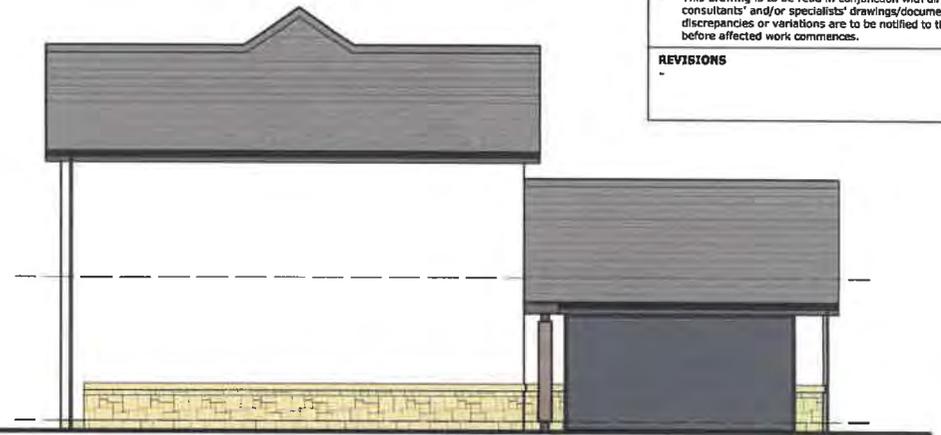
Lancashire Office:
 18 Pickering Close
 Bury
 Lancashire
 BL8 1UE
 Tel: 079555 69385
 Email: chris.shiels@aa-d.co.uk

Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

PLOT 3: FLOOR PLANS
A1826-PS-HT05
 Scale 1:100 @ A3
 0 1 2 3 4 5 m



FRONT ELEVATION



SIDE ELEVATION

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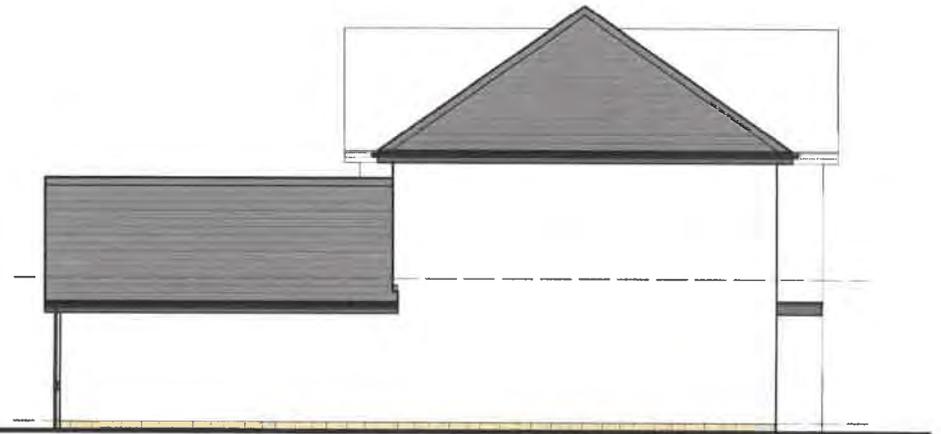
REVISIONS

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Page 110



REAR ELEVATION



SIDE ELEVATION


Lancashire Office:
 18 Pickering Close
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 Lancashire
 OL8 1UE
 Tel: 079555 69385
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Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

PLOT THREE: ELEVATIONS

A1826-PS-HT06

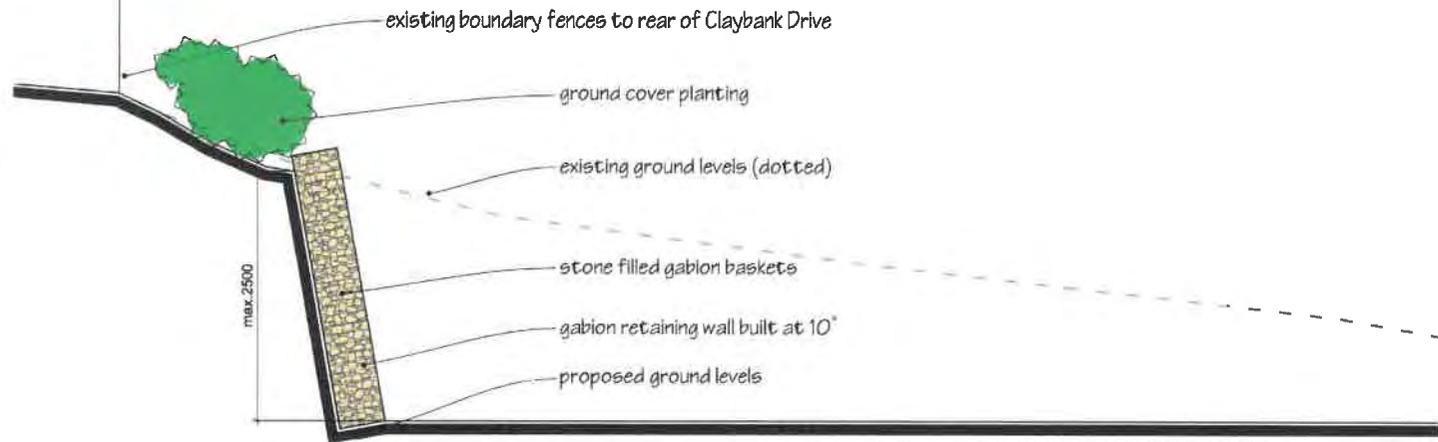
Scale 1:100 @ A3

0 1 2 3 4 5 m

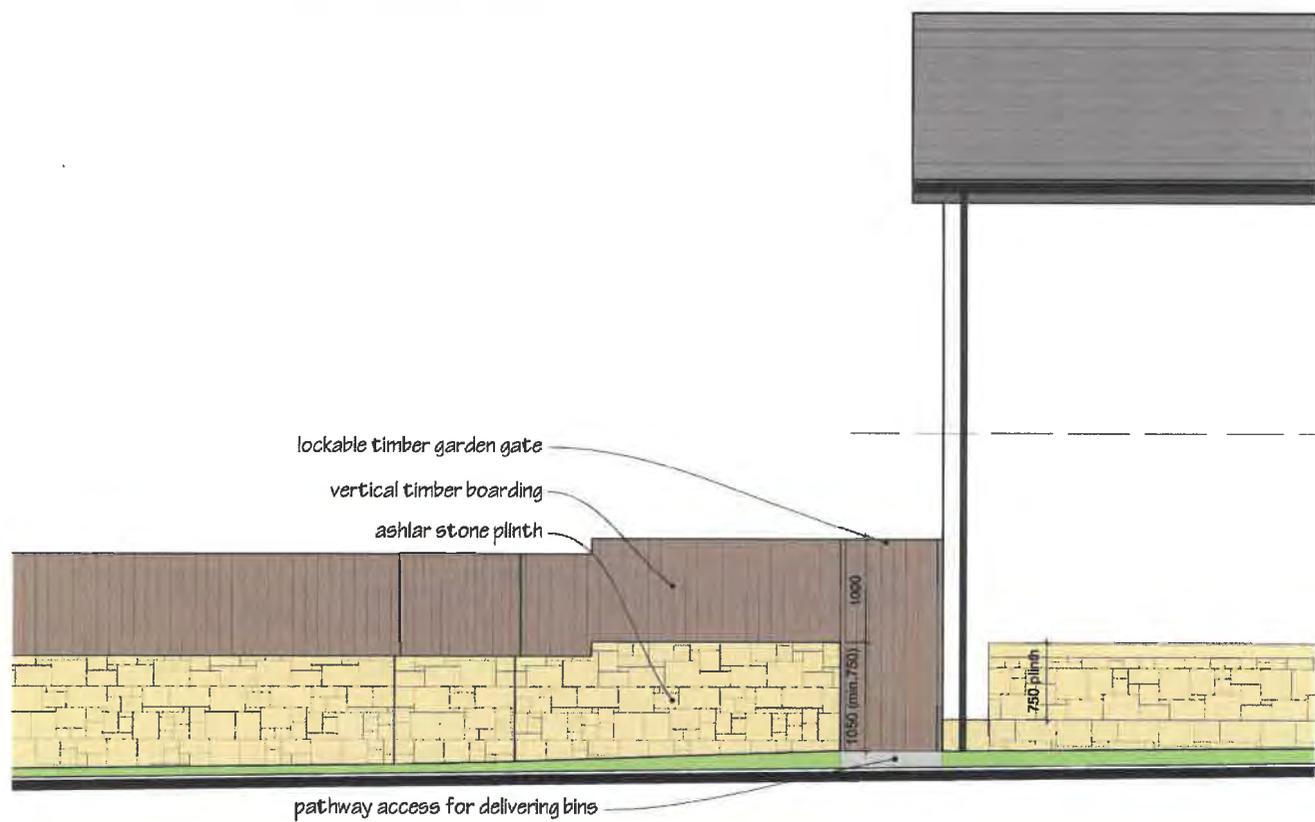
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REVISIONS



TYPICAL GABION RETAINING WALL



TYPICAL GARDEN BOUNDARY TREATMENT

Lancashire Office:
 18 Pickering Close
 Bury
 Lancashire
 BL8 1UE
 Tel: 079555 69385
 Email: chris.shiels@aa-d.co.uk

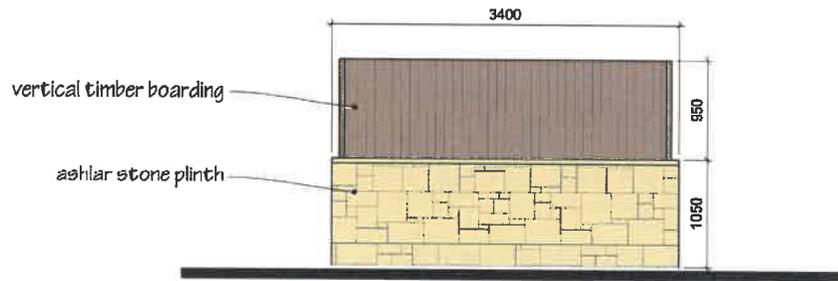
Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

EXTERNAL WORKS: BOUNDARY FENCES
A1826-PS-EW02
 Scale 1:50 @ A3
 0 1 2 2.5m

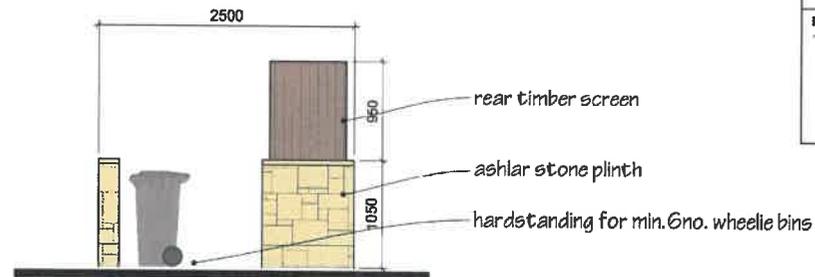
- NOTES**
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REVISIONS

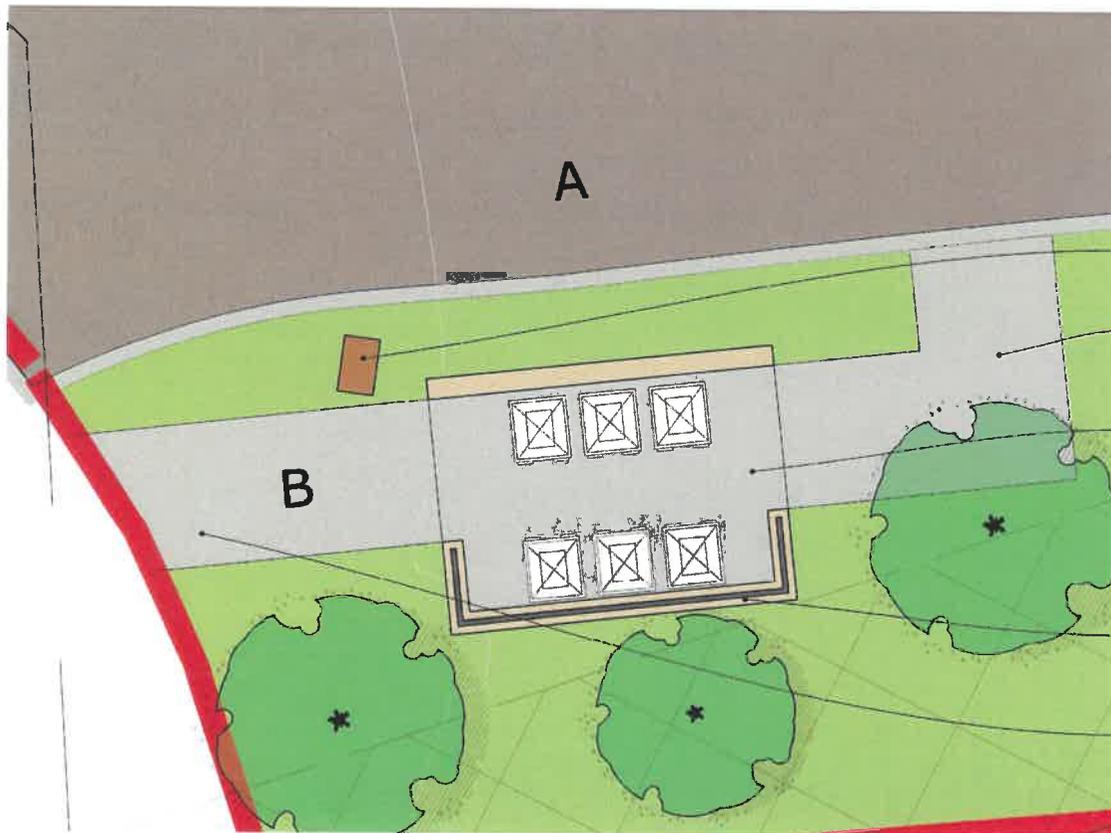
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ELEVATION A



ELEVATION B



SITE PLAN

- 750mm high stone pillar with development name
- tarmacadam pathway
- concrete hardstanding for min. 6no. bins
- timber boarded screen to rear wall
- tarmacadam pathway from Claybank Drive

Page 112

Lancashire Office:
 18 Pickering Close
 Bury
 Lancashire
 BL8 1UE
 Tel: 079555 69385
 Email: chris.shiels@aa-d.co.uk

Proposed housing development:
 Claybank Drive, Tottington, Bury
 2019 Ltd.

EXTERNAL WORKS: BIN STORE
A1826-PS-EW01

Scale 1:50 @ A3

Ward: Bury East

Item 07

Applicant: Eminence Developments Ltd

Location: 35 Heywood Street, Bury, BL9 7EB

Proposal: Change of use from residential (Class C3) to 7 bed/9 person house of multiple occupation (HMO) (Sui Generis)

Application Ref: 63312/Full

Target Date: 23/11/2018

Recommendation: Approve with Conditions

Description

The application site is an end of terrace, corner plot two storey dwellinghouse at the junction of Heywood Street and South Cross Street. It is in a residential area within the designated town centre. The dwellinghouse is currently vacant. It has four bedrooms at first floor level and a basement space. It has a covered yard area to the rear. The property has a main entrance at the front and one at the rear. There is no on site parking but there is a residents parking scheme in place on Heywood Street and South Cross Street. The scheme restricts the on street parking to permit holders between the hours of 09:30 and 16:30 Monday to Saturday.

It is proposed to change the use of the building from a dwellinghouse (Use Class C3a) to a House in Multiple Occupation (HMO) with 5 single occupancy bedrooms and 2 double occupancy rooms for a maximum number of 9 persons (Sui Generis). Internal layout alterations would take place to provide the 7 bedroom spaces and communal kitchen/dining area. The single main entrance to the dwellinghouse would remain. Additional bin storage has been provided at the side of the building.

For the avoidance of doubt external alterations include a replacement window to the front basement lightwell and a timber screening fence for the bin storage area at the side of the building, which have not been included in the description of the proposal by the applicant and do not require planning permission.

Relevant Planning History

None.

Publicity

Letter dated 28/9/19 to the following addresses:

21 to 27 (odds) Heywood Street; 29 to 45 Heywood Street (odds & evens); 45 to 56 Heywood Street (odds & evens); 45 to 53 (odds) South Cross Street; 84 to 90 (evens) South Cross Street.

6 separate objections have been received and can be summarised as follows:

- Will not accommodate families.
- Will have more drug problems.
- Will accommodate drug dealers and other criminals
- Will cause property values to go down.
- Will increase existing problem of rubbish and fly tipping.
- Will create noise.
- Will cause further traffic congestion due to lack of parking.

A 150 name petition has also been received and can be summarised as follows:

- Increased traffic congestion and issues with parking. Area is part of a restricted parking area (Residents Parking Permit Scheme). Each house in the area has at least 2 cars per household. Potentially a further 9 families with potentially 18 cars would have detrimental effect on the availability of parking in the surrounding areas. Over 80% of residents in this block with physical difficulties and already has major issues regarding parking outside their own homes and the new plans would add further distress and congestion.
- house values would be decreased.
- The property does not have a enough bin storage or collection area.
- The proposal will create anti-social behaviour.

The objectors and others making representations have been notified of the Planning Control Committee Meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - No comments to make.

Environmental Health - No comments received.

Urban Renewal - No comments received.

Waste Management - No comments received.

Planning Policy - No comments received.

Greater Manchester Police - No comments received.

Adult Care Services - No comments received.

Pre-start Conditions - None.

Unitary Development Plan and Policies

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/4 Conversions

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

HT6/2 Pedestrian/Vehicular Conflict

EN1/5 Crime Prevention

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury

SPD13 Conversion of Buildings to Houses in Multiple Occupation

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) and 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 Policy 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.

Principle - Following revocation of the North West Regional Strategy on 20th May 2013, there is no statutory housing target for Bury. Work has commenced on the Greater Manchester Spatial Framework and this will bring forward a new statutory housing target for the Borough. This will subsequently be incorporated into Bury's future Local Plan.

Policy H1/2 - Further Housing Development 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.

Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation - The objectives of SPD 13 are:

A) to improve the quality and design of proposals for the provision of houses in multiple occupation for the benefit of prospective residents; and

B) to ensure that, where permitted, houses in multiple occupation do not detract from the character of the surrounding area and the amenities of local residents.

The site is located within a residential area. As such, the proposed development would not conflict with the surrounding land use and would be located in a sustainable location with good access to public transport and services being only 600 metres from the Bury Interchange. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Other Planning Material Considerations - A change of use from a dwellinghouse to an HMO which provides 7 bed spaces or above requires planning permission. A small HMO for up to 6 persons living together as a single household does not require planning permission. As such this application is an assessment of the impact of a maximum of 3 additional bed spaces on the surrounding area.

Design and layout - Policy H2/4 - Conversions states that applications for the conversion

of a building into a house of multiple occupation will be considered with regard to the following:

- the effect on the amenity of neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- the general character of the area and the existing concentration of flats;
- the amenity of occupants;
- the effect on the street scene of any changes to the external appearance of the building;
- car parking and servicing requirements.

The proposed development would utilise the same entrance as the existing building and the proposed development would still retain the appearance of a dwelling house. As such, the proposed development would not impact upon the external appearance of the building or the general character of the area.

In March 2015, the DCLG issued technical housing standards which deals with internal space within new dwellings and sets out requirements for the Gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. In terms of bedroom areas provided, the 1 and 2 bed rooms, would comply with the minimum gross internal floor area for a single occupant and double occupancy, as set out in the technical standards guidance.

As such, it is considered that the proposed scheme would deliver a good standard of residential development in terms of its layout and facilities, and would comply with UDP policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions.

Residential amenity - SPD6 - Extensions and Alterations to Domestic Properties provides guidance on aspect standards between residential properties. The pre-existing relationship between the first floor bedroom windows the houses opposite is established at 27 metres and as such would comply with the aspect standards laid out in SPD 6.

The use of the building as an HMO would not create any more noise or disturbance than might be expected from a large household within town centre location. As such with regard to residential amenity the proposed development would be in accordance with UDP policy Policy H2/4 of the Bury Unitary Development Plan and SDP 6.

Parking - There is no specific car parking standards for a House in Multiple Occupation in SPD11 - Parking Standards in Bury. However, SPD 11 states that the maximum parking standards for a residential development is 1 space per 1 bed unit, which would equate to 9 in this instance. There is no on site parking provision but there is a residents parking scheme in operation and an allocation of permits would have already been allocated to the previous occupants of the building if required. An objection claiming that as the proposal would house 9 families which would lead to a requirement of 18 additional parking spaces is not accurate. The HMO is for a maximum of 9 persons not families and as such the maximum number of extra cars would be 9. The Traffic Section has no objections to the proposal. As such the proposed development would be in accordance with Policy H2/4 of the Bury Unitary Development Plan and SPD11.

Waste Collection - It is proposed waste will be stored and collected as it was for the previous use as a dwellinghouse. Additional storage space has been provided at the side of the building. No objection has been received from the Councils' Waste Management Services. As such with regard to waste storage and management the proposal would comply with UDP policies H1/2 and H2/4.

Response to objectors

- The background/character of potential tenants is not a material planning consideration.
- Any instances of anti-social behaviour or criminal activity whether or not associated with

the use of the building and should be reported to the relevant agency. There is no evidence that this use would create such problems.

- Fly tipping is not a planning consideration and should be reported to the relevant agency.
- Impact upon property values is not a planning consideration.

The other issues have been addressed in the main report above.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

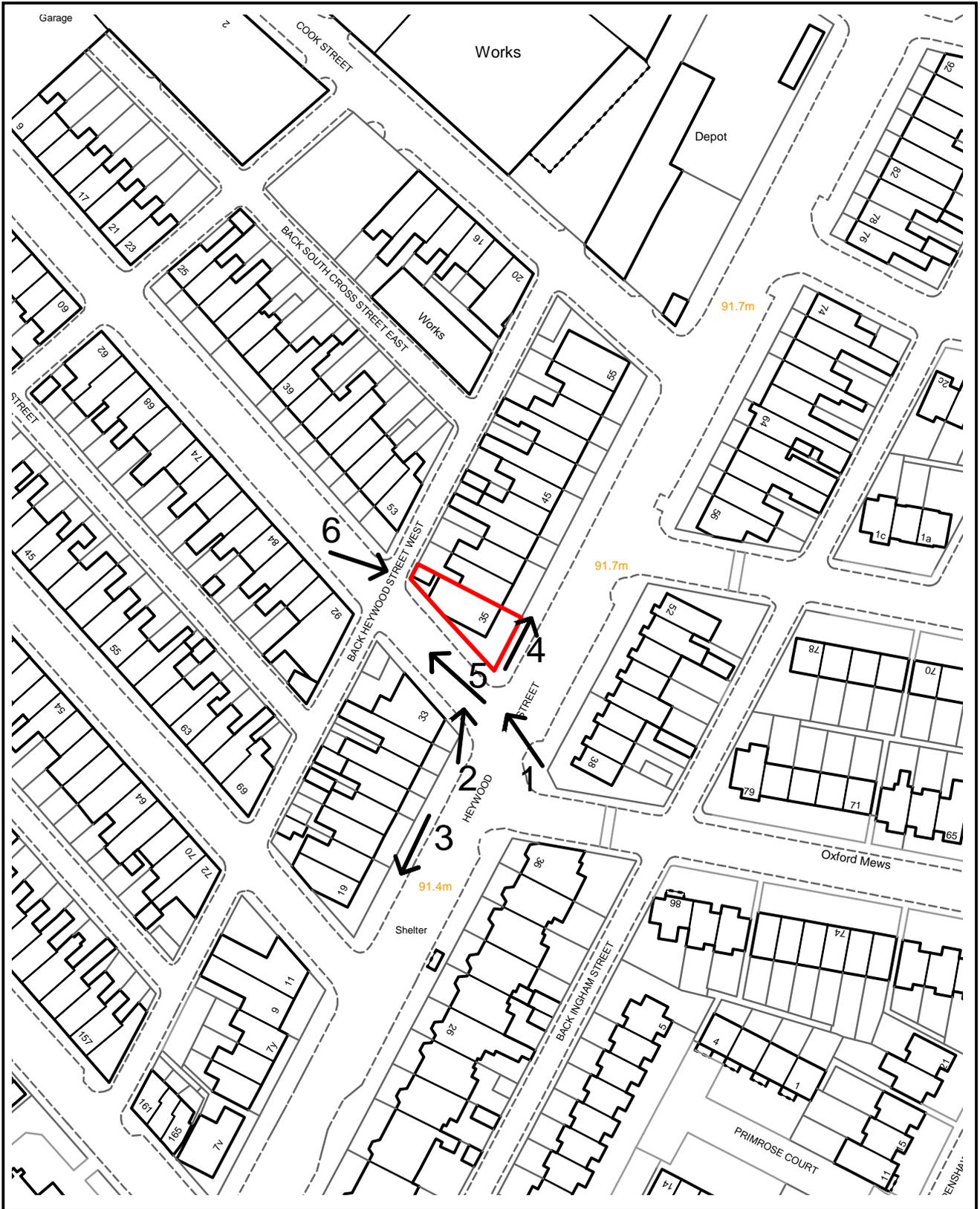
Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 2018/801 /001, 002, 003, 004, 005 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

For further information on the application please contact **Mark Kilby** on **0161 253 7639**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63312

ADDRESS: 35 Heywood Street
Bury

Planning, Environmental and Regulatory Services

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Photo 1



Photo 2



Photo 3



Photo 4

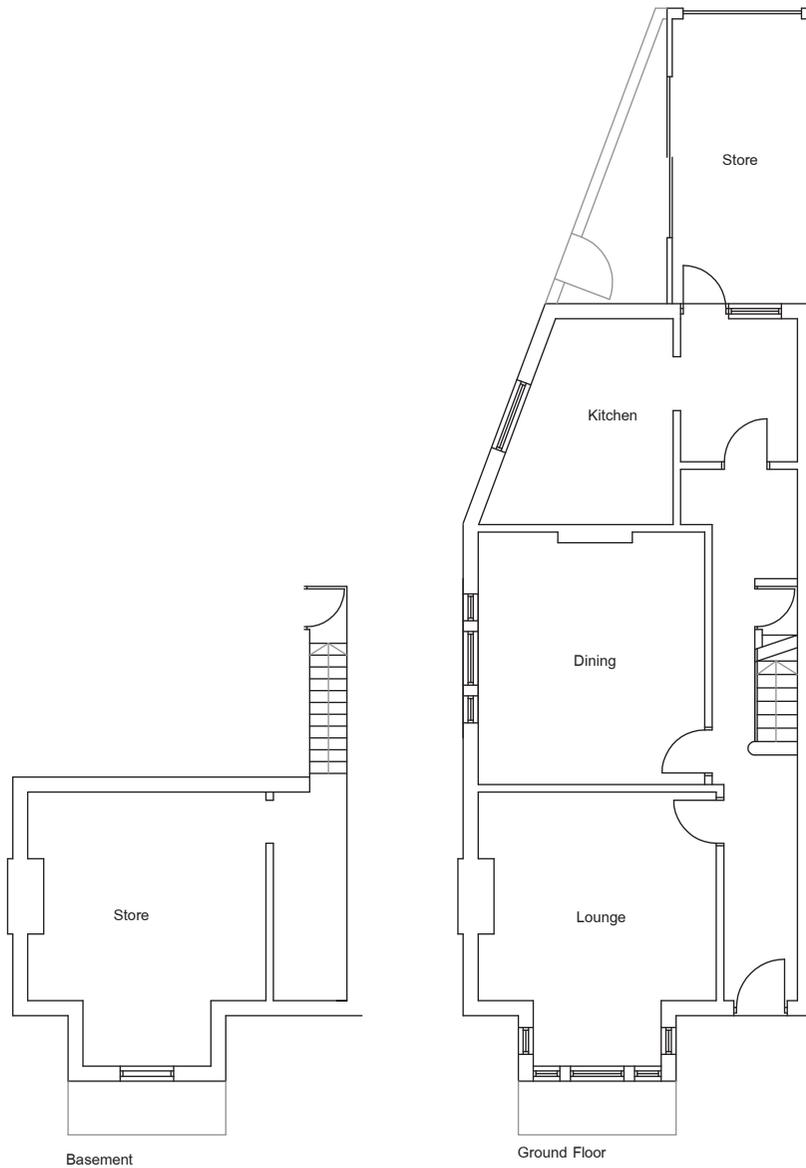


Photo 5



Photo 6





Scale Bar



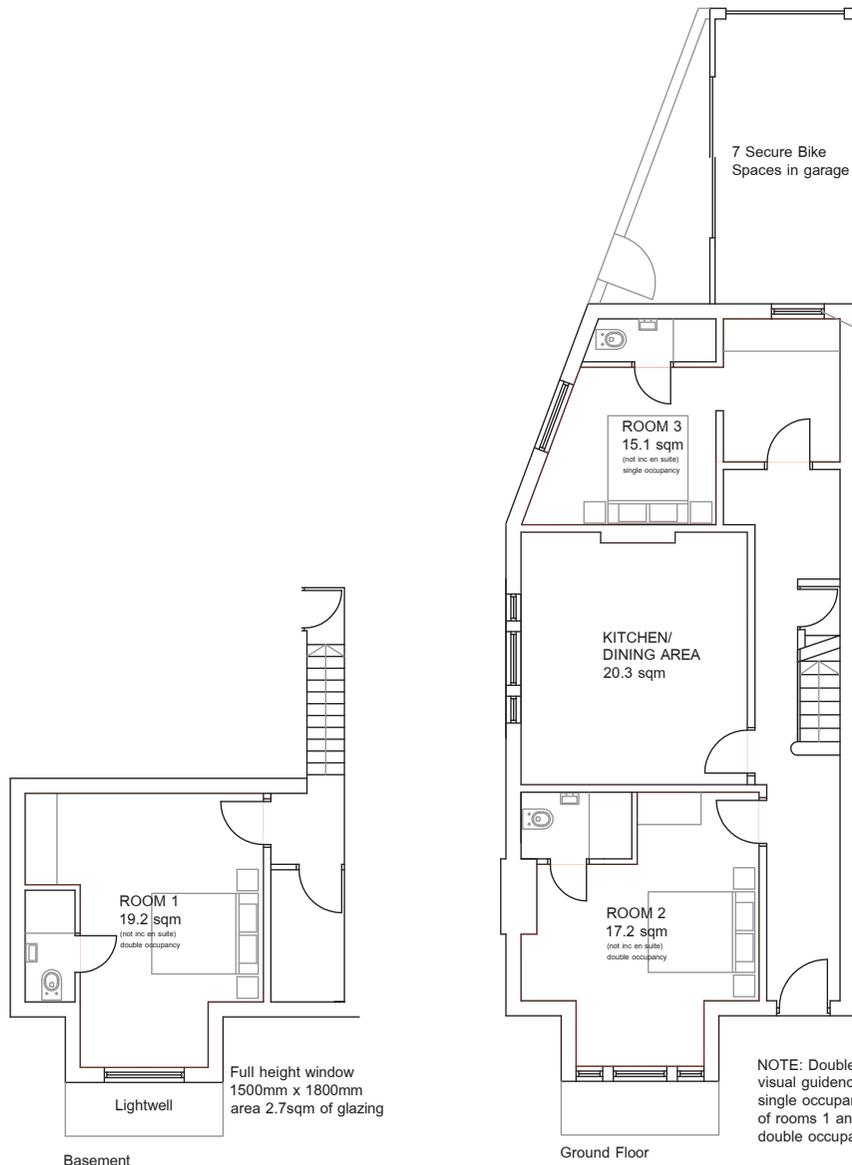
Head Office:
 122 CONISLIFFE ROAD
 DARLINGTON
 COUNTY DURHAM
 DL3 7RW

Project
 35 Heywood Street
 BL9

Scale 1:50@A1 1:100@A3

Purpose	approved	checked	building mark
Revision	letter	date	rev

Drawn by: RW	Approved by:
Subject Existing Plans	Drawing No. 2018/001/001



glazing to top over garage height only

NOTE: Double beds shown for visual guidance only. Rooms to be single occupancy with the exception of rooms 1 and 2 which are to be double occupancy



DNA GROUP

Head Office:
122 CONISLIFFE ROAD
DARLINGTON
COUNTY DURHAM
DL3 7RW

Project 35 Heywood Street BL9				
Scale 1:50@A1 1:100@A3				
Partno	revised	drawing	building no.	
Revision	letter	date	rev	
Drawn by: RW	Approved by:			
Subject Proposed Plans	Drawing No. 2018/ 801 / 002			



Front Elevation



Rear Elevation



Side Elevation



Scale Bar



Head Office:
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DARLINGTON
COUNTY DURHAM
DL3 7RW

Project
35 Heywood Street
BL9

Scale 1:50@A1 1:100@A3

Purpose	approved	planning	building reg.
Revision	letter	date	rev.

Drawn by: RW	Approved by:
Subject Existing Elevations	Drawing No. 2018/001/003



Front Elevation



Rear Elevation



Side Elevation

Timber fence and gate to screen bins

Facing walls of lightwell to be rendered and painted ivory



Scale Bar



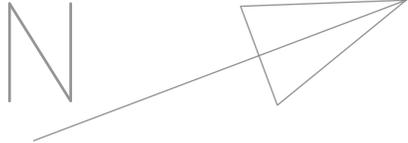
Head Office:
122 CONISLIFFE ROAD
DARLINGTON
COUNTY DURHAM
DL3 7RW

Project
35 Heywood Street
BL9

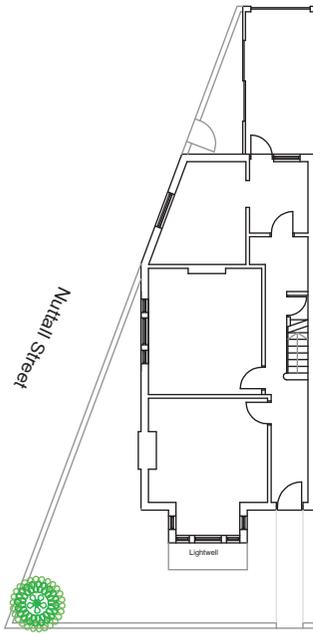
Scale 1:50@A1 1:100@A3

Purpose	approved	planning	building reqs
Revision	letter	date	rev

Drawn by: RW	Approved by:
Subject Proposed Elevations	Drawing No. 2018/001/004

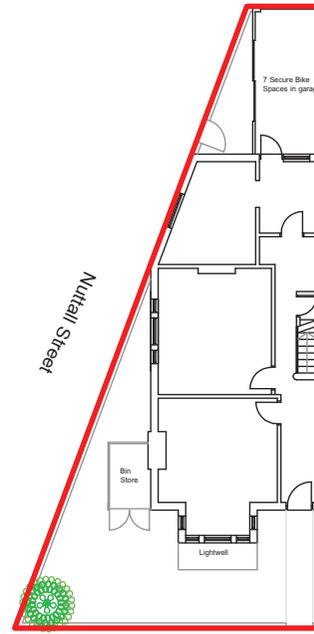


Back Heywood Street



Heywood Street

Back Heywood Street



Heywood Street



DNA GROUP

Head Office:
122 CONISLIFFE ROAD
DARLINGTON
COUNTY DURHAM
DL3 7RW

Project
35 Heywood Street
BL9

Scale 1:100@A1 1:200@A3

Purpose	approved	checked	drawing no.	rev
Revision	letter	date		

Drawn by: RW	Approved by:
Subject Existing and Proposed Site Plan	Drawing No. 2018/001/005

Ward: Ramsbottom + Tottington - Tottington

Item 08

Applicant: M Fulham

Location: 25 Hilda Avenue, Tottington, Bury, BL8 3JE

Proposal: Single storey extension at rear

Application Ref: 63322/Full

Target Date: 21/11/2018

Recommendation:

This application is being presented to the Planning Control Committee for determination as the application has been submitted by an Officer of the Council.

Description

The application relates to a semi-detached dwelling house located on Hilda Avenue. The premises has a garden area and driveway to the front, with an area of private residential amenity space to the rear. The premises does not appear to have been previously extended.

The proposed development involves a single storey rear extension at No. 25 Hilda Avenue. The proposed extension would measure 3 metres by 6.1 metres and would be 3.6 metres in height at the highest point. The proposed extension would be constructed in brick with a concrete roof tile.

The application is being considered in tandem to an application at the attached dwelling (application 63338) to also extend at 3 metres to the rear. The extensions would have a mono-pitch roof, and would be constructed from materials to match the original dwellings.

Relevant Planning History

63338 - Single storey extension at rear at 27 Hilda Avenue, Tottington. Received - 2 October 2018.

Publicity

The neighbouring properties were notified by means of a letter on 4 October 2018. There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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) and 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 Policy 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.

Visual Amenity - SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed extension is located entirely to the rear of the property and as such would not impact on the character of the street scene. There are a number of single storey additions visible within the gardens of the immediately adjoining properties and as such it is considered that the construction of a single storey, rear extension is in keeping with the residential character of the area.

The proposed extension is of a simple and unobtrusive design that would not detract from the character of the host property. The mono-pitch roof is acceptable and replicates the style of the extension at No. 23. The use of matching materials is appropriate.

It is considered that the proposed extension would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and would therefore comply with UDP policy H2/3 and SPD 6.

Residential Amenity - SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The adjacent property (No. 23) has been extended at the rear and the proposed extension would not project beyond this rear extension. The attached property (No. 27) is the subject of the tandem application and if this application. However, the proposed development would project 3 metres beyond the rear elevation of No. 27, which would comply with the guidance in SPD6.

There are no windows in the side elevations and the openings on the rear elevation would be screened by the existing boundary treatment at the rear. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/3 of the Bury Unitary Development Plan and SPD6.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation:

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered 25/27HA/10A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

For further information on the application please contact **Helen Goldsbrough** on **0161 253 5432**

63322

Photo 1



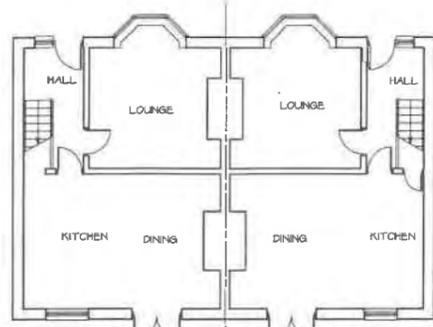
Photo 2



63322

Photo 3





EXISTING GROUND FLOOR PLANS 1 : 100

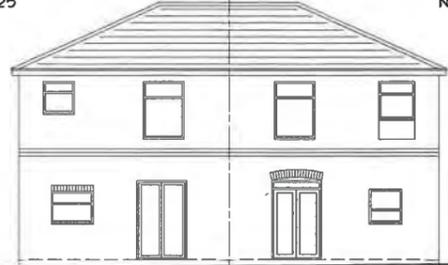
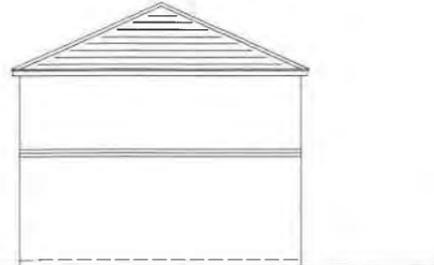
NO. 25

HEATING AND HOT WATER INSTALLATION - ANY NEW/REPLACEMENT NATURAL GAS AND LPG BOILERS TO HAVE MINIMUM 90% SEDBUCK RATING. OIL FIRED BOILERS TO HAVE MINIMUM 90% SEDBUCK RATING. EXCEPTIONAL CIRCUMSTANCES PERMITTING THE INSTALLATION OF A NON-CONDENSING BOILER - THE INSTALLER TO COMPLETE AN 'ASSESSMENT FORM' USING THE PROCEDURE DESCRIBED IN THE DOCUMENT 'GUIDE TO THE CONDENSING BOILER INSTALLATION PROCEDURE FOR DWELLINGS' (ODPM 2008). THE DECLARATION TO BE RETAINED BY THE OWNER AS IT MAY BE NEEDED WHEN THE PROPERTY IS OFFERED FOR SALE. CONDENSING TYPE BOILERS TO HAVE ALL SAFETY PIPES AND CONDENSATE DRAINS DRAINING TO GULLIES. BOILER FLUE OUTLETS TO EXTEND MINIMUM 200MM BEYOND THE EAVES. THERMOSTATIC AND ZONE CONTROLS TO EXTENDED HEATING INSTALLATION. OPERATING AND MAINTENANCE MANUALS FOR SERVICES TO BE PROVIDED TO THE HOME OWNER.

VENTILATION - WINDOWS TO OPEN MORE THAN 30° AND THE OPENINGS TO BE THE EQUIVALENT TO MINIMUM 1/20TH ROOM FLOOR AREA. MECHANICAL VENTS TO KITCHEN (60L/SEC), UTILITY ROOM (30L/SEC) AND WC (8L/SEC). 5000MM² TRICKLE VENTS TO HABITABLE ROOMS.

ELECTRICAL - ALL WIRING AND ELECTRICAL WORK TO BE DESIGNED, INSTALLED, INSPECTED AND TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF BS7671, THE IEE 17TH EDITION WIRING GUIDANCE AND BUILDING REGULATION PART P (ELECTRICAL SAFETY) BY A COMPETENT PERSON REGISTERED WITH AN ELECTRICAL SELF CERTIFICATION BODY AUTHORIZED BY THE SECRETARY OF STATE. THE COMPETENT PERSON IS TO SEND TO THE LOCAL AUTHORITY A 'SELF CERTIFICATION CERTIFICATE' WITHIN 30 DAYS OF THE COMPLETION OF THE ELECTRICAL WORKS. THE CLIENT TO BE PROVIDED WITH A COPY OF THE 'SELF CERTIFICATION CERTIFICATE' AND A BS7671 ELECTRICAL INSTALLATION TEST CERTIFICATE. 3 IN 4 LIGHT FITTINGS IN DIFFERENT LOCATIONS TO ONLY ACCEPT LAMPS WITH LUMINOUS EFFICIACY GREATER THAN 45 LUMENS/CIRCUIT WATT.

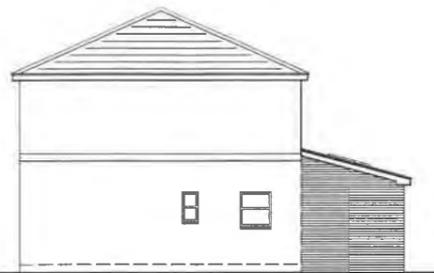
NO. 27



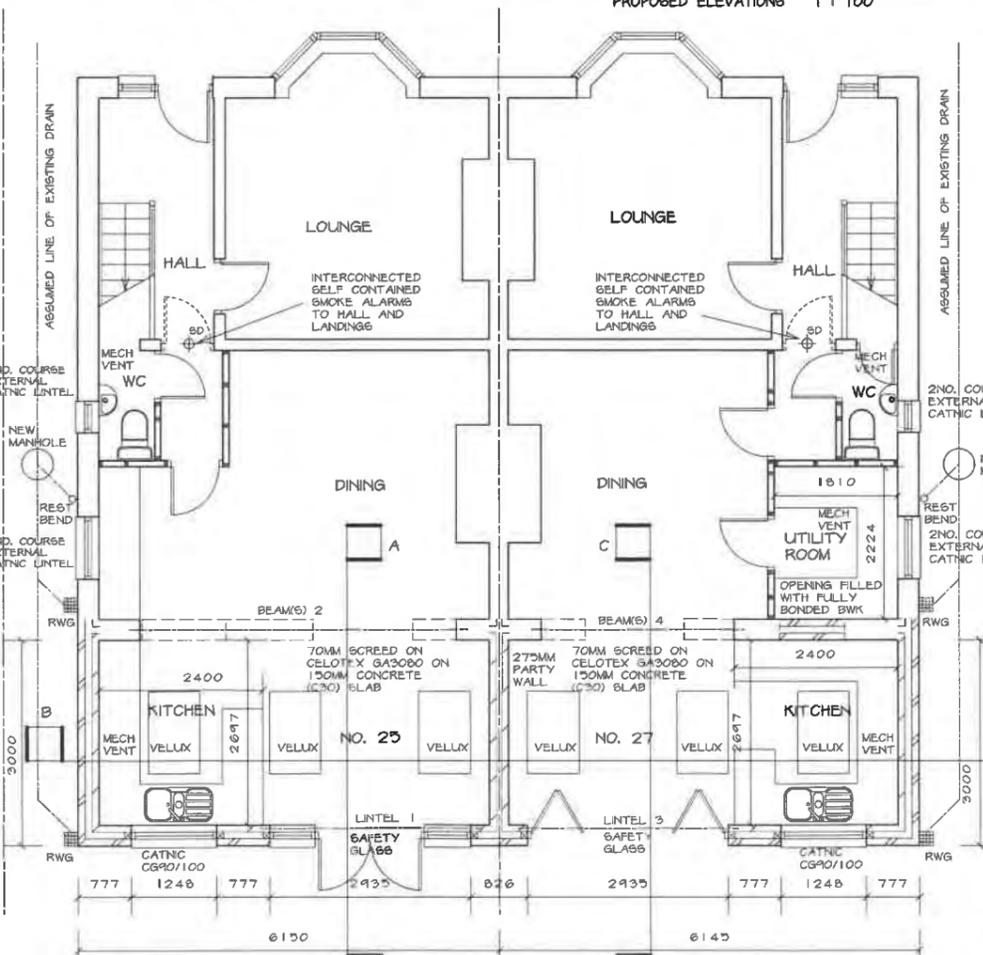
EXISTING ELEVATIONS 1 : 100

NO. 25

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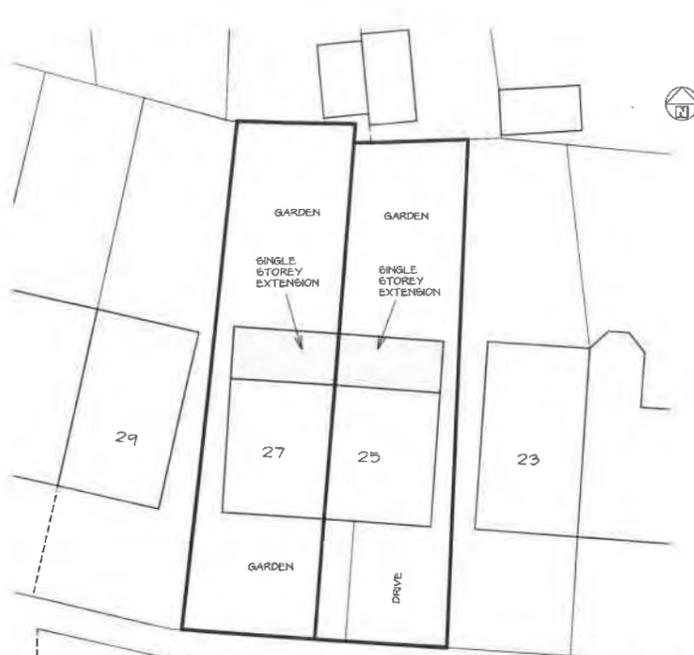


PROPOSED ELEVATIONS 1 : 100



PROPOSED GROUND FLOOR PLANS 1 : 50

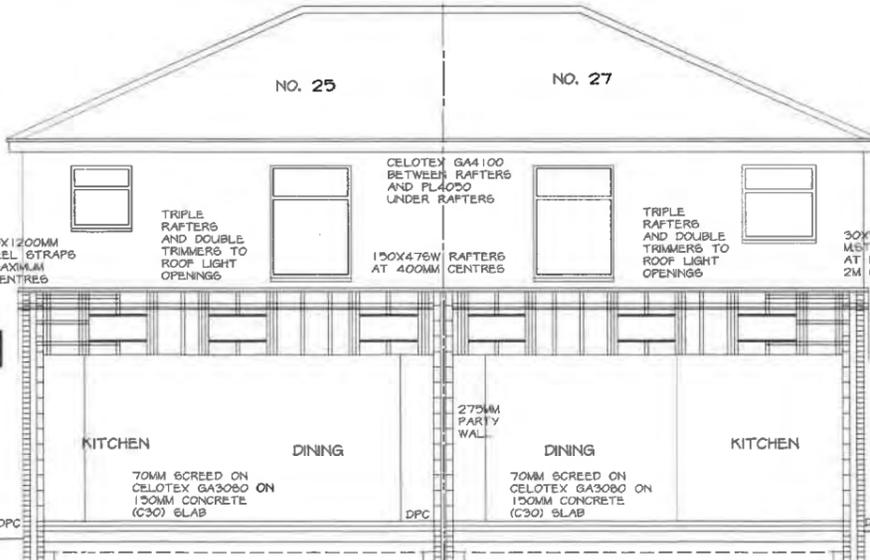
PLUMBING AND DRAINAGE - AS THE FIRST OPTION RAINWATER TO DISCHARGE TO STONE SOAKAWAYS SITUATED MINIMUM 2M AWAY FROM ANY BUILDING BUT SUBJECT TO A SATISFACTORY PERCOLATION TEST. 110MM UPVC RW GUTTER ON 15MM SW FAGGAS DISCHARGING TO RW GULLEYS VIA 75MM UPVC RW PIPES. 70MM UPVC TRAPS AND 50MM DIA. WASTES TO WASTE APPLIANCES. NEW 100MM UPVC SOIL AND VENT PIPES - POSITIONED TO AVOID ANY WINDOWS - WITH METAL CAGES TO UPPER TERMINALS - MINIMUM 900MM ABOVE EAVES - AND CONNECTED TO SLOW RADIUS REST BENDS BELOW GROUND LEVEL. 100MM HEPSEAL DRAINS - MINIMUM 1 IN 40 FALL AND NEW HEPSEAL MANHOLES. THE DRAINAGE SHOWN IS PROVISIONAL AND SUBJECT TO AGREEMENT ON SITE WITH THE BUILDING INSPECTOR ONCE THE EXISTING DRAINAGE HAS BEEN EXPOSED. ANY DRAINS UNDER EXTENSION TO BE ENCASED IN CONCRETE (C20) OR SURROUNDED IN GRANULAR MATERIAL IF FLEXIBLE JOINTED PIPES. FOUNDATIONS TO BE BELOW INVERT. PRECAST CONCRETE LINTELS TO SUPPORT FOUNDATION BRICKWORK OVER DRAINS. RODDING ACCESS TO BE PROVIDED. NOTE - IF THE EXISTING DRAINAGE RUNS TO THE REAR OF THE DWELLINGS AND IS A 'SHARED SEWER' THE GROUND FLOOR CONSTRUCTION MAY NEED TO BE CHANGED TO CONCRETE BEAM AND BLOCK CONSTRUCTION - BUILDING INSPECTOR TO BE CONSULTED.



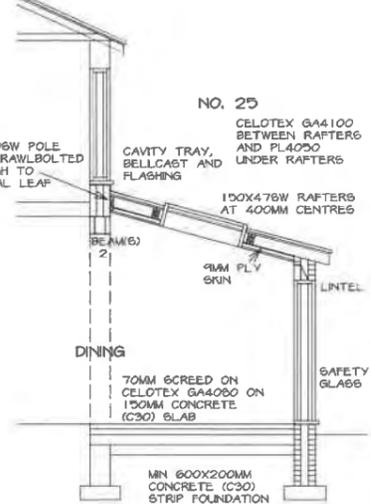
SITE PLAN 1 : 200



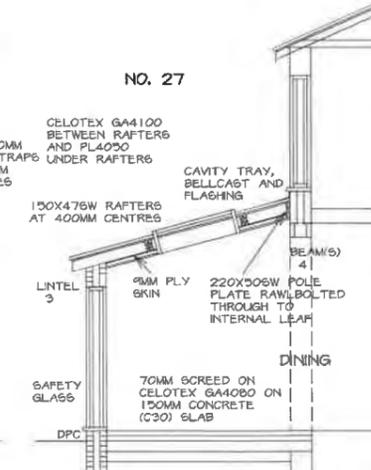
LOCATION PLAN 1 : 1250



SECTION B - B 1 : 50



SECTION A - A 1 : 50



SECTION C - C 1 : 50

ROOF - RED LAM REGENT SMOOTH CONCRETE ROOF TILES SIMILAR COLOUR TO EXISTING SLATES - MINIMUM 15° PITCH WITH 100MM HEAD LAP - ON 50X25W BATTENS AND TYVEK SUPRO BREATHABLE MEMBRANE ON 150X475W RAFTERS AT 400MM CENTRES (MAX 3M SPAN). RAFTERS SECURED TO POLE PLATE AND WALL PLATE WITH TRUSS CLIPS, TRIPLE RAFTERS AND DOUBLE TRIMMERS TO ROOF LIGHT OPENINGS. 9MM EXTERIOR QUALITY PLY SKIN NAILED AT MAXIMUM 400MM CENTRES TO UNDERSIDE OF RAFTERS. CAVITY TRAYS, BELLCASTS AND FLASHINGS AT ABUTMENT WITH EXTERNAL WALLS. 100X505W WALL PLATE STRAPPED TO WALLS WITH 30X5MM GALVANISED M5 STEEL STRAPPS AT MAXIMUM 1.2M CENTRES. 220X505W POLE PLATE RAWLBOLTED THROUGH TO EXISTING INNER LEAF AT MAXIMUM 900MM CENTRES. CELOTEX GA4100 INSULATION BETWEEN RAFTERS AND CELOTEX GA4050 UNDER PLY SKIN ALL AS AGREEMENT CERTIFICATE AND PLASTER FINISH. 30X5X1200MM GALVANISED M5 STEEL RESTRAINT STRAPS TO GABLE WALLS AT MAXIMUM 2M CENTRES INCLUDING 6W NOGGS BETWEEN RAFTERS. NOTE - RECESSED DOWNLIGHTERS TO ONLY BE FITTED INTO FALSE CEILING BELOW STRUCTURAL CEILING TO AVOID PENETRATION OF INSULATION.

EXTERNAL WALLS - 103MM OUTER LEAF BRICKWORK TO MATCH EXISTING - 100MM CAVITY WITH 6NO. STAINLESS STEEL TIE/M² AND 100MM DRITHERM CAVITY SLAB PLUS INSULATION AS AGREEMENT CERTIFICATE TAKEN DOWN 225MM BELOW HORIZONTAL DPC - 100MM INNER LEAF THERMALITE BLOCK (3.6N) WITH 12.5MM PLASTERBOARD AND SKIM LINING ON PLASTER DABS. HORIZONTAL DPC - MINIMUM 500MM ABOVE GROUND LEVEL - GROUND LEVEL REDUCED TO 600. VERTICAL DPC AND CAVITY TRAYS TO ALL NEW OPENINGS. NEW WALLS BONDED TO EXISTING AND CAVITIES CONTINUOUS. INSULATION TO STEEL LINTEL IN EXTERNAL WALLS AND THERMABATE CAVITY CLOSERS.

PARTY WALL - 275MM CAVITY PARTY WALL COMPRISING 2NO. LEAVES 100MM THERMALITE BLOCK (3.6N) WITH 75MM CAVITY - 6NO. BUTTERFLY TYPE WALL TIE/M² - FULLY FILLED WITH ISOVER PARTY WALL ROLL - FINISHED WITH 15MM PLASTERBOARD (9.8KG/M²) AND 6MM PARTY WALLS TAKEN UP TO ROOF SLOPE AND FIRE STOPPED.

GROUND FLOOR - 25MM CELOTEX AROUND PERIMETER OF 70MM SCREED ON 500G VISQUEEN ON CELOTEX GA4080 INSULATION AS AGREEMENT CERTIFICATE ON 1200G VISQUEEN DPM - ON 150MM CONCRETE (C30) SLAB WITH 1NO. LAYER A142 MESH - 50MM COVER FROM BOTTOM OF SLAB - ON 2000G VISQUEEN - TURNED UP AT PERIMETER AND TAKEN THROUGH CAVITY WALL TO LAP HORIZONTAL DPC WITH CAVITY TRAY ABOVE - ON MINIMUM 150MM CONSOLIDATED STONE HARDCORE - MECHANICALLY COMPACTED IN MAXIMUM 225MM LAYERS - AND BLINDED WITH SAND. EXISTING SUB FLOOR VENTS TO BE EXTENDED TO NEW EXTERNAL WALLS WITH 100MM PIPE DUCTS AND PERISCOPIC VENTS. NOTE - GROUND FLOOR SPECIFICATION IS PROVISIONAL AND SUBJECT TO ADEQUATE GROUND BEARING.

FOUNDATIONS - MINIMUM 600X200MM AND MINIMUM 600X600MM CONCRETE (C30) STRIP FOUNDATIONS - DEPTH AS REG. A1/2 - MINIMUM 900MM BELOW GROUND LEVEL. 303MM FOUNDATION CAVITY BRICKWORK IN COMMONS WITH CAVITY FILL TO GROUND LEVEL. NOTE - FOUNDATION SPECIFICATION IS PROVISIONAL AND SUBJECT TO ADEQUATE GROUND BEARING. IT IS RECOMMENDED THAT A TRIAL HOLE INVESTIGATION IS CARRIED OUT PRIOR TO COMMENCEMENT OF WORK ON SITE TO ESTABLISH THE EXISTING GROUND BEARING CONDITIONS.

GENERAL - STRUCTURAL TIMBER (C16 GRADE) AND EXTERNAL TIMBER TREATED WITH PRESERVATIVE. STEEL TO BEAR 150MM AND CLAD WITH 15MM PLASTERBOARD AND SKIM (1/2HR FR5). DOUBLE GLAZED WINDOWS, DOORS AND ROOFLIGHTS (1.6W/M²C) WITH MINIMUM 16MM AIRGAP AND 60FT LOW-E COATING SAFETY GLASS TO EXTERNAL DOORS AND WINDOWS WITH CILL HEIGHT LESS THAN 800MM ABOVE FLOOR LEVEL. INTERCONNECTED SELF CONTAINED SMOKE ALARMS (WITH BATTERY BACK UP) TO HALL AND LANDINGS PERMANENTLY WIRED TO A SEPARATELY FLUGED CIRCUIT AT THE DISTRIBUTION BOARD IN ACCORDANCE WITH BS5839 - 62004. STRUCTURAL DESIGN AND CALCULATIONS FOR BEAMS AND BEARINGS TO BE PREPARED BY STRUCTURAL ENGINEER AND SUBMITTED TO THE BUILDING INSPECTOR PRIOR TO COMMENCEMENT OF WORK ON SITE. EXISTING STRUCTURE AND FOUNDATIONS TO BE EXPOSED FOR INSPECTION AS REQUIRED BY THE BUILDING INSPECTOR TO CONFIRM ADEQUACY FOR NEW LOADINGS PRIOR TO COMMENCEMENT OF WORK ON SITE. ROBUST CONSTRUCTION DETAILS TO BE INCORPORATED. DIMENSIONS FOR ORDERING MATERIALS OR FOR MANUFACTURING COMPONENTS TO BE OBTAINED BY MEASUREMENT ON SITE BY THE CONTRACTOR.

Telephone 0161 643 2422

Northside Plans Ltd

Planning and Building Design

116 Simister Lane Prestwich Manchester M25 2SB

Project PROPOSED SINGLE STOREY REAR EXTENSIONS
25 AND 27 HILDA AVENUE TOTTINGTON
Title PROPOSED PLANS

Scale 1:50 1:100 1:200 (A1) Date 09/2018
Drawn by NIGEL TAMM Dwg.No.25/27HA/10A

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BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

13 November 2018

SUPPLEMENTARY INFORMATION

Item:01 31 Quarlton Drive, Tottington, Bury, BL8 4JY Application No. 62715
Demolition of existing dwelling house and erection of replacement dwelling house with detached garage

Additional representation received from the occupants of Bramley Fold Farm, stating that the ordinary water course flows north to south with the garage being built close to the path of the ordinary water course. The respondent wanted to ensure that the suggested solution will work in practice and that any works should not in any way reduce the flow rates of the existing ordinary water course.

These comments have been passed to the Council's drainage engineer who has stated that the applicant will have to look at the site, and determine a suitable scheme applying the hierarchy of options as stated within condition 5 and submit for approval. If levels make one or more options impractical, then an alternative should be utilised. However this can not be restricted at this stage and the applicant will need to provide evidence of their assessment when they seek to discharge the condition.

Item:02 Former Texaco Garage, Bury Old Road, Prestwich, Manchester, M25 0EY Application No. 63054

Demolition of existing structures and erection of an A1 retail unit and synagogue with associated car parking, landscaping and access arrangement and addition of basement for use as storage and plant space

Nothing further to report.

Item:03 Summerseat Football Ground, Waterside Road, Summerseat, Ramsbottom, Bury, BL9 5QL Application No. 63100

Siting of storage container with enclosure

Nothing further to report.

Item:04 4 Glebelands Road, Prestwich, Manchester, M25 1NE Application No. 63191

Change of use from House of Multiple Occupation (Class C4) to a nursery (Class D1 non-residential Institution); External alterations for vehicular access to a rear car park and drop off area; Resurfacing of car park and landscaping to gardens

Nothing further to report

Item:05 St Pauls C of E Primary School, Porritt Street, Bury, BL9 6LJ Application No. 63273

Siting of a single storey portakabin building to be used for meetings for a temporary period of 3 years.

Nothing further to report.

Item:06 Land off Claybank Drive, (rear of Victoria Street), Tottington, Bury

Application No. 63275

Erection of 3 no. dwellings with associated access off Claybank Drive

Additional public objection

The resident at No.66. Claybank Drive objects on the following grounds:

- It is profiteering from the misery of neighbours.
- It is a blight, and does nothing to help alleviate the shortage of affordable housing in our area.

Item:07 35 Heywood Street, Bury, BL9 7EB Application No. 63312

Change of use from residential (Class C3) to 7 bed/9 person house of multiple occupation (HMO) (Sui Generis)

Residents Parking Scheme.

For clarification, the residents parking scheme allows individual occupiers to apply for their own permit which is valid for 12 months, this includes a visitors permit. As such 9 permits could be applied for including visitors permits. The assessment of additional parking therefore would be the impact of additional residents (3 to 6) given the permitted development fall back position of 6 persons occupying the property as not requiring planning permission, assuming all occupiers are car owners. Consideration is also given to the possibility that previous occupiers might also have had parking permits. As such the consideration of the operation of the existing parking scheme does not change the officer recommendation.

Further Representations.

Following the publication of the Planning Control Committee agenda a further objection has been received:

The area is over saturated with HMO type properties which are being let out to SERCO, to house asylum seekers .

Bury Council have currently capped the area and will not allow any further properties to be procured by Serco who offer an incentive to landlords of 5 year guaranteed rent leases ,due to this over saturation it will ultimately lead to this are to be ghettoised

There is no market for young professionals to let around the property as majority of the homes are family residential properties .

There is an abundance of housing stock appealing to young professionals around the Newly built Rock development .

The young professional outlook is just a ploy,once the developer secures planning - there are no conditions on who he lets it out to. More than likely be let out to single tenants on housing benefits, asylum seekers, alcohol and substance miss users.

This will be a further burden on local services and have detrimental impact on local community cohesion.

Response.

The letting of private properties is not a planning material consideration.

Market needs should be left to market conditions.

There is no evidence of saturation that changes the character of the area.

The applicant is not a material planning consideration.

The other issues raised have been addresses in the main report.

Item:08 25 Hilda Avenue, Tottington, Bury, BL8 3JE Application No. 63322
Single storey extension at rear

Recommendation - Approve with conditions

Otherwise nothing further to report

<h1>REPORT FOR NOTING</h1>

Agenda Item

5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	13 November 2018
SUBJECT:	DELEGATED DECISIONS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report lists: Recent delegated planning decisions since the last PCC
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A
Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Planning Control Committee of the delegated planning decisions made by the officers of the Council.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-None

Contact Details:-

David Marno, Head of Development Management
Planning Services, Department for Resources and Regulation
3 Knowsley Place
Bury BL9 0EJ

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning applications decided using Delegated Powers
Between 01/10/2018 and 04/11/2018**



Ward: Bury East

Application No.: 62995 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 17-19 Parsons Lane, Bury, BL9 0LY
Proposal: Conversion from offices (Class B1) to 8 no. apartments

Application No.: 63149 **App. Type:** FUL 01/10/2018 Approve
Location: 79 The Rock, Bury, BL9 0NB
Proposal: Installation of automated teller machine (ATM) to shop front

Application No.: 63150 **App. Type:** ADV 02/10/2018 Approve with Conditions
Location: 79 The Rock, Bury, BL9 0NB
Proposal: 1 No. internally illuminated ATM surround fascia and 1 no. internally illuminated ATM sign

Application No.: 63164 **App. Type:** FUL 11/10/2018 Approve with Conditions
Location: Fairfield Inn, Rochdale Old Road, Bury, BL9 7SA
Proposal: Change of use from public house to 3 no. dwellings.

Application No.: 63214 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: Islamic Centre, Church Street, Bury, BL9 6BN
Proposal: Single storey extension at front

Application No.: 63224 **App. Type:** LDCP 30/10/2018 Lawful Development
Location: 452 Rochdale Old Road, Bury, BL9 7TF
Proposal: Lawful development certificate for proposed conversion of loft and garage to a habitable use; replacement of garage door with new door, window and glazed side panel; installation of 2 velux windows to main roof slope

Application No.: 63258 **App. Type:** GPDE 15/10/2018 Prior Approval Not Required - Extension
Location: 17 Rectory Lane, Bury, BL9 7TA
Proposal: Prior notification for proposed single storey rear extension

Application No.: 63302 **App. Type:** GPDE 18/10/2018 Prior Approval Not Required - Extension
Location: 48 Hurst Street, Pimhole, Bury, BL9 7ES
Proposal: Prior notification for proposed single storey rear extension

Ward: Bury East - Moorside

Application No.: 63194 **App. Type:** P3JPA 23/10/2018 Prior Approval Required and Granted
Location: The Lodge, 306 Walmersley Road, Bury, BL9 6QF
Proposal: Prior approval for proposed change of use from office (Class B1(a)) to dwelling (Class C3)

Application No.: 63284 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 6 Mather Road, Bury, BL9 6QU
Proposal: Two/single storey extension at rear and alterations to side elevation including new first floor window

Ward: Bury East - Redvales

Application No.: 62870 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: Land adjacent to Pilot Mill, Alfred Street, Bury, BL9 7EJ
Proposal: Erection of single storey retail unit with associated car parking and servicing area

Application No.: 63193 **App. Type:** FUL 12/10/2018 Refused
Location: 38 Parkhills Road, Bury, BL9 9AT
Proposal: Single storey extension at side & canopy to front elevation including brick wall

Application No.: 63200 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: Land at Warth Road, Bury, BL9 9NB
Proposal: New sub-station

Application No.: 63203 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 2 Arncliffe Close, Bury, BL9 9GF
Proposal: Two storey extension at rear

Application No.: 63223 **App. Type:** FUL 26/10/2018 Approve with Conditions
Location: 57 Rutland Drive, Bury, BL9 9DR
Proposal: Single/two storey extension at rear

Application No.: 63231 **App. Type:** FUL 03/10/2018 Approve with Conditions
Location: Heaton Grove Cottage, Beechfield Drive, Bury, BL9 9QS
Proposal: Single storey extension at front

Application No.: 63237 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 14 Albany Drive, Bury, BL9 9RD
Proposal: Single storey extension at side/rear; Single storey extension at rear

Application No.: 63244 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 479 Manchester Road, Bury, BL9 9SH
Proposal: Single/two storey front,side & rear extensions

Application No.: 63249 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: 73 Parkhills Road, Bury, BL9 9AR
Proposal: Front porch; Two storey side and rear extension and rear dormer extension

Application No.: 63307 **App. Type:** FUL 30/10/2018 Approve with Conditions
Location: 11 Grasmere Drive, Bury, BL9 9GB
Proposal: Single storey extension at side/rear and single storey extension and canopy at front

Ward: Bury West - Church

Application No.: 63047 **App. Type:** ADV 01/10/2018 Approve with Conditions
Location: Bridge Industrial Trading Estate, Bolton Road, Bury, BL8 2AQ
Proposal: 1 No. non-illuminated totem sign and 1 no. non-illuminated wall mounted folded tray sign

Application No.: 63151 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 50 Mile Lane, Bury, BL8 2JE
Proposal: Single storey extension at rear and porch at front

Application No.: 63199 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 96 Scholes Street, Bury, BL8 2RA
Proposal: Demolition of rear store and retention of part single storey extension

Application No.: 63209 **App. Type:** FUL 19/10/2018 Approve with Conditions
Location: 509 Bolton Road, Bury, BL8 2DJ
Proposal: Two/single storey extension at side

Application No.: 63236 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: 13 Newington Drive, Bury, BL8 2NE
Proposal: Dormer extension at front

Application No.: 63282 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 514 Bolton Road, Bury, BL8 2DU
Proposal: Two storey extension at side and single storey extension at rear

Application No.: 63297 **App. Type:** FUL 26/10/2018 Approve with Conditions
Location: 510 Bolton Road, Bury, BL8 2DU
Proposal: Two storey extension at side

Ward: Bury West - Elton

Application No.: 63226 **App. Type:** FUL 03/10/2018 Approve with Conditions
Location: 10 Westcombe Drive, Bury, BL8 1DN
Proposal: Single storey/two storey extensions to side & rear

Application No.: 63243 **App. Type:** FUL 26/10/2018 Refused
Location: Land North of The Garsdale, Woodhill Road, Bury
Proposal: Change of use of land to use as a residential caravan site for two traveller families with a maximum of 4no. caravans/motor homes, erection of amenity building and laying of hard standing

Application No.: 63263 **App. Type:** FUL 24/10/2018 Approve with Conditions
Location: 5 Stow Close, Bury, BL8 1XS
Proposal: Two storey side extension and single storey rear extension

Ward: North Manor

Application No.: 63056 **App. Type:** OUT 12/10/2018 Approve with Conditions
Location: Windacre Works, Mather Road, Bury, BL9 6RB
Proposal: Outline application for demolition of existing mill and erection of 4 no. dwellings with details of access, landscaping, layout and scale (appearance reserved matters)

Application No.: 63101 **App. Type:** FUL 12/10/2018 Approve with Conditions
Location: 49 Valley Court, 18 Longsight Road, Ramsbottom, Bury, BLO 9TD
Proposal: Installation of new window

Application No.: 63137 **App. Type:** FUL 01/11/2018 Approve with Conditions
Location: 17 Bolton Road, Tottington, Bury, BL8 4HZ
Proposal: Demolition of existing dwelling and erection of 1 no. replacement dwelling

Application No.: 63139 **App. Type:** FUL 11/10/2018 Approve with Conditions
Location: 6 Caernarvon Close, Tottington, Bury, BL8 4EB
Proposal: Dormer at front of bungalow with cladding. Single-storey extension at side/rear with render and cladding to existing rear dormer

Application No.: 63187 **App. Type:** FUL 12/10/2018 Approve with Conditions
Location: 126 Brandlesholme Road, Tottington, Bury, BL8 4DZ
Proposal: First floor extension at side with rear balcony structure

Application No.: 63196 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 53 Keats Road, Tottington, Bury, BL8 4EP
Proposal: Raise ridge height of existing bungalow by 700 mm with loft conversion and 2 no. dormers at side to form first floor; New first floor bedroom windows to front and rear elevations; Reposition entrance door to front elevation

Application No.: 63230 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: 26 Greenside Drive, Tottington, Bury, BL8 4BE
Proposal: Part single storey / part two storey extension at side; bay window to front

Application No.: 63239 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 14 Greenside Drive, Tottington, Bury, BL8 4BE
Proposal: Single storey extension at side and rear

Application No.: 63255 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: Holcombe Brook Primary School, Longsight Road, Ramsbottom, Bury, BL0 9TA
Proposal: Erection of 0.8m fence on top of an existing stone boundary wall and 1.2m bow top fence to separate the front entrance of the school from adjacent playground

Application No.: 63270 **App. Type:** FUL 26/10/2018 Approve with Conditions
Location: 24 Greenheys Crescent, Tottington, Bury, BL8 4QD
Proposal: Bay window extension at front

Ward: Prestwich - Holyrood

Application No.: 63171 **App. Type:** LDCP 04/10/2018 Lawful Development
Location: 137 Simister Lane, Prestwich, Manchester, M25 2SA
Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 63192 **App. Type:** ADV 31/10/2018 Approve with Conditions
Location: 4 Glebelands Road, Prestwich, Manchester, M25 1NE
Proposal: 1 No. non illuminated sign

Application No.: 63241 **App. Type:** FUL 31/10/2018 Approve with Conditions
Location: 30 Merton Road, Prestwich, Manchester, M25 1PL
Proposal: Two storey extension at side and single storey extension at side/rear; Widening of existing driveway

Ward: Prestwich - Sedgley

Application No.: 63158 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 6 Harrogate Avenue, Prestwich, Manchester, M25 0LT
Proposal: Dormers at front and rear

Application No.: 63163 **App. Type:** FUL 04/10/2018 Approve with Conditions
Location: 19 Danesway, Prestwich, Manchester, M25 0ET
Proposal: Single storey extension at side/rear and two storey extension at rear; Alterations to driveway and vehicular access at front; External alterations to include changes to windows to side elevations

Application No.: 63181	App. Type: FUL	04/10/2018	Approve with Conditions
Location:	43 Windsor Crescent, Prestwich, Manchester, M25 0DD		
Proposal:	Two storey extension at side/rear; Front porch		
Application No.: 63250	App. Type: FUL	15/10/2018	Approve with Conditions
Location:	8 Eastleigh Road, Prestwich, Manchester, M25 0BQ		
Proposal:	Single storey extension at rear		
Application No.: 63254	App. Type: FUL	25/10/2018	Approve with Conditions
Location:	82 Downham Crescent, Prestwich, Manchester, M25 0BS		
Proposal:	Two/single storey extension at rear and porch at front; Raised decking at rear		
Application No.: 63259	App. Type: FUL	15/10/2018	Approve with Conditions
Location:	48 Parksway, Prestwich, Manchester, M25 0JB		
Proposal:	Variation of condition 2 (approved plans) of planning permission ref. 62914 to amend the footprint of the approved dwellinghouse to achieve the required distance to the site boundary adjoining Hereford Drive.		
Application No.: 63274	App. Type: GPDE	15/10/2018	Prior Approval Not Required - Extension
Location:	47 Bishops Road, Prestwich, Manchester, M25 0HS		
Proposal:	Prior notification for proposed single storey rear extension		
Application No.: 63277	App. Type: FUL	24/10/2018	Approve with Conditions
Location:	6 Mildred Avenue, Prestwich, Manchester, M25 0LR		
Proposal:	Demolition of existing garage and erection of single storey extension at rear		
Application No.: 63279	App. Type: FUL	22/10/2018	Refused
Location:	22 Woodhill Drive, Prestwich, Manchester, M25 0AD		
Proposal:	Raised decking at rear		
Application No.: 63281	App. Type: FUL	17/10/2018	Approve with Conditions
Location:	1 Parksway, Prestwich, Manchester, M25 0JE		
Proposal:	Single storey outbuilding at rear		
Application No.: 63292	App. Type: GPDE	15/10/2018	Prior Approval Not Required - Extension
Location:	111 Rectory Lane, Prestwich, Manchester, M25 1DA		
Proposal:	Prior notification for proposed single story rear extension		
Application No.: 63368	App. Type: GPDE	23/10/2018	Prior Approval Required Refused - Ext
Location:	20 George Street, Prestwich, Manchester, M25 9WS		
Proposal:	Prior notification for proposed single storey rear extension		

Ward: **Prestwich - St Mary's**

Application No.: 63130 **App. Type:** FUL 24/10/2018 Refused
Location: 6 Buckley Lane, Prestwich, Manchester, M45 7JZ
Proposal: Demolition of existing garage/extension/conservatory. Two storey extension at side and rear with first floor balcony at side/rear to form family annexe; Replacement roof to form accommodation in roof space with dormer and balcony at rear

Application No.: 63154 **App. Type:** FUL 04/10/2018 Approve with Conditions
Location: 381 Bury New Road, Prestwich, Manchester, M25 1AW
Proposal: Change of use from shop (Class A1) to cosmetic tattooing clinic (Sui Generis)

Application No.: 63172 **App. Type:** FUL 03/10/2018 Approve with Conditions
Location: 92 Butterstile Lane, Prestwich, Manchester, M25 9PP
Proposal: Two storey extensions at front, side and rear; Alterations to existing roof with dormers at front and rear; External alterations

Application No.: 63197 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 19 Branksome Avenue, Prestwich, Manchester, M25 1AG
Proposal: Single storey extension at rear; Porch at front

Application No.: 63252 **App. Type:** FUL 19/10/2018 Approve with Conditions
Location: 24 Sandy Lane, Prestwich, Manchester, M25 9RY
Proposal: Single storey extensions at side and rear, new shop front, Creation of self contained flat with new external entrance.

Ward: **Radcliffe - East**

Application No.: 63211 **App. Type:** FUL 11/10/2018 Approve with Conditions
Location: 20 Withins Avenue, Radcliffe, Manchester, M26 2XB
Proposal: Single storey extension at rear and access ramp at rear

Ward: **Radcliffe - North**

Application No.: 62855 **App. Type:** FUL 25/10/2018 Approve with Conditions
Location: Openshaw Fold Farm, Bury and Bolton Road, Radcliffe, Manchester, M26 4EP
Proposal: Demolition of existing dwelling and erection of 1 no. replacement dwelling

Application No.: 63285 **App. Type:** FUL 29/10/2018 Approve with Conditions
Location: 35 Greenside, Ainsworth, Bolton, BL2 5SF
Proposal: Raise ridge height of roof of existing bungalow to create new first floor, two extensions at front, side and rear with 2 no. dormers at front and rear; Juliet balcony at rear and render to all elevations

Ward: **Radcliffe - West**

Application No.: 63145 **App. Type:** FUL 04/10/2018 Approve with Conditions
Location: Millwood Primary Special School, School Street, Radcliffe, Manchester, M26 3BW
Proposal: Construction of 2 no. new classroom areas with ancillary accommodation

Application No.: 63188 **App. Type:** FUL 10/10/2018 Approve with Conditions
Location: 84 Outwood Road, Radcliffe, Manchester, M26 1AG
Proposal: Two storey extensions at side/rear to form new retail unit (Class A1) on ground floor and 1 no. additional first floor flat and extension to existing hot food takeaway on ground floor to form staff wc; External staircase at rear to serve first floor; Alterations to drive access/parking

Application No.: 63245 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: Garage site off Coleridge Avenue, Radcliffe, Manchester, M26 3QU
Proposal: Variation of condition 7 of approved planning permission 62970 (no development until footpath closure is secured) to allow works to commence on garages 16-31

Ward: Ramsbottom + Tottington - Tottington

Application No.: 63096 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: Howarths Farm, Watling Street, Tottington, Bury, BL8 3QR
Proposal: Variation of condition no. 2 (approved plans) following grant of planning permission 58950 for external alterations to previously approved 2 no. dwellings

Application No.: 63198 **App. Type:** FUL 04/10/2018 Approve with Conditions
Location: 16 Croft Drive, Tottington, Bury, BL8 3HT
Proposal: Single storey extension at side

Application No.: 63235 **App. Type:** FUL 22/10/2018 Approve with Conditions
Location: 1 Cann Street, Tottington, Bury, BL8 3PE
Proposal: Single storey extension at side and rear

Application No.: 63240 **App. Type:** FUL 22/10/2018 Approve with Conditions
Location: 34 Kingsbury Close, Tottington, Bury, BL8 1WB
Proposal: Single storey extension at rear and side

Ward: Ramsbottom and Tottington - Ramsbottom

Application No.: 62980 **App. Type:** ADV 26/10/2018 Split Decision
Location: 50 Bridge Street, Ramsbottom, Bury, BL0 9AQ
Proposal: Proposal A: 1 No. non-illuminated fascia sign to front elevation; 1 no. front window vinyl.

Proposal B: 3 no. non-illuminated panel signs to side elevation, 1 no. canopy sign to side entrance, 5 no. non-illuminated free standing banner signs to side entrance.

Application No.: 63022 **App. Type:** FUL 29/10/2018 Approve with Conditions
Location: Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX
Proposal: Variation of condition no. 2 (approved plans for listed building consent ref: 60972) for retention of stainless steel window frames with 28mm double glazed units.

Application No.: 63065 **App. Type:** FUL 29/10/2018 Approve with Conditions
Location: Higher House, Moor Road, Ramsbottom, Bury, BL8 4NX

Proposal: Variation of condition no. 2 (approved plans for planning application ref: 60971) for retention of stainless steel window frames with 28mm double glazed units.

Application No.: 63178 **App. Type:** PMBPA 11/10/2018 Prior Approval Required and Granted
Location: Top O Th Lea, Bury Old Road, Ramsbottom, Bury, BLO 0RX

Proposal: Prior notification for proposed change of use from agricultural building to 2 dwellings (Class C3) and for associated operational development

Application No.: 63218 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 3 Cheshire Court, Ramsbottom, Bury, BLO 0BL

Proposal: Demolition of existing garage and erection of of single storey extension at side

Application No.: 63264 **App. Type:** FUL 25/10/2018 Approve with Conditions
Location: 75 Callender Street, Ramsbottom, Bury, BLO 9DX

Proposal: Single storey extension at side/rear

Ward: **St Marys (Historic)**

Application No.: 63355 **App. Type:** GPDE 22/10/2018 Prior Approval Required Refused - Ext
Location: 3 Barnhill Road, Prestwich, Manchester, M25 9NH

Proposal: Prior notification for proposed single storey rear extension

Ward: **Whitefield + Unsworth - Besses**

Application No.: 63083 **App. Type:** FUL 12/10/2018 Approve with Conditions
Location: 7 Brightwater Close, Whitefield, Manchester, M45 8SE

Proposal: Erection of boundary fence at side

Application No.: 63179 **App. Type:** FUL 31/10/2018 Approve with Conditions
Location: 62 Bury New Road, Whitefield, Manchester, M45 7EL

Proposal: Increase height of boundary wall at front to 2.1 metres

Application No.: 63182 **App. Type:** LDCP 10/10/2018 Lawful Development
Location: 53 Cunningham Drive, Bury, BL9 8PD

Proposal: Lawful development certificate for proposed single storey rear extension

Application No.: 63216 **App. Type:** LDCP 23/10/2018 Lawful Development
Location: 33 Kenmore Road, Whitefield, Manchester, M45 8ES

Proposal: Lawful development certificate for proposed first floor extension at rear

Application No.: 63225 **App. Type:** FUL 12/10/2018 Approve with Conditions
Location: 24 Mountbatten Close, Bury, BL9 8PU
Proposal: Alterations to roof at front and single storey extension at rear

Application No.: 63232 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 80 Pole Lane, Bury, BL9 8PX
Proposal: Single storey extension at rear and alterations to roof

Ward: Whitefield + Unsworth - Pilkington Park

Application No.: 63050 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: Land at Bank Street, Whitefield, Manchester, M45 7JF
Proposal: Installation of 4 no. air conditioning units to office building elevation

Application No.: 63113 **App. Type:** FUL 25/10/2018 Approve with Conditions
Location: 254-258 Bury New Road, Whitefield, Manchester, M45 8QN
Proposal: Single storey extension at front with retractable roof; Single storey extension at rear

Application No.: 63114 **App. Type:** FUL 03/10/2018 Refused
Location: Land at rear of Porada, 231 Bury New Road, Whitefield, Manchester, M45 8QP
Proposal: Variation of condition no. 3 of planning permission 60696 to change the proposed car park surfacing/drainage scheme and condition nos.1, 4, 5, 6 to substitute the previously approved site layout plan from 0.01 rev B to 0.01 rev C

Application No.: 63138 **App. Type:** FUL 19/10/2018 Split Decision
Location: 49 Radcliffe New Road, Whitefield, Manchester, M45 7QZ
Proposal: A : Single storey extension at side and rear
B : Decking area at rear

Application No.: 63190 **App. Type:** ADV 01/10/2018 Refused
Location: 2nd Floor, 256-258 Bury New Road, Whitefield, Manchester, M45 8QN
Proposal: 2 no. non illuminated hoarding signs

Application No.: 63208 **App. Type:** FUL 17/10/2018 Approve with Conditions
Location: 109 Radcliffe New Road, Radcliffe, Manchester, M45 7WG
Proposal: Two/single storey extensions at side and at rear with Juliet balcony and first floor balcony with glass balustrade at rear

Application No.: 63210 **App. Type:** FUL 01/10/2018 Approve with Conditions
Location: 5 Kings Avenue, Whitefield, Manchester, M45 7SD
Proposal: Two storey rear extension

Application No.: 63272 **App. Type:** FUL 15/10/2018 Approve with Conditions
Location: 3 Wentworth Avenue, Whitefield, Manchester, M45 7GQ
Proposal: Conversion of garage to study/utility room and external alterations

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 63001 **App. Type:** FUL 04/10/2018 Approve with Conditions

Location: 1 Stokesay Close, Bury, BL9 8DB

Proposal: Single storey extension

Application No.: 63159 **App. Type:** FUL 04/10/2018 Approve with Conditions

Location: Land at rear of Warwick House, Castle Brook Business Park, Hollins Brook Way, Bury, BL9 8RR

Proposal: Variation of condition 1 following grant of planning permission 60525 to allow an additional 6 months for commencement of the junction improvement works

Application No.: 63227 **App. Type:** FUL 15/10/2018 Approve with Conditions

Location: 6 Brookdene Road, Bury, BL9 8ND

Proposal: Two storey extension at side, single storey extensions at front and rear and loft conversion

Application No.: 63233 **App. Type:** FUL 15/10/2018 Approve with Conditions

Location: 53 Bloomfield Drive, Bury, BL9 8JX

Proposal: Demolition of existing porch; erection of single storey extensions at front and rear and external alterations

Total Number of Applications Decided: 95

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REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	13 November 2018
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

David Marno, Head of Development Management
 Planning Services, Department for Resources and Regulation,
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**Planning Appeals Lodged
between 01/10/2018 and 04/11/2018**



Application No.: 62677/AG

Appeal lodged: 01/11/2018

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Mr J Brown

Location Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH

Proposal Prior notification of proposed agricultural building for the storage of silage

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 01/10/2018 and 04/11/2018**



Application No.: 62549/LDCP
Decision level: DEL
Recommended Decision: Refuse
Applicant: Andrew Winstanley

Appeal Decision: Dismissed
Date: 22/10/2018
Appeal type: Informal Hearing

Location: Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8

Proposal: Certificate of lawfulness for proposed access road to be 3 metres wide and with a tarmacadam surface

Application No.: 62605/FUL
Decision level:
Recommended Decision:
Applicant: Yarn Estates Ltd

Appeal Decision: Withdrawn
Date: 03/10/2018
Appeal type:

Location: Land to north of Carr Bank Lodge, 7 Carr Bank, Ramsbottom, Bury, BL0 9DJ

Proposal: Erection of 1 no. dwelling



Appeal Decision

Hearing held on 9 October 2018

Site Visit made on 9 October 2018

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2018

Appeal Ref: APP/T4210/X/18/3202852

**Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom
BL8 4PD**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Andrew Winstanley against the decision of Bury Metropolitan Borough Council (the Council).
 - The application Ref 62549, dated 1 March 2018, was refused by notice dated 14 May 2018.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a proposed access road to be 3m wide and with a tarmacadam surface.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is given on the application form as Mrs Andrew Winstanley. That was confirmed to be a typographical error at the hearing and that the appellant is Mr Andrew Winstanley as given on the appeal form. I have proceeded on that basis.
3. The appellant confirmed at the hearing that the LDC application sought to establish that a proposed access road to be 3m wide and with a tarmacadam surface would be lawful. The development is shown on two plans – a 1:2500 location plan and a 1:1250 'proposed access plan'. The Council confirmed that was the development and the plans on which it determined the application.
4. Both main parties have made reference in written submissions to an 'amended access plan'. It was confirmed at the hearing that the plan relates to a separate application¹ for planning permission at the appeal site for the conversion of an agricultural building to a dwelling plus extension and new access which was, at the time of the hearing, before the Council for consideration. When compared to the access proposed in the LDC application, the access shown on the 'amended access plan' is materially different due to its route, method of construction and incorporation of passing places.

¹ Council Ref: 63006

5. As I set out at the hearing, my powers to modify the terms of an application for an LDC are limited to section 191 applications. There is no such power under section 192 applications. Although there is some flexibility where the parties have agreed a modification, there has been no such agreement here. The appellant's agent confirmed at the hearing that the 'amended access plan' did not fall to be considered under this appeal.
6. Within the appellant's written submissions, it was put to me that any access would be permitted development. However, as I indicated at the hearing, an LDC application must relate to a specific, proposed operation. It is not open to an applicant to pose a general enquiry as to what is or might be lawful.
7. As a consequence, I have proceeded with this appeal on the basis that it is confined to the consideration of the development subject of the application made, namely a 3m wide access road with a tarmac surface as shown on the accompanying plans and as determined by the Council. Neither of the main parties raised any concerns to that approach at the hearing and I am satisfied that none would be prejudiced by that course of action.
8. I have had regard to the written and verbal evidence of a number of local residents in respect of several matters including highway safety and flood risk. However, the planning merits of the proposed development are not at issue in this appeal. It is solely concerned with whether the proposed development would have been lawful at the date the application was made.

Main Issue

9. The main issue is whether the Council's decision to refuse the application for a certificate of lawfulness was well-founded.

Reasons

10. In an LDC appeal the onus of proof is on the appellant to show that, on the balance of probabilities, the development would be lawful at the time of the application.
11. Class B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits "the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than Class A of this Part."
12. It is proposed to provide a means of access to serve a barn which has been granted planning permission for its conversion to a dwelling under Class Q of Part 3, Schedule 2 of the GPDO as a result of two separate appeal decisions in February 2018² and May 2017³.
13. The Council's reasons for its refusal of this LDC application were two fold. Firstly that the access would not be 'required' and secondly, that the Council was unable to establish whether engineering operations would be required to facilitate the means of access that would go beyond what would be permitted under Part 2.

² APP/T4210/W/17/3182611

³ APP/T4210/W/17/3168025

14. Nevertheless, as I set out at the hearing, my role is to consider whether the Council's decision was well-founded. It does not mean my role is confined to considering whether its reasons were well-founded. I therefore have a duty, in the public interest, to establish whether, notwithstanding the Council's reasons for its decision, the development would have been lawful at the date the application was made.
15. To that end, the main parties agreed at the hearing that the development would constitute a means of access to a highway. The access would be around 300m long and would broadly follow the boundary of the paddock which is presently in use for grazing. The GPDO does not define the term "means of access". Nevertheless, section 336(1) of the 1990 Act states the term includes "any means of access, whether private or public, for vehicles or for foot passengers, and includes a street." In my view, the reference to a street indicates that the definition goes beyond simply the actual point of access onto a highway. Rather it could include an access track. Consequently, I am satisfied that the development is capable of constituting a means of access to a highway.
16. I have had regard to the comments of the neighbouring landowners that the part of public right of way No 42 from where the appellant suggests access is to be taken does not constitute a highway.
17. Whilst the GPDO does not define 'highway' for the purposes of Class B of Part 2, the 'Permitted Development Rights for Householders – Technical Guidance' published by the then Department for Communities and Local Government in April 2017 defines a highway, for the purposes of the GPDO, as "a public right of way such as a public road, public footpath and bridleway. For the purposes of the Order (the GPDO) it also includes unadopted streets or private ways." The main parties agreed at the hearing that was a reasonable interpretation for me to base my decision on. I see no reason to disagree. As a result, I am satisfied that the proposed means of access constitutes a highway.
18. Nevertheless, it is evident from the discussions at the hearing and my observations on my site visit that the means of access as depicted on the proposed plan would terminate within an area which is presently covered by vegetation and does not form part of the highway. The appellant's agent indicated it was an error and that the access should have followed an existing track on the site which terminates at a gate adjoining public right of way No 42.
19. However, whilst I accept it is a mistake, and that it would in practice take little to correct, the fact of the matter is that the proposed plan shows a means of access which would not connect to a highway. Were I to grant a lawful development certificate then I would need to do so by reference to the plan. It follows therefore that, in the absence of a corrected plan, the proposed development cannot constitute a means of access to a highway if it would not physically connect to it.
20. Consequently, as the proposed development would not constitute a means of access to a highway, there is no need for me to go on to consider whether the means of access would be required in connection with development permitted by any Class in Schedule 2 of the GPDO or whether it would require engineering operations outside the scope of Class B of Part 2 of the GPDO.

21. I find, taking into account all evidence before me, that, on the balance of probabilities, the proposed development is not permitted development by virtue of Class B of Part 2 of Schedule 2 and would not therefore be granted planning permission by Article 3 of the GPDO. Accordingly, the proposed means of access would not have been lawful on the date of the application, 1 March 2018.

Conclusion

22. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a proposed access road to be 3m wide and with a tarmacadam surface was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Jason Whitfield

INSPECTOR

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