

Public Document Pack

AGENDA FOR

PLANNING CONTROL COMMITTEE



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To: All Members of Planning Control Committee

Councillors : G McGill (Chair), S Arif, C Boles, D Duncalfe, D Green, J Harris, M Hayes, D Quinn, S Thorpe, D Vernon and M Walsh

Dear Member/Colleague

Planning Control Committee

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

Date:	Tuesday, 8 November 2022
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	https://councilstream.com/burycouncil

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 MEETING HELD ON THE 11TH OCTOBER 2022 *(Pages 3 - 4)*

Minutes of the meeting held on Tuesday the 11th October 2022 are attached.

4 PLANNING APPLICATIONS *(Pages 5 - 96)*

Reports attached.

5 DELEGATED DECISIONS *(Pages 97 - 110)*

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

6 PLANNING APPEALS *(Pages 111 - 128)*

A report from the Head of Development Management on all Planning appeal decisions since the last meeting of the Planning Control Committee is attached.

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: 11 October 2022

Present: Councillor G McGill (in the Chair)
Councillors C Boles, D Duncalfe, D Green, J Harris, M Hayes,
D Quinn, S Thorpe and M Walsh

Also in attendance: Councillor M Smith

Public Attendance: 1 member of the public was present at the meeting.

Apologies for Absence: Councillor D Vernon

PCC.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Council D Vernon.

PCC.2 DECLARATIONS OF INTEREST

Councillors D Duncalfe and M Walsh declared an interest in planning application 68092, Land at Higher Dean Street, Radcliffe, M26 3RU as they were both members and co-ordinators of Cams Lane neighbourhood watch group which had submitted objections to the application.

Councillors Duncalfe and Walsh left the meeting during deliberation of the application.

PCC.3 MINUTES OF THE MEETING HELD ON THE 30TH AUGUST 2022

Delegated decision:

That the Minutes of the meeting held on the 30th August 2022 be approved as a correct record and signed by the Chair.

PCC.4 PLANNING APPLICATIONS

A report from the Head of Development Management was submitted in relation to applications for planning permission.

There was supplementary information to add in respect of application number 68069.

The Committee heard representations from an applicant and Ward Councillor in respect of applications submitted. This was limited to three minutes for the speaker.

Delegated decisions:

1. That the Committee **Be Minded to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and subject to the conditions included:-

Land off Kirkman Street, Bury

Proposed new residential development for 9 no. dwellings with associated infrastructure

2. That the Committee **Be Minded to Approve** the following application in accordance with the reasons put forward by the Development Manager in the report and any supplementary information submitted and subject to the conditions included:-

Bevis Green Works, Mill Road, Walmersley, Bury, BL9 6RE

Full application to substitute the approved layout and house types on the southern parcel of application ref: 63533, to provide 98 no. dwellings

3. That the Committee **Approve with Conditions** the following application in accordance with the reasons put forward by the Development Manager in the report and subject to the conditions included: -

Land at Higher Dean Street, Radcliffe, Manchester, M26 3RU

Outline application for 2 no. dwellings with all matters apart from access reserved

PCC.5 DELEGATED DECISIONS

A report from the Head of Development Management was submitted listing all recent planning application decisions made by Officers using delegated powers since the last meeting of the Planning Control Committee.

Delegated decision:

That the report and appendices be noted.

PCC.6 PLANNING APPEALS

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

Delegated decision:

That the report and appendices be noted.

PCC.7 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 7.55pm)

Title	Planning Applications
To:	Planning Control Committee
On:	08 November 2022
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: Whitefield + Unsworth - Pilkington Park	App No. 68542
	Location: 79 Bury New Road, Whitefield, Manchester, M45 7EG	
	Proposal: Change of use from 6 bed HMO (Class C4) to 8 bed HMO (Sui Generis)	
	Recommendation: Approve with Conditions	Site Visit: N
<hr/>		
02	Township Forum - Ward: Radcliffe - North and Ainsworth	App No. 68595
	Location: Wesley Methodist Primary School, Forth Road, Radcliffe, Manchester, M26 4PX	
	Proposal: Erection of 2.4m high fencing and 2no. Access gates	
	Recommendation: Approve with Conditions	Site Visit: N
<hr/>		
03	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 68608
	Location: Land adjacent to 391 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ER	
	Proposal: Demolition of existing garages and Erection of 2 no. semi-detached dwellings with associated parking; Additional off street parking for residents of Whalley Road	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: North Manor	App No. 68633
	Location: Land adjacent to 51 Humber Drive, Bury, BL9 6SJ	
	Proposal: Erection of 2 no. semi detached dwellings.	
	Recommendation: Approve with Conditions	Site Visit: N
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05	Township Forum - Ward: Radcliffe - North and Ainsworth	App No. 68661
	Location: Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT	
	Proposal: Erection of a dwelling and associated access, parking and landscaping, provision of landscape buffer, and change of use and refurbishment of Gate House within the curtilage of the former Ainsworth Nursing Home.	
	Recommendation: Approve with Conditions	Site Visit: N
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Ward: Whitefield + Unsworth - Pilkington Park

Item 01

Applicant: Harrington House Estates Limited

Location: 79 Bury New Road, Whitefield, Manchester, M45 7EG

Proposal: Change of use from 6 bed HMO (Class C4) to 8 bed HMO (Sui Generis)

Application Ref: 68542/Full

Target Date: 16/09/2022

Recommendation: Approve with Conditions

Description

The application relates to a large red brick/slate end terraced property on the west side of Bury New Road, to the south of the Higher lane junction. The property was formerly a single house, it has undergone refurbishment and conversion to a 6 person House in Multiple Occupation (HMO) as permitted development. The site is the southernmost property within the terraced block of eight residential properties. It is noted that the property at the northern end of the block is also a HMO. To the west, across Bury New Road is the United Reformed Church and the block of flats known as Mayfair Gardens.

The main pedestrian entrance is from Bury New Road. Vehicular access to the unmade parking area at the side of the property is from the unmade/unadopted access road (Robin Lane) that runs around the back and side of the row of terraced properties (79-93 Bury New Road) and onto Bury New Road on the north side of the row. Robin Lane also allows access to the children's day nursery, situated to the rear of the site. The carriageway width along Robin Lane varies from around 5.5m, to the rear of the block and 8.5m to the side of No.93 at the northern end of the block. The width of the hardstanding immediately to the south of the property is 11.6m wide.

Bury New Road, to the front of the site, is a very busy stretch of road with parking restrictions and there are traffic lights directly in front of the property.

The proposed development involves:

- Change of use of the existing 6 person HMO in to an 8 person HMO. The two additional bedrooms and kitchen/diner would be on the second floor, in the existing rooms within roofspace. The proposal also involves the creation of 11 parking spaces to the side of the property. It is proposed that 5 of these spaces would be for the residents of the HMO with the others available for neighbouring residents.

The supporting statement, submitted with the application, states that the HMO is licensed for 6 people and is currently occupied. It has confirmed that three of the residents have cars which is a 50% car ownership level. In addition to the supporting statement, a Highways Technical Note has been submitted, specifically addressing the issues relating to access and parking.

Relevant Planning History

64719 - Change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis) - 10/03/2020

61596 - Conversion and extensions to existing dwelling house to form 8 bed House in Multiple Occupation (HMO) - Refused 28/07/2017

64719 - Change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis) - Refused 15/11/2019

Appeal on 64719 dismissed by Planning Inspector 10/03/2020

Publicity

Thirty four neighbours were notified by letter dated 25/07/2022.

Thirteen objections received from 11 properties and summarised below:

- The previous application was refused and the subsequent appeal dismissed. The concerns of the Planning Inspector are still relevant.
- The proposal will intensify the use of the property and lead to increased traffic generation and pressures on parking around the site.
- There is no control over how many cars a future tenant may have. Two additional units may mean 4 extra cars.
- There would be increase service/delivery vehicles.
- The unmade access road from Bury new Road is not suitable to carry more vehicles.
- With cars parked on Robin Lane, vehicles may not be able to turn and would have to reverse onto Bury New Road.
- The junction onto Bury New Road is very dangerous and more vehicles would be detrimental to highway safety.
- Vehicles along this part of Bury new Road travel at high speed, making turning very hazardous.

Those making representations have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Waste Management - No objection

Greater Manchester Police - No objection.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions.

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
EN1/2	Townscape and Built Design
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
SPD13	Conversion of Buildings to Houses in Multiple Occupation

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 - The conversion of a house to a House in Multiple Occupation is acceptable in principle, highlighted by the fact that the property was previously converted to a 6-person HMO under 'permitted development' earlier this year.

This application seeks permission to allow accommodation for 2 further residents on the second floor and as such the main issue is what impact the impact of the additional

accommodation would have in planning terms.

The National Planning Policy Framework (NPPF) sets out the governments objective of significantly boosting the supply of homes in all kinds of size and tenures. With regard to HMOs, the conversion of large houses into flats or bedsits can make an important contribution to the local housing stock and can utilise vacant or underused space more efficiently.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is within an existing HMO, located within the urban area and adjacent to residential uses. The proposed development would not conflict with the surrounding land uses and would be located in a relatively sustainable location with access to public transport and services. 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.

However, it is recognised that the conversion of buildings to HMOs can, in some cases, raise issues such as parking, residential amenity and impact on character and appearance of an area.

Appeal Decision relating to 64719 (APP/T4210/W/19/3242673) - The previous appeal decision, dated 10th March 2020 is summarised below:

- The main issue is the effect of the proposal on highway safety in Bury New Road with particular reference to vehicular parking.
- Although Bury New Road is relatively straight, visibility is restricted to the south. Exiting from the access lane in a forward gear appears safe but any drivers reversing out of the lane would have poor visibility southwards and limited warning of approaching vehicles. Such manoeuvres would lead to unacceptable highway safety risks.
- No parking or turning layout for the lane was provided. From observations it did appear possible to park, turn and manoeuvre within the wider areas, which would allow vehicles to exit safely from the lane in a forward gear.
- Whilst there were still spaces available at the time of the site visit, third-party representations raised concerns regarding the level of parking, particularly in the evenings.
- The Council do not have any specific parking standards for HMO's. At present the property is occupied by 6 individuals and the appellant advises that 3 of the tenants have cars and in the area car ownership for HMO tenants is expected to be around 33%. It is therefore put to me that the proposal for 2 additional individuals would likely result in an additional car at the appeal site.
- Car ownership cannot normally be controlled through planning and in a scenario where all residents would have a car, it would seem unlikely, based on observations and the evidence that all vehicles could be parked along the lane in combination with cars associated with the other properties.
- With increased car ownership there is the potential for inappropriate parking that would impede the turning and manoeuvring of vehicles in the lane and could result in vehicles reversing out into the highway due to a lack of available space. Any increase in occupancy levels has the potential to incrementally breach the capacity for parking and turning within the lane. In the absence of substantive evidence to the contrary, this would not be conducive to securing good levels of highway safety.
- The proposed 8-bedroom HMO has the potential to generate a greater demand for car parking than both a family dwelling and the existing 6-bedroom HMO.
- The location of the site and its proximity to shops, facilities and public transport links, means there is potential for occupiers to not need their own cars and some residents may cycle. However, the site equally has good road links for potential occupiers that own a car.
- In conclusion, the lane appears to have a limited amount of parking and turning space.

Based on the evidence available, an increase in parking demand from occupiers and visitors could lead to circumstances where vehicles reverse onto Bury New Road to the detriment of highway safety in the road.

- The proposal would be contrary to the requirements of policy HT2/4 and H2/4 of the Bury Unitary Development Plan (adopted 1997) and the Conversion of Buildings to Houses in Multiple Occupation Supplementary Planning Document (adopted 2007). These require, amongst other things, that applications make adequate provision for their car parking and servicing requirements. The proposal would also be contrary to paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on road safety.
- It is recognised that the appellant is seeking to make an effective use of an existing property, an objective which is encouraged by the Framework. The site is sustainably located with good access to services and facilities. The proposal would increase the diversity of housing supply, meeting a need. The appellant has invested in renovating the property, improving its appearance in the street scene. These are all positive factors in favour of the scheme. However, they do not outweigh the harm identified.

Design and layout/visual amenity - Policy H2/4 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 streetscene of any changes to the external appearance of the building;
- car parking and servicing requirements.

Given that the proposal involves only the addition of two bedsits within the existing building without any changes in design or external appearance of the building, there are no significant visual amenity issues arising. Indeed the refurbishment that has been undertaken at the property has significantly improved its appearance within the streetscape and as such would be in accordance with Policies EN1/2 and H2/4 of the Bury Unitary Development Plan.

Impact upon Residential Amenity - As existing windows, facing the road to the front and yard to the rear, would be utilised, there would be no significant overlooking beyond the existing situation.

With regard to noise outbreak, appropriate sound insulation to the party wall, required by building regulations, is in place. The proposed development would not have an adverse impact upon the residential amenity of the neighbouring properties and would be in accordance with UDP Policy.

Highways Technical Note - The application is accompanied by a 'Highways Technical Note' by Axis. This document sets out the justification for the proposal in terms of access and parking. The document is available to be read in full on the Council's website but the main points of the document are summarised:

- PIA data has been analysed using Crashmap which indicates that there is no evidence of an existing highway safety issue within the general vicinity of the site.
- The site benefits from a high level of accessibility by the main non-car modes of transport, being within walking distance of a number of amenities, within cycling distance of various settlements via high quality routes and having good access to bus and tram services.
- In accordance with the parking arrangements associated with the existing site, it is proposed that car parking associated with the two additional HMO bedrooms will be accommodated along Robin Lane, which can be accessed via Bury New Road.
- A review of 2011 Census data on local car ownership levels, and the level of car occupancy at the existing site and of other similar sites contained within the TRICS

Database indicates that the proposed development is anticipated to generate an additional car parking demand of 2 spaces in the worst case scenario.

- Based on the results of a parking beat survey that was undertaken along Robin Lane, it has been demonstrated that there is a minimum spare capacity for 9 cars to park along Robin Lane which is more than sufficient to accommodate the anticipated additional parking demand of the proposed development, in addition to occasional spikes in activity that might occur.
- Furthermore, it has also been demonstrated that this level of parking can be accommodated along Robin Lane whilst also allowing a large car to safely and satisfactorily access, manoeuvre and egress Robin Lane in a forward gear.
- The proposed development is forecast to result in an additional 3 two-way trips per day, on average, with no additional trips forecast to take place during the weekday AM and PM peak hours.
- Paragraph 111 of the National Planning Policy Framework states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- Based on the evidence presented in this TN, no unacceptable impact would be created by the development and the application is therefore commended for approval.

Highway and Parking - The previous planning application for the change of use to an 8 person HMO was refused in November 2019 on the following grounds:

The lack of dedicated off-road parking provision is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the serious detriment of the free flow of traffic and road safety. The proposal is therefore unacceptable and would be contrary to the NPPF and UDP Policies HT2/4 Car Parking and New Development and H2/4 Conversions and supplementary guidance document SPD13 Conversion of Buildings to Houses in Multiple Occupation.

Since the previous dismissal of the appeal in 2020, the applicant has acquired an additional land strip of land within the existing informal parking area running parallel to the southern boundary of the property and within the red edged site. Within this strip of land, it is proposed to mark out 11 parking spaces at ninety degrees to the gable/side wall. These spaces would be available for use by the residents of the HMO and any surplus spaces, by local residents.

There are no specific car parking standards for HMO's in SPD11 Parking Standards in Bury, but SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

In terms of car ownership the supporting statement, submitted with the current application indicates that, of the 6 current residents, 3 have cars. On this basis, it is possible that there could be a further car generated by the additional two persons. Whilst we would not be able to reasonably control car ownership, it would be reasonable to suggest that, in accordance with general guidance, there would be a need for one additional space. However, even if car ownership was greater, the 11 spaces indicated within the site, would be considered more than adequate to accommodate additional vehicles.

The revised site plan indicates that along with the parking area to the side of the property, there would be room for vehicles to turn at the end of Robin Lane so they could exit onto Bury New Road in forward gear.

Notwithstanding the issues specifically relating to parking, the site is considered to be very sustainable with excellent public transport links. Bury New Road and nearby Bury Old Road are main roads through the Borough with bus routes and there is a metrolink station at

Besses O' th' Barn, 300m away to the east. There is also a cycle store is located in the rear yard.

It is considered that the revised proposals and the points made in the Highways Technical Note, submitted with the application, go a significant way to assuage the concerns with regard to highway safety raised by the Council and the Planning Inspector. The additional parking area that would be formally demarcated at the side of the property is sufficient to accommodate parking for residents of the HMO and neighbours and it has been demonstrated that there would be appropriate turning on Robin Lane to allow vehicles to exist onto Bury New Road in forward gear.

The Council's Traffic Team have no objection to the proposal. Given its sustainable location, the proposal is acceptable and would comply to the NPPF and UDP Policies HT2/4 Car Parking and New Development and H2/4 Conversions and associated SPD11 Parking Standards in Bury and SPD13 Conversion of Buildings to Houses in Multiple Occupation.

Objections.

The issues raised by objectors have been addressed in the main report. Given the current car ownership levels within the HMO, the availability of car parking and the reasonable expectation of there being a turning area available on Robin Lane, it is considered that vehicles would be able to exit safely from Robin Lane onto Bury New Road in forward gear. the traffic generated by the two additional residents would be so great as to cause undue parking problems and be detrimental to highway safety. It is considered that the noise and disturbance issues raised by the neighbour have been addressed by work carried out to the party walls

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.

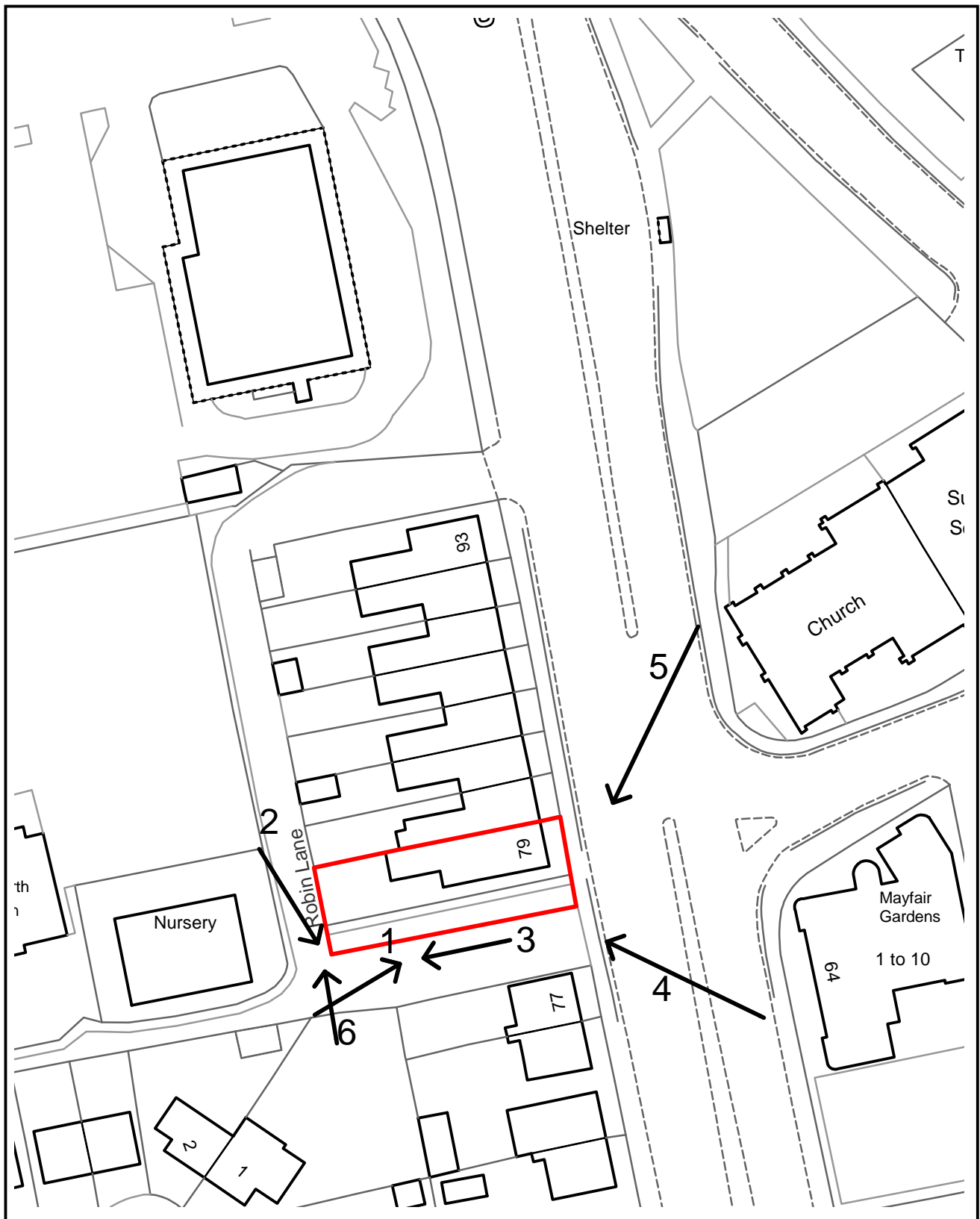
Recommendation: Approve with Conditions

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 Revised Site Plan P01, 079/02, 03, 04 and 05 and Site Plan with Swept Path analysis, 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 indicated on the approved plans shall be demarcated and made permanently available for use prior to the additional residential units hereby approved being brought into use.
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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68542

ADDRESS: 79 Bury New Road, Whitefield



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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68542

Photo 1



Photo 2



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Photo 3



Photo 4



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Photo 5



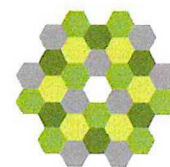
Photo 6



HM Land Registry

Official copy of title plan

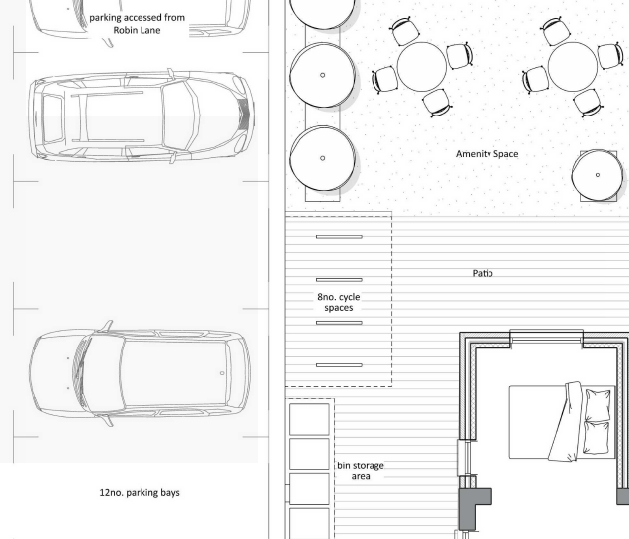
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Ordnance Survey map reference **SD8005SE**
Scale **1:1250**
Administrative area **Greater Manchester :**
Bury



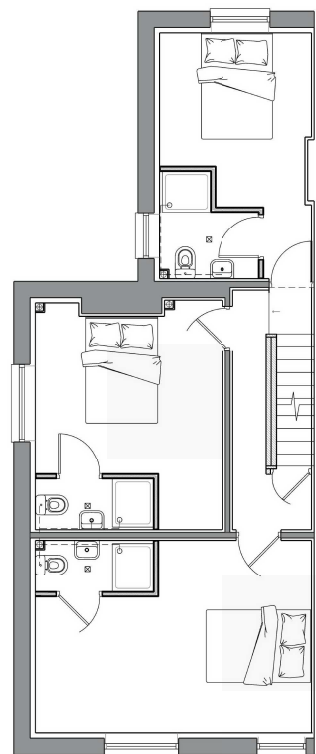
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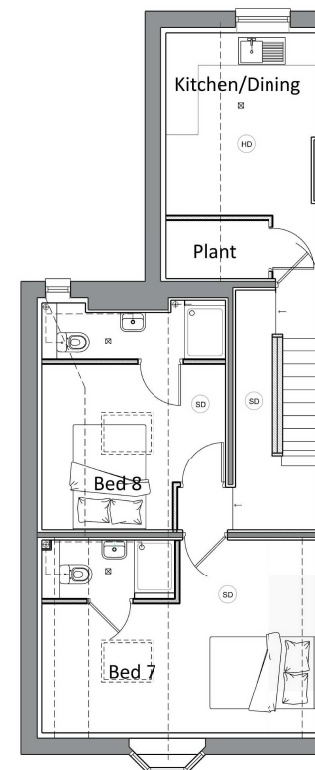
NOTE:
ALL DIMENSIONS ARE TO BE CHECKED
ON SITE PRIOR TO THE START OF WORKS.
IF ANY DISCREPANCIES ARE TO BE FOUND
THEN THIS OFFICE IS TO BE NOTIFIED AS
SOON AS POSSIBLE



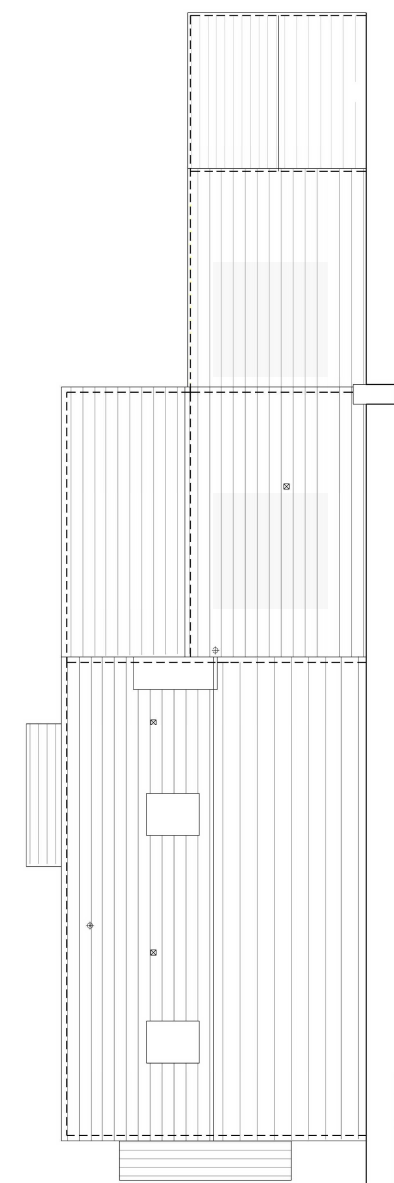
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



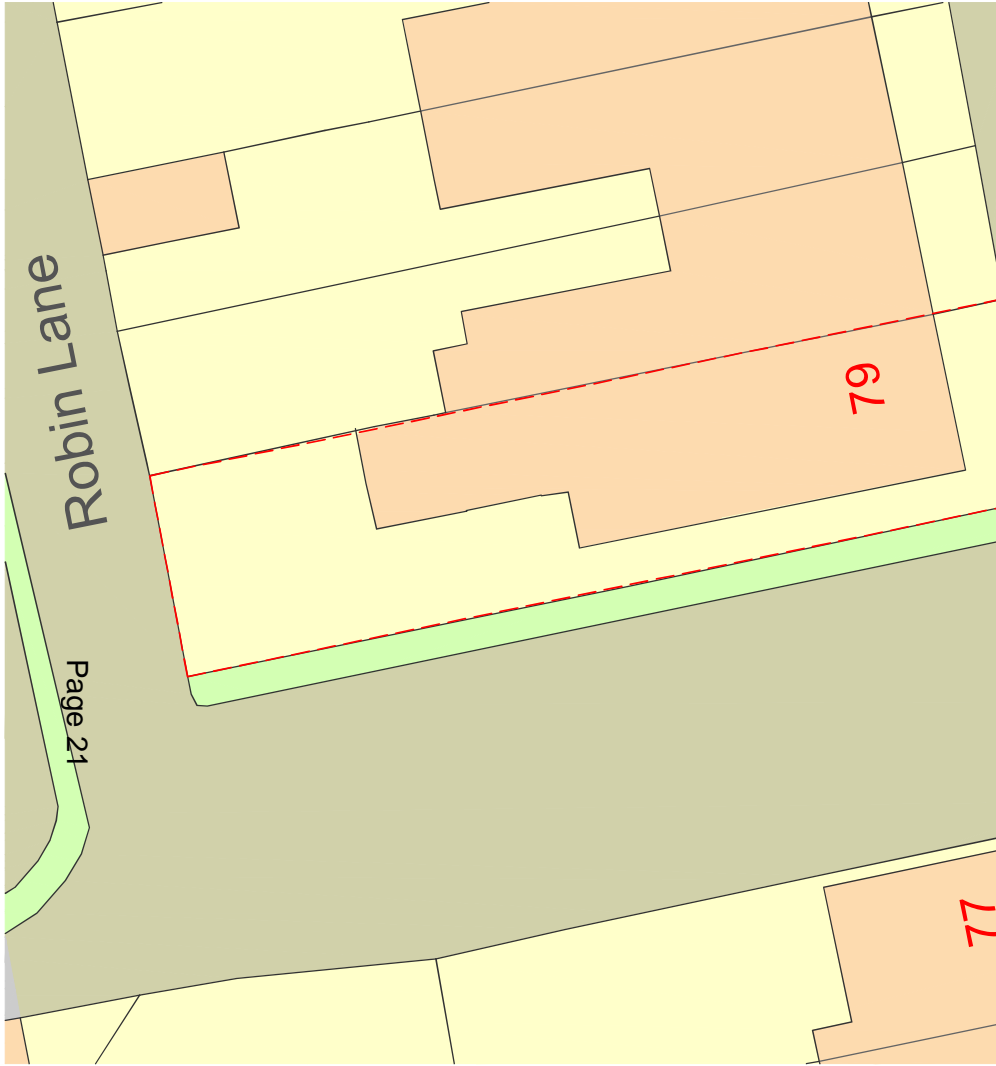
ROOF PLAN



Revision	Date	Description
P02	20.07.22	Parking, bin and bike stores added

Project Proposed Extension & Change of Use	
Whitefield M48 7EG	
1/10 Proposed Plan	Client N Mackey
Scale 1:50 @ 1/1	Drawing Number 079-04
Date SEPT 9	

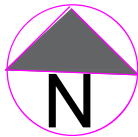




Location Plan
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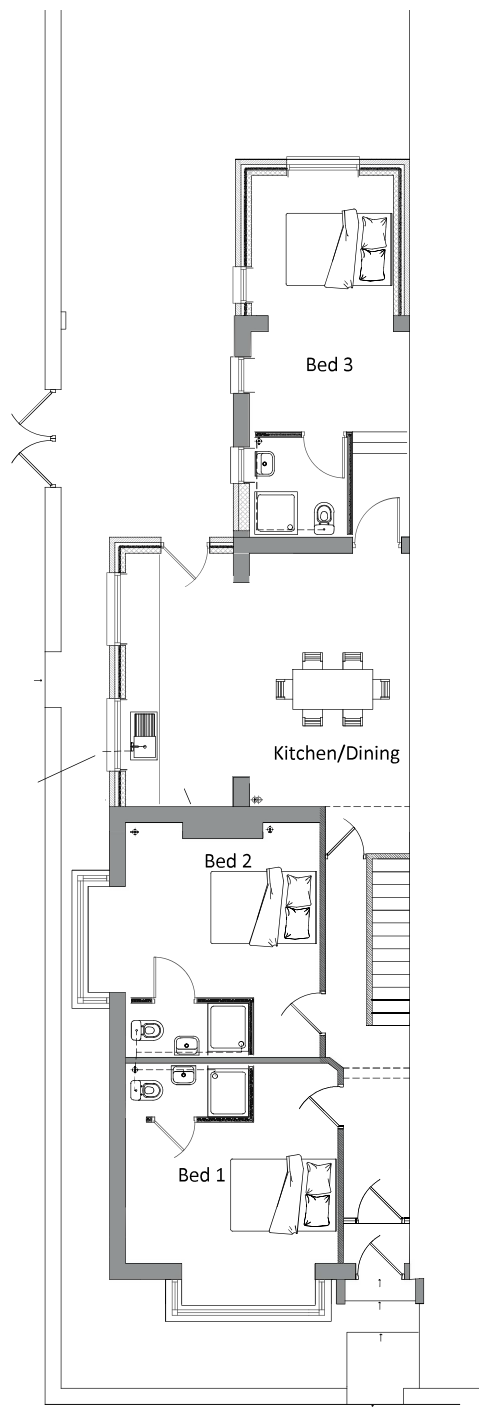


Site Plan
1:500

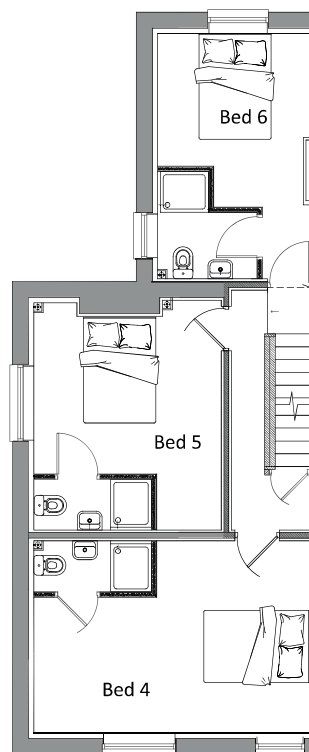


NOTE
ALL DIMENSIONS ARE TO BE CHECKED
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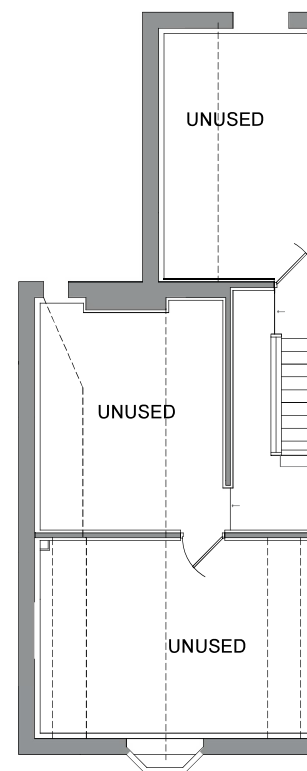
Revision	Date	Description
Project		
79 Bury New Road Whitefield M45 TEG		
Title Location/ Site Plan	Client N Mackey	
Scale 1:1250@A3	Drawing Number 079-01	
Date SEPT 19		



FIRST FLOOR



SECOND FLOOR



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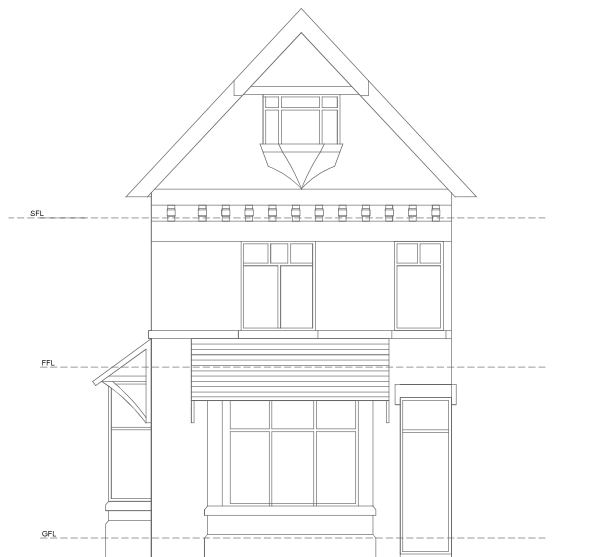
Revision	Date	Description

Project 79 Bury New Road Whitefield M45 7EG	
Title Existing Plans	Client N Mackay
Scale 1:50@A1	Drawing Number 079-0
Date SEPT 19	

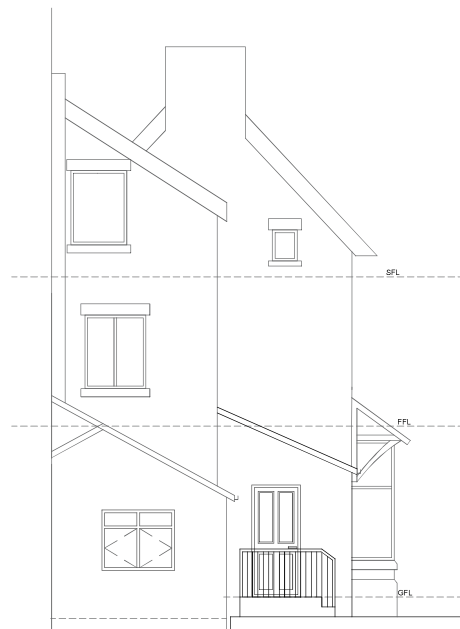




SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

NOTE
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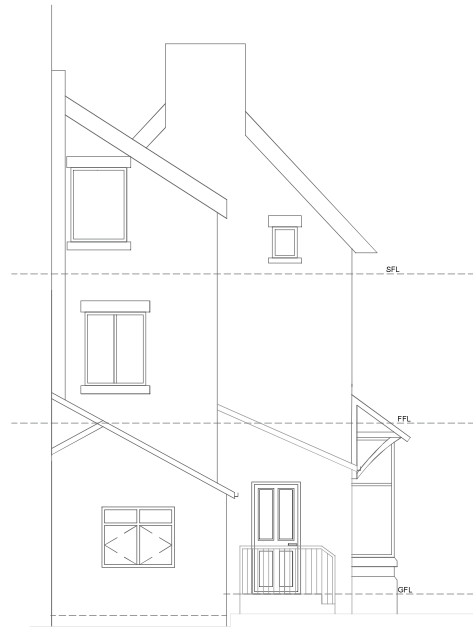
Revision	Date	Description
Project		
79 Dury New Road Whitefield M45 7EG		
Title Elevations	Client R Mackey	
Scale 1:50@A1	Drawing Number 070-05	
Date SEPT 19		



SIDE ELEVATION



FRONT ELEVATION

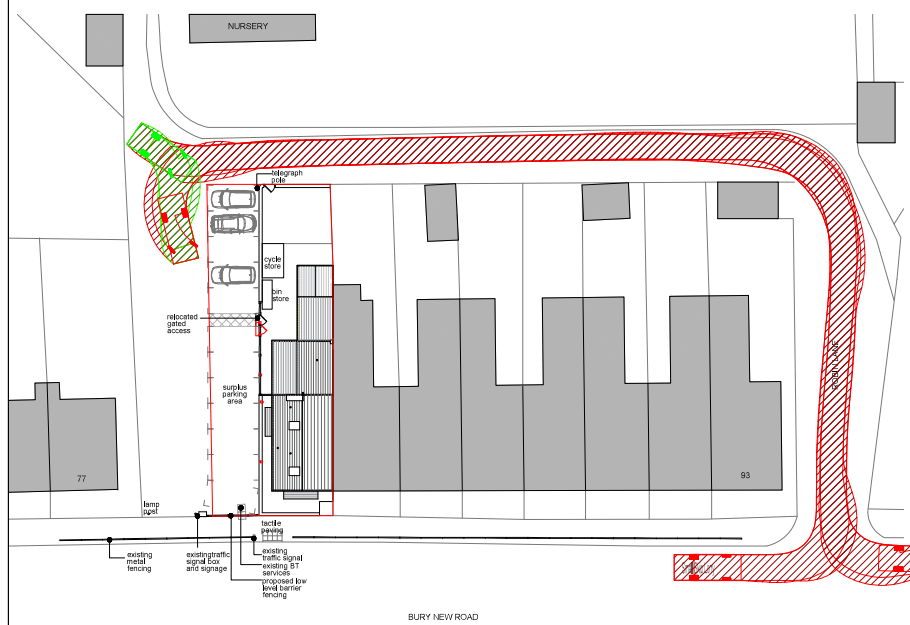


REAR ELEVATION

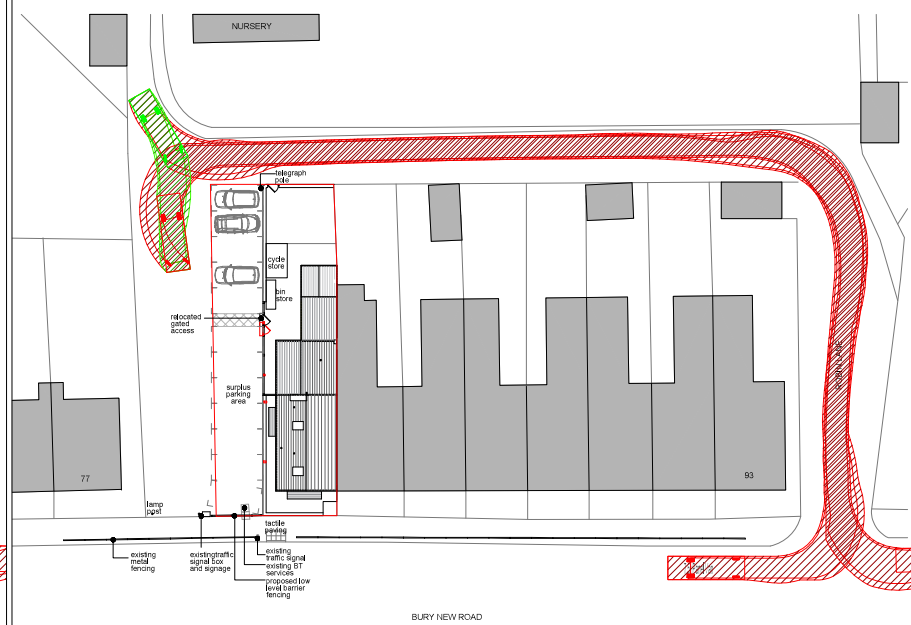
NOTE
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IF ANY DISCREPANCIES ARE TO BE FOUND
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SOON AS POSSIBLE



Revision	Date	Description
Project		
79 Dury New Road Whitefield M45 7EG		
Title EXISTING ELEVATIONS		Client H Mackey
Scale 1:50@A1	Drawing Number 070-03	
Date SEPT 19		

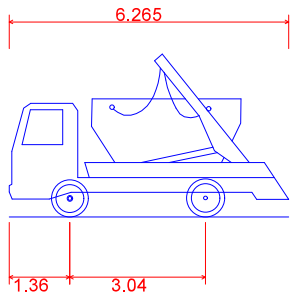


SWEPT PATH ANALYSIS - SKIP LORRY



SWEPT PATH ANALYSIS - 7.5T VAN

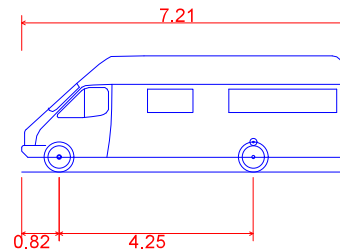
Page 25



Small Skip Lorry
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Max Track Width
Lock to lock time
Kerb to Kerb Turning Radius

6.265m
2.390m
3.650m
0.396m
2.435m
6.00s
6.340m

PROFILE OF VEHICLE USED IN SWEPT PATH ANALYSIS - SKIP LORRY



7.5t Panel Van
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock to lock time
Kerb to Kerb Turning Radius

7.210m
2.192m
2.544m
0.316m
1.865m
4.00s
7.400m

PROFILE OF VEHICLE USED IN SWEPT PATH ANALYSIS - 7.5T VAN

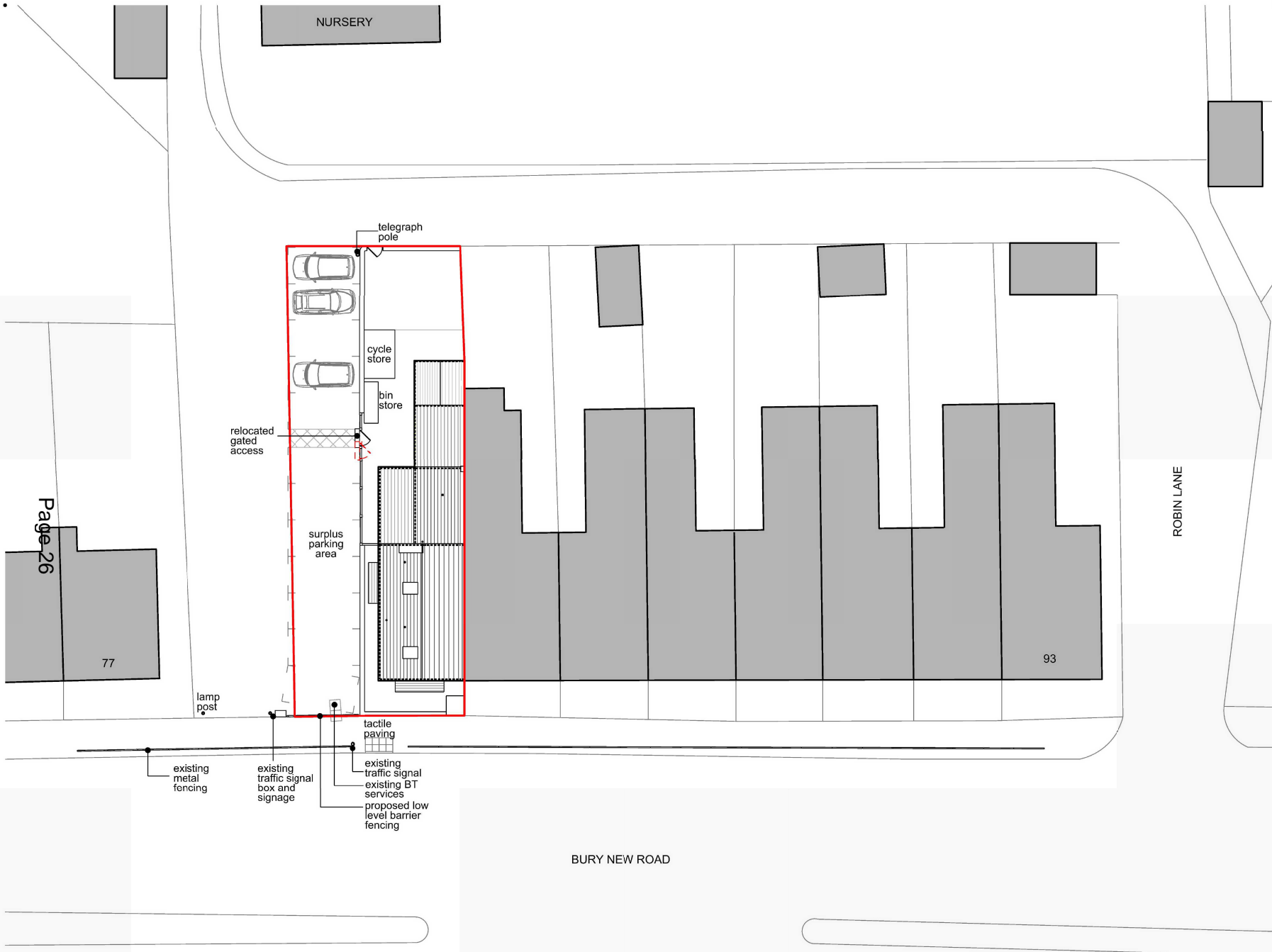


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Revision History	Date

Client: HARRINGTON HOUSE ESTATES LIMITED	Project: PROPOSED EXTENSION & CHANGE OF USE, WHITEFIELD, BURY
Drawing title: SWEPT PATH ANALYSIS	Scale: 1:250@A3
Date: 20-10-2022	Drawn by: AD
Drawing number: 3186-01-ATRO2	Status: rev
Scale: 1:250@A3	Rev: --
planning environment design	



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KEY
— site boundary

P01 12/10/22 Planning ED
Rev: Date: Description: By:



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Project:
**Proposed Extension & Change of Use
Whitfield, M4 7EG**
Title:
Proposed Site Plan

Status: **PLANNING** Scale @ ISO A3: **1:250**
Drawing Number: **0742-P3A-XX-XX-DR-A-00101** Revision: **P01**

Ward: Radcliffe - North and Ainsworth

Item 02

Applicant: Wesley Methodist Primary School

Location: Wesley Methodist Primary School, Forth Road, Radcliffe, Manchester, M26 4PX

Proposal: Erection of 2.4m high fencing and 2no. Access gates

Application Ref: 68595/Full

Target Date: 03/10/2022

Recommendation: Approve with Conditions

Description

The application relates to Wesley Methodist Primary School located on the east side of Forth Road and to the south of Salisbury Road. The area is residential in character with the site surrounded by housing. There is an existing green palisade around the entrance on Forth St along the northern boundary with Salisbury Road with a short section running along the side of No.15 Salisbury Road. There are lower metal railings, about 1.5m high, around the school playing field. It is noted that there are a couple of points where there are no railings, leaving the school with no boundary with adjacent rear gardens.

The application proposes to replace long sections of existing fence around the school grounds. The new fence and gates would be powder coated green paladin weld mesh fence 2.4m high. The longest section (180m) would run adjacent to the existing fence along the western boundary, to the rear of properties along Eastfields. The new fence would be set in from the existing fence by 1.8m. A gate in the fence would allow the planting along the boundary and the narrow strip of grass to be maintained in a tidy state.

A section of new paladin fencing would run adjacent (set in 300mm) to the existing iron railings along the southern boundary, to the rear of properties along Turks Road. It is noted that a small section of this boundary does not have railings and is open to the adjoining rear gardens.

Relevant Planning History

58882 - Creation of all weather synthetic sports pitch (resubmission) - Approved 02/09/2015
60229 - Single storey extension within courtyard to form PE store and alterations to existing storeroom to form classroom - Approve with Conditions 26/07/2016

Publicity

Immediate neighbours notified by letter dated 11/08/2022. Representations have been received and concerns are summarised below:

- Along the boundary with 15 Salisbury Road, there should be a 1.8 metre gap between the existing fence and the new one as per Eastfields.
- Currently the perimeter of the school is full of overgrown weeds, grass & trees. A complete shambles. The area between the fences needs to be better maintained.
- The school is taking an easy way out of the situation. The existing fence is in a dangerous condition and really needs replacing.
- Need to upgrade your security / alarm.
- Plans aren't clear.
- No problem with the school replacing the existing old and rusting railings but object to a 2.4 metre fence being installed because it is simply too high and unsightly.

Respondents have been informed of the Planning Control committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

SPD3 DC Policy Guidance Note 3: Planning Out Crime

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

CF2 Education Land and Buildings

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.

Need - The school has suffered break-ins and security issues and it is considered that the existing iron railings around the playing field are not adequate to maintain site security. The proposed new paladin fencing would improve security around the site and would comply with UDP Policy CF2 Education Land and Buildings, EN5/1 Crime Prevention and guidance in Supplementary Planning Document No.3 Planning Out Crime in New Development.

Visual Amenity - The proposed paladin fence is one which is commonplace around schools now and, powder coated green, would not appear out of keeping with the school's setting. It would be 'permitted development' for the school to erect a 2m fence around the boundary and given its design and position to the rear of surrounding gardens, the additional 400mm would not be considered so excessive to warrant refusal.

Residential Amenity - For the most part, the new fence would be situated at the rear of surrounding gardens and would not be so prominent as to cause serious detriment to residential amenity. There is a slight concern where the fence runs along the shared side boundary with No.15 Salisbury Road, adjacent to a small patio area. It was requested that the applicant consider reducing the fence height along this particular section to 2m but it was considered that the fence should remain at the proposed 2.4m. Again, whilst the fence is higher than existing railings, it is not considered that the new fence would be so dominant as to cause serious issues to warrant refusal.

It is noted that representations have raised the issue of maintenance of planting around the existing boundary and the need to keep the grass cut within the gap between the existing and new fence. The school has confirmed that the existing planting along the boundary and grassed area between the existing and new fences would be cut on a regular basis to avoid overgrowth along the boundary. Two gates would be installed in the fence to allow maintenance to be carried out.

The proposed fencing is, on balance, acceptable and complies with UDP Policies CF2 Education Land and Buildings, EN5/1 Crime Prevention and guidance in Supplementary Planning Document No.3 Planning Out Crime in New Development.

Public Representations - The issues raised by those making representations have been addressed in the above report. The school has confirmed that they would be carrying out regular maintenance and grass cutting.

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.

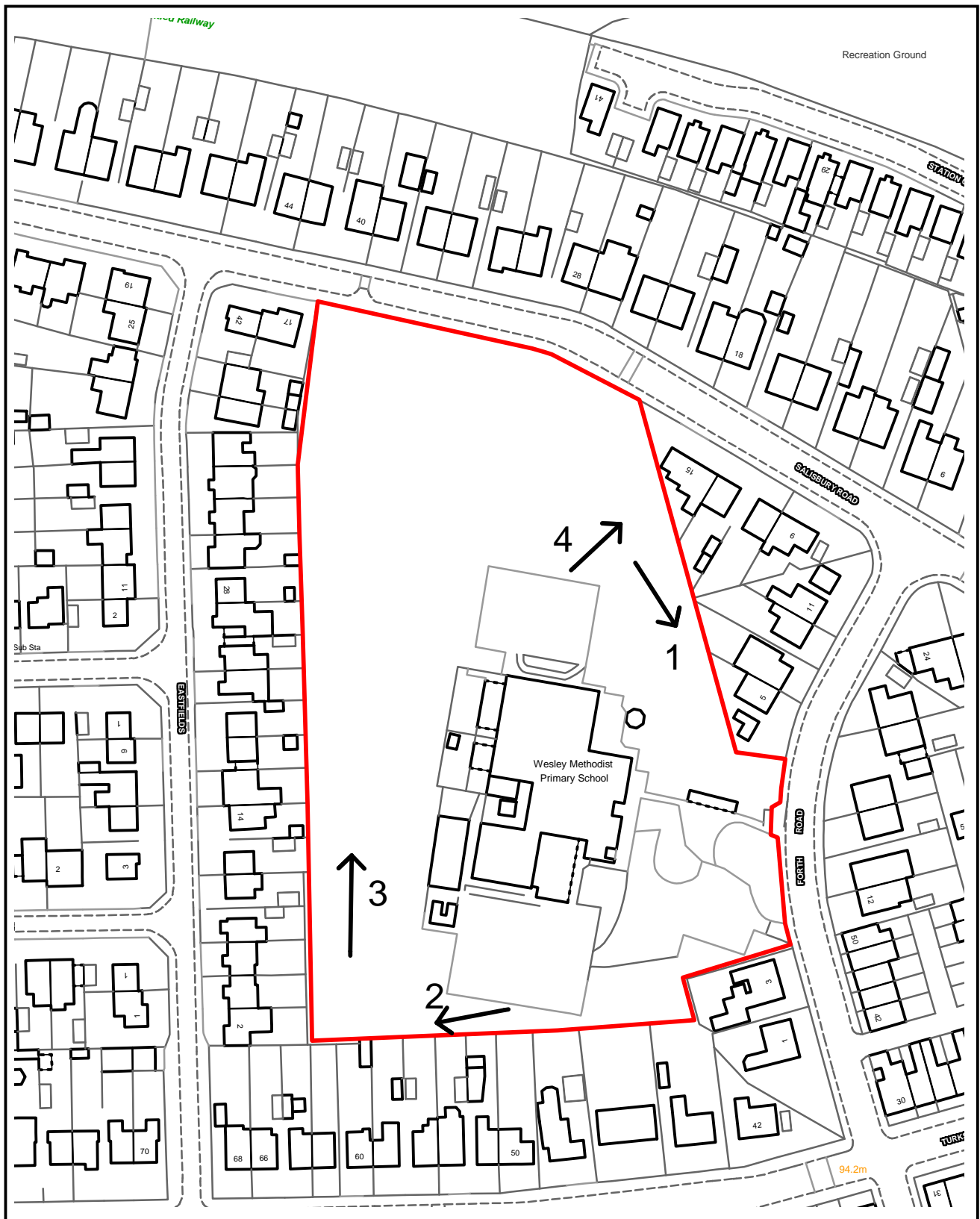
Recommendation: Approve with Conditions

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 S9-10409-P-01, P-02/B, P03 and P04 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 **Tom Beirne** on **0161 253 5361**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68595

**ADDRESS: Wesley Methodist Primary School,
Forth Road, Radcliffe,**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

68595

Photo 1



Photo 2



68595

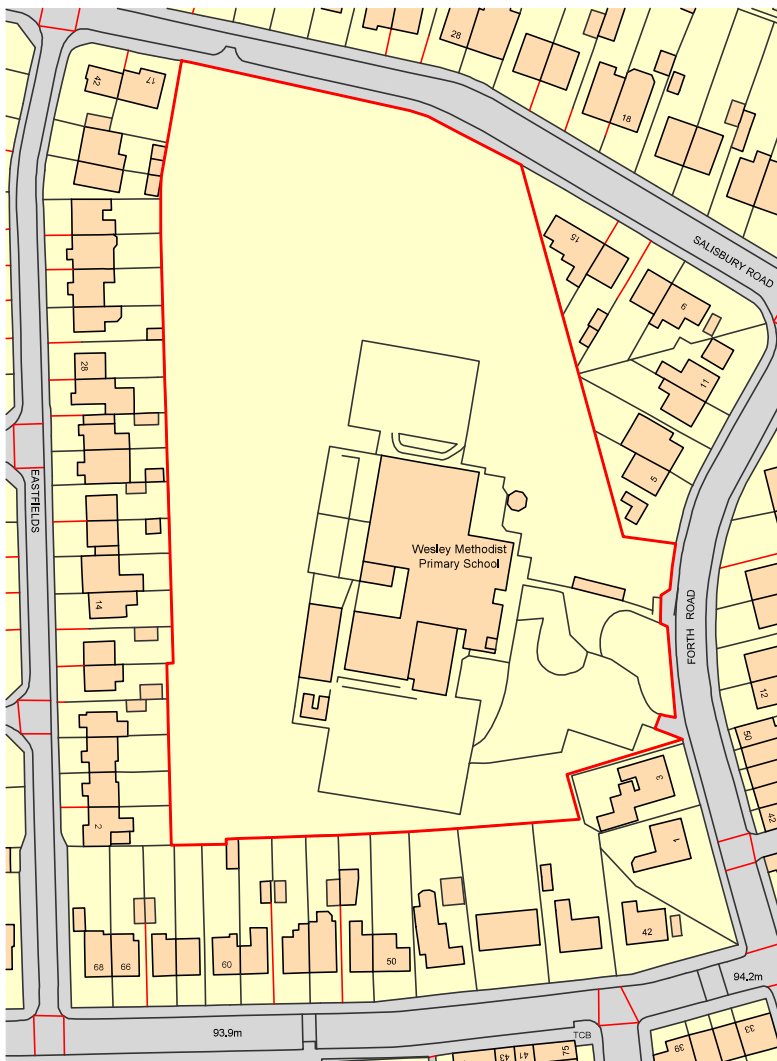
Photo 3



Photo 4



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Aspects of this proposal may fall within the remit of the Party Wall Etc. Act 1996. If applicable any affected Adjoining Owners must be notified by way of a Notice. An agreement should be obtained from the Adjoining Owner in respect of the planned works if they fall within the scope of the Act. If applicable you may be required to appoint a Party Wall Surveyor.

No works should commence until plans have been approved by and/or submitted to the Building Control officer. Should any works commence prior to this approval being issued then this is done entirely at the client/contractor's own risk and expense.

The Client must be aware of their duties under the Construction (Design & Management) Regulations 2015 to appoint a Principal Designer and Principal Contractor. In the case of domestic projects the Principal Contractor is to undertake these duties on behalf of the client.

A	Planning Issue	13-06-22	
Rev	Description	Date	
Client			
Wesley Methodist Primary School Forth Road, Raddliffe, M26 4PX			
Project			
Fencing Replacement Works Wesley Methodist Primary School			
Drawing			
Location Plan Wesley Methodist Primary School			
Scale	Drawn	Checked	Approved
1:1250@A3	LE	JV	JV
Project No.		Date	
S9/10409		10/06/2022	
Drawing Identifier			
S9-10409-P-01			

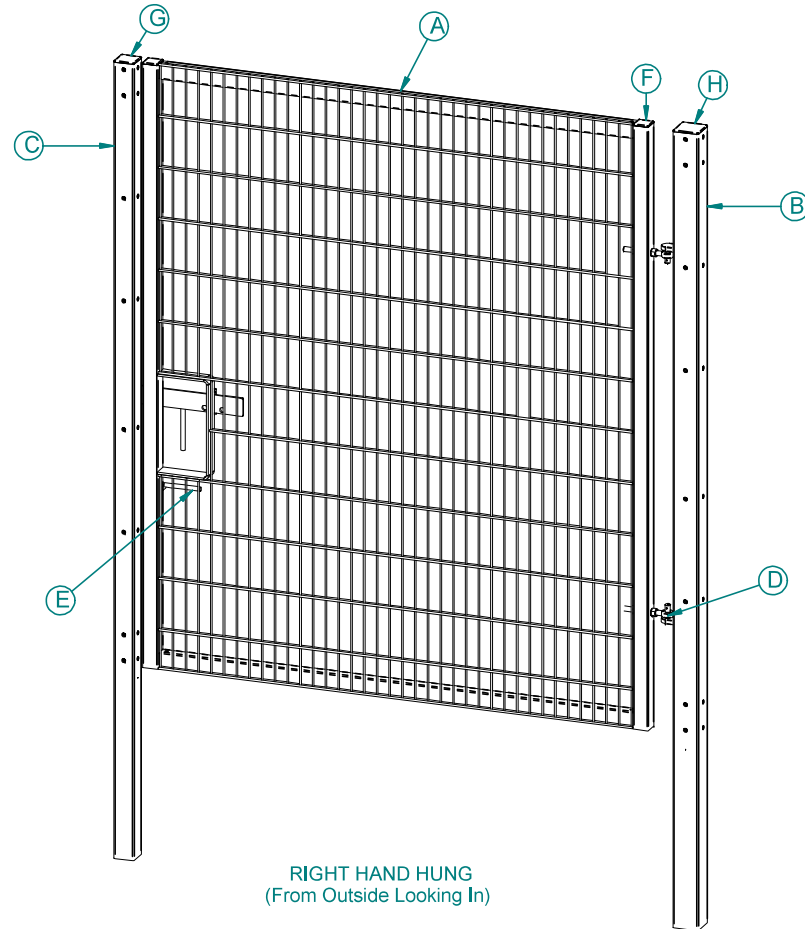
Wesley Methodist PS - Location Plan

Scale 1:1250 @ A3



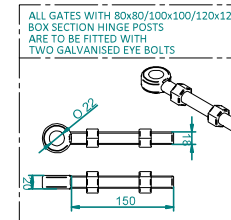
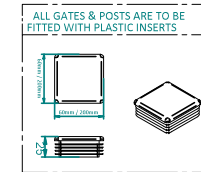
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2.4m X 2.0m WIDE SINGLE LEAF DIG IN 868 MESH GATE



RIGHT HAND HUNG
(From Outside Looking In)

FILE NAME: 2.4m X 2.0m WIDE SINGLE LEAF 868 MESH GATE KIT



Item	Component Name
A	868 MESH GATE SLIDER 2.4m X 2.0m WIDE
B	2.4m HIGH DIG IN MESH HINGE GATE POST 100X100 BOX SECTION
C	2.4m HIGH DIG IN MESH CATCH GATE POST 80X80 BOX SECTION
D	ADJUSTABLE GATE EYE BZP 130-150mm
E	UNIVERSAL GATE DROP BOLT
F	60x60 BLACK RIBBED INSERTS
G	80x80 BLACK RIBBED INSERTS
H	100X100 BLACK RIBBED INSERTS

2.4m x 2.0m 868 Mesh Gate Specification

Strong and aesthetically pleasing, Dulox 656 and 868 standard gates are available in a range of heights and widths. The hinges on the gates are inverted to prevent lift off. Mesh is welded onto all gate frames. Gates come with a lockable slide latch.

This 2.4m x 2.0m Single Leaf Twin Mesh Gate can be used to create a point of entry for small vehicles within a Twin Mesh fencing system of the same height. It consists of a 2.0m wide single gate leaf, which can allow small sized vehicles such as forklifts to pass in and out. The gate's 2.4m height makes it more suitable for areas requiring a high level of security. It's strong, sturdy and safe construction makes it an ideal choice for a range of public areas, including sports grounds.

Mesh panel wire manufactured to BS 4102 and galvanised to BS EN 10244-2:2001 class D

Weld strength is 75% of the minimum tensile strength of the wire (tensile range 540-690 N/m²)

Post material manufactured to BS EN 10210-2:1997 and galvanised to BS EN 10346:2009

Panels and posts are powder coated to BS EN 13438:2005 (minimum 100 micron)

All welding carried out in accordance with BS EN 1011-1 and BS EN 1011-2 by qualified welders (BS EN 287-1)

Each slide latch opening will be covered by a sloped shroud to prevent use as a foothold.

GATE DIMENSIONS

Height: 2430mm
Access width: 2000mm
Gate Post Box Section: 100 x 100mm Hinge Post, 80 x 80mm Catch Post
Total Gate Width: 2280mm

A	Planning Application	13-06-22
Rev	Description	Date

Client
Wesley Methodist Primary School
Forth Road, Raddcliffe, M26 4PX

Project
Fencing Replacement Works
Wesley Methodist Primary School

Drawing
2.4m Gate Elevation

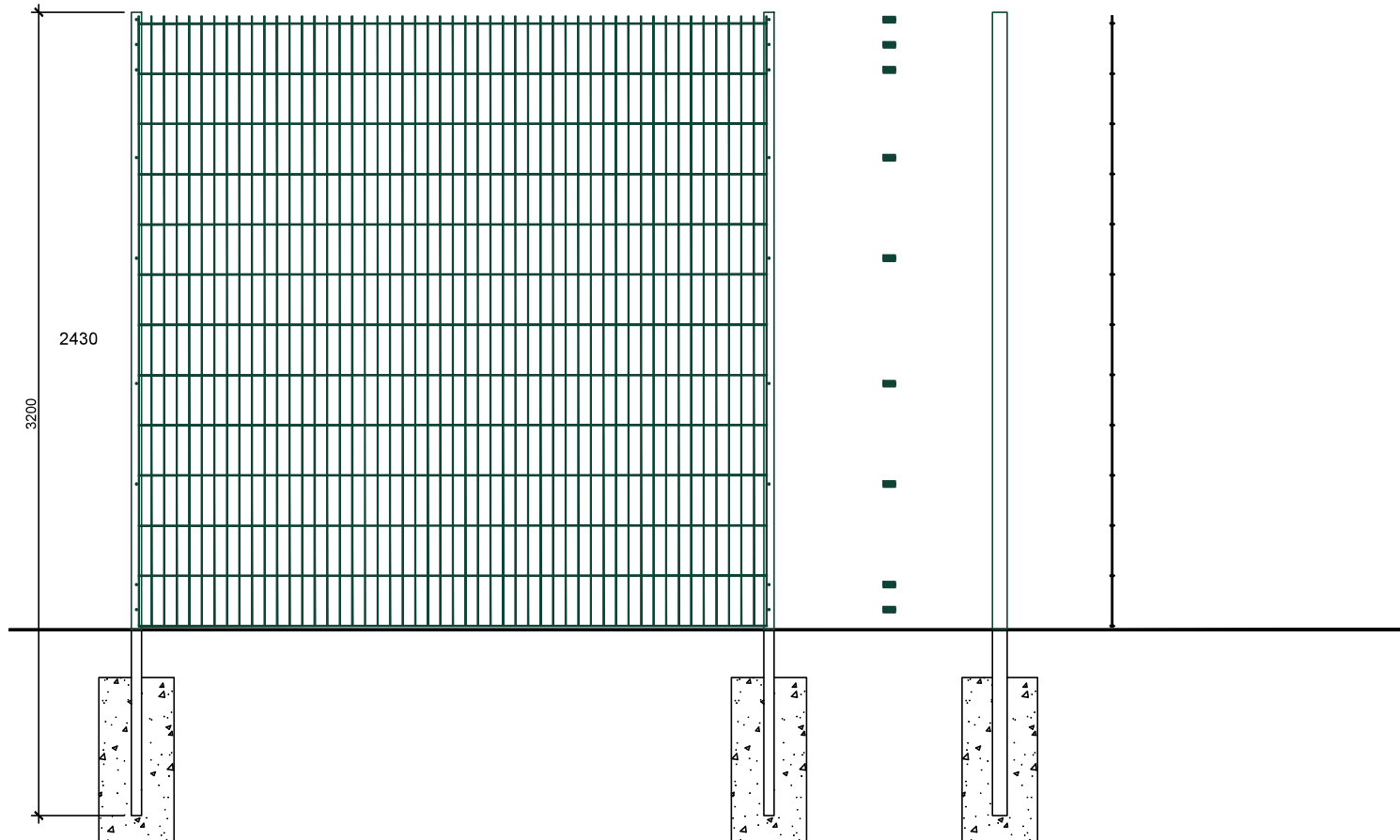
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NTS	LE	JV	JV

Project No.	Date
S9/10409	05/08/2022

Drawing Identifier
S9 10409-P-04



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Proposed Fencing Elevation

1:20 @ A3

Dulok Lite 656 Mesh Fencing Specification

Multi-use fencing system, Dulok-Lite™ double wire panel system is suitable anywhere you need anti-cut-through protection.

Dulok-Lite™ is manufactured from twin 6mm diameter horizontal wires either side of 5mm diameter vertical wires, providing an excellent defence against vandals and intruders.

Panels are fixed to steel posts using metal clips with tamper-proof angled returns, which are secured in place with pin hex screws for added security.

The system also conforms to BS 1722-14 for open mesh steel panel fences.

PANEL DIMENSIONS

Height: 2430mm

Panel width: 2506mm

Mesh size: 200 x 50mm

Wire diameter: 5mm Verticals and twin: 6mm horizontals

Top edge projection: 30mm

POST DIMENSIONS

Posts: 60 x 40mm to 80 x 40mm

RHS: Dependant on height

Clips: 47 x 25mm steel

Post centres: 2520mm

FINISH

Galvanised and polyester powder-coated, after stringent cleaning and treatment, to give a well adhered coating of a minimum of 60 microns, RAL 6005.

A	Planning Application	13-06-22
---	----------------------	----------

Rev	Description	Date
-----	-------------	------

Client

Wesley Methodist Primary School
Forth Road, Raddiffe, M26 4PX

Project

Fencing Replacement Works
Wesley Methodist Primary School

Drawing

Fencing Elevation
2.4m Dulok Mesh Fencing

Scale	Drawn	Checked	Approved
1:20@A3	LE	JV	JV

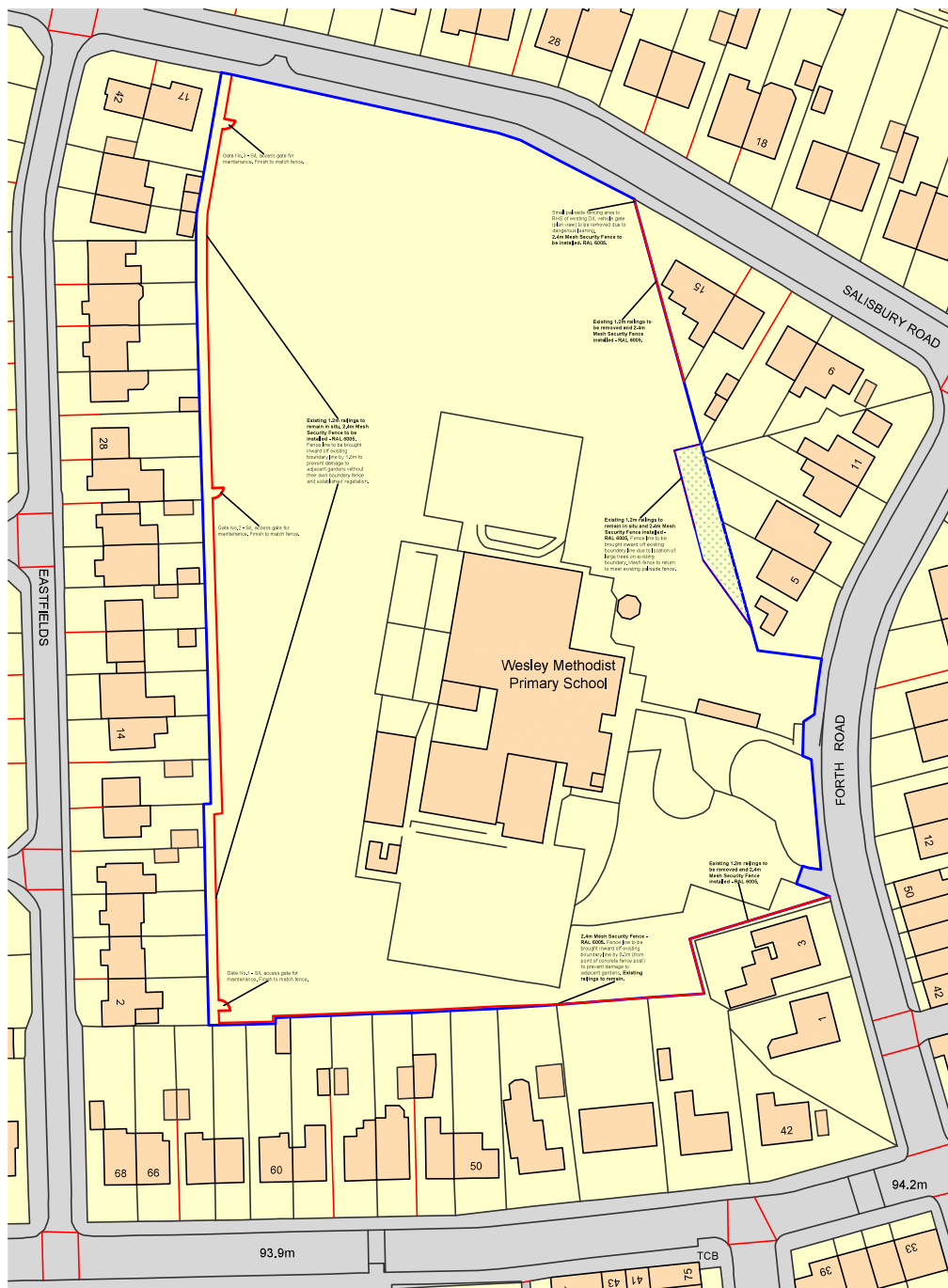
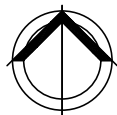
Project No.	Date
S9/10409	10/06/2022

Drawing Identifier
S9 10409-P-03



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Wesley Methodist PS - Site Plan

Scale 1:1000 @ A3


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— Boundary Line

— Proposed Fence Line

B	Planning - Gate / Palisade Addition	03-10-22	
A	Planning Issue	13-06-22	
Rev	Description	Date	
Client			
Wesley Methodist Primary School Forth Road, Raddcliffe, M26 4PX			
Project			
Fencing Replacement Works Wesley Methodist Primary School			
Drawing			
Site Plan Wesley Methodist Primary School			
Scale	Drawn	Checked	Approved
1:1000@A3	LE	JV	JV
Project No.		Date	
S9/10409		10/06/2022	
Drawing Identifier			
S9-10409-P-02-B			
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Ward: Ramsbottom and Tottington -
Ramsbottom

Item 03

Applicant: Mr Steven Mort

Location: Land adjacent to 391 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ER

Proposal: Demolition of existing garages and Erection of 2 no. semi-detached dwellings with associated parking; Additional off street parking for residents of Whalley Road

Application Ref: 68608/Full

Target Date: 23/08/2022

Recommendation: Approve with Conditions

Description

The site (0.25acres or approximately 0.1ha) is bounded by Whalley Road (A56) to the east, a private road to the north and a public footpath (110RAM) to the south. The land is approximately one metre lower than the footway along Whalley Road and slopes gradually down to the west.

Historically, the land has been a refuse tip (prior to 1976). In more recent years the site area has been used by local residents for the parking of private vehicles either through the lease of the six single garages on the site or more informally, on the hardstanding. To the rear of the existing garages is a small plot of land previously used as a small holding, which is not part of the application site.

There is a row of stone terraced houses to the south of the public footpath and on the opposite side of Whalley Road but otherwise the surrounding land is undeveloped.

The proposal is to site a pair of semi-detached houses on the site. The three bed houses would be two storey in appearance with additional accommodation the roofspace. They would be located on the eastern side of the site, fronting and set down from Whalley Road. Vehicular access would be from Whalley Road via the private road to the north. The house would each have space to park two cars and there would also be five car parking in the western half of the site for local resident's parking.

The houses would be traditional in appearance with an overall footprint of around 12m(width) by 11m (depth). The houses would have a pitched roof with a ridge height of 8m and an eaves height of 5.2m. Each property would be finished in red brick and grey tile and have a small garden to the front and a larger on to the rear.

The scheme has been revised since initial submission and the houses have been reduced in scale, with the ridge and eaves lowered and rear roofline reconfigured. The gross footprint of the two semi-detached properties is now 140m² (70m² each)

The total volume measurements are as follows:

- Ground Floor 380m³
 - First Floor 284m³
 - Second Floor within roof 180m³
- Total Volume 8444m³ (422m³ each)

A reduction in volume of 160m³ from that of the earlier scheme.

The driveways on either side would accommodate electric vehicle charging points as would two of the five managed parking spaces which are intended to serve local residents.

Relevant Planning History

Publicity

The following neighbours were notified by letter dated 02/08/2022. Site notice posted 23/08/2022 and press notice dated 11/08/2022. As a result of this publicity, the following comments have been received:

- Land is Green Belt and development would be inappropriate and set a precedent for similar in area.
- Land was previously used as a refuse tip and there is unlikely to be a record of what might be buried.
- The provision only includes five parking spaces for local residents. There are many more spaces available currently on the garages and on the hardstanding (at least 20).
- The road has a 40 mph speed limit and can be extremely hazardous at peak periods, with bus stops, public house car park and a high volume of heavy vehicles including farm traffic. Winter and night-time can be very dangerous with violent weather on such an exposed stretch of road and not everyone has the up to date vehicles that allow for road side lights etc. Many residents have lost wing mirrors and other damage caused by fast moving traffic 'squeezing past' parked vehicles.
- There is a bat roost somewhere among the garages/trees.
- The area and road down to Sheephey is used by cyclists and horse riders. It provides a short detour around to the church that makes a dangerous fast road section safe. I use it every day. The garages are not "eyesores" as described.
- The new building will take away light and impact the views from the houses.
- Over the years houses along Whalley road including 391, 389, and the Duckworth Arms Pub have been flooded due to underground issues which again if the land is disturbed for groundworks for the new builds could impact the already fragile underground infrastructure.

Respondents have been informed of the Planning Control committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Public Rights of Way Officer - No objection.

Drainage Section - No objection.

United Utilities - Final Comments awaited.

Waste Management - No Objection.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN9/1	Special Landscape Areas
OL5/2	Development in River Valleys
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN6	Conservation of the Natural Environment
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury

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 - Green Belt - National Planning Policy Framework, paragraph 148 recommends that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 of the NPPF indicates that construction of new buildings are inappropriate unless they fall into certain exceptions, including;

- limited infilling in villages,
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green belt than the existing development.

The Unitary Development Plan, adopted in 1997, although outdated in some respects, still forms the current local development plan.

UDP Policy 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.

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.

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.

H2/1 - 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.

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.

Principle - Housing - The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Principle - Green Belt - The site is situated in the Green Belt but is considered to be previously developed land, immediately adjacent to a built up area that is 'washed over' by the Green Belt.

The site is not infill but would be considered as the complete redevelopment of previously developed land as set out in paragraph 149 of the NPPF. As this is the case, the NPPF further sets out criteria by which any proposal would be assessed. It indicates that any development should not have a greater impact on the openness of the Green Belt than the existing development.

The applicant has set out justification for the development within a supporting statement that accompanies the application both in terms of how it complies with Green Belt Policy and if required how it would justify development in terms of very special circumstances.

In terms of whether the proposal complies with the Green Belt Policy in its assessment of the impact on openness, there is no definition of 'openness' within the NPPF. Recent case

law, in particular that of the judgement of *Turner v SoS for Communities and Local Government* (2016), it was ruled that 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 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'.

It could be argued that, in the light of the above and other rulings, 'inappropriateness' means the effects on 'openness' must not be harmful. The case of *Euro Garages v SoS* (May 2018) states 'that it is the openness of the Green Belt that must be considered, not the site as such'. It goes on to state that 'for there to be a greater impact on the openness of the Green Belt, there must be something more than just change to the environment'.

The brownfield site comprises six single garages of varying condition and an informal area used for parking. The proposed two dwellings, if approved, would in terms of the built form, have a greater impact on the site. However, within the context of the wider environment, the new build would be set down within the site and viewed as part of the group buildings formed by the row of terraced housing immediately to the south and across Whalley Road to the east. The proposal would not encroach into the open countryside/green field land and as such the impact of the proposal in terms of openness and harm, would be negligible. Certainly views from the east and south would be restricted by existing development and views of the development from the north and west would be set against the same buildings and the slope up to Whalley Road.

In terms of the impact on the openness and character of the Green Belt, the proposal would not have a harmful impact on the Green Belt, and would be considered, on balance, to be acceptable and complies with paragraph 149 of the NPPF and UDP Policy OL1/2.

Visual amenity - In terms of general layout, situated adjacent to the row of dwellinghouses along Whalley Road, the two houses would sit relatively comfortably on the sloping site with adequate space around them. Set slightly back from Whalley Road but reflecting the linear residential street pattern, with sufficient parking, refuse storage and private amenity space, the layout of the proposed dwellings is considered acceptable.

Although set down from the neighbouring houses, the two semi-detached properties are of a similar general appearance and proportion to those along the existing row. Built from local natural stone with slate roofing tiles, the houses would be in keeping with the surrounding properties. The overall appearance of the proposed new dwellings would respect the window proportions and appearance of the adjacent properties, by incorporating design features such as stone mullions, sills, and lintels, including a feature bay window detailed in stone similar to the adjacent property.

Incidental landscaping along the front and side boundaries would soften the development within the streetscape and the hard landscaping materials would complement the stone building and provide a serviceable surface for vehicles and general access. New and repaired stone walls around the site perimeter would match the existing and soft landscaping at the perimeter will include a small number of new shrubs and trees. Shrubs and lawned areas are proposed for the domestic curtilage of the properties. The roadway from Whalley Road into the site will be improved and resurfaced with new Bitmac with a new pavement on the north side of the road for safe pedestrian access. The proposal would comply with the NPPF and UDP Policies H1/2, H2/1 and H2/2 in relation to siting, layout and general appearance.

Permitted Development - It is considered reasonable, given the nature of the site, that 'permitted development' rights for future residents be removed in order to control any further development on the site in the interests of visual amenity and the Green Belt.

Residential Amenity - The nearest dwelling is No.391 Whalley Road which would be side

on to the site. This property has a small secondary window on the main side gable and two further secondary windows on the side of the outrigger at the rear. Given the nature of the site and restrictions that would prevent undue overlooking, there are no residential amenity issues arising. The proposal is acceptable and complies with the NPPF and UDP Policy H2/1 in this respect.

Access, Parking and Servicing - The existing access point onto Whalley Road has visibility splays of 2.4mx120m and this is considered to be acceptable for a road speed of 40mph. Private pedestrian access to the properties is provided directly off Whalley Road via a separate gated pathway with steps leading down to the main entrances to the properties. Access to the parking area is off the Public Right of Way via new stone steps and also by way of the new pavement proposed on the existing private access road.

The proposed access arrangements are considered to be appropriate with adequate visibility. Two parking spaces are proposed for each unit and there is sufficient space for turning to the rear.

The five additional managed parking spaces for local resident would be less than that currently available however the current parking arrangements are informal and rather ad hoc. Maintaining and formalising the parking is not within public control and could be changed at any time. Whilst the five spaces represent a reduction in parking, the proposal, if approved, would formalise the parking situation and make it more secure for continued future use and make provision for electric vehicle charging. It is noted that there is availability for on-street parking in front of the existing rows of houses adjacent to the site.

Although the site is remote from the existing town centres, it is situated on a main throughroute and has a bus stop in front of the site.

Refuse storage and collection arrangements from Whalley Road would be acceptable and comply with UDP Policy H2/2 The Layout of New Residential Development .

Ecology - One tree (beech) to the rear of the site would be removed to facilitate the construction of the 'resident's car park'. This does not appear to be in particularly good condition and replacement planting along the boundary of the site would be appropriate mitigation for its loss and this would be secured by a suitable condition. The site as a whole does not have significant ecological value and indeed may well have levels of contamination given its history. The redevelopment of the site, including any contamination mitigation measures that may well be required together with the proposed new planting/landscaping in and around the site would mitigate any ecological harm if any, caused. It is considered appropriate to attach a conditions requiring details of tree planting/landscaping and a bat survey to be undertaken prior to any demolition of the garages. The proposal, in terms of ecology is acceptable and complies with the NPPF and UDP Policy EN6 Conservation of the Natural Environment.

Drainage/ Flood Risk - Following questions relating to drainage the applicant has submitted a drainage plan indicating the nearest existing sewer pipe to the proposed property is a 225mm diameter pipe and is over 5m away from the building line at its nearest point. United Utilities have not objected to the proposal and with a condition attached to any decision notice requiring surface water drainage details to be submitted to and agreed by the Local planning Authority, the proposal is considered to be acceptable and complies with the NPPF and UDP Policy EN5/1 New Development and Flood Risk.

Contaminated Land - Given the history of the site and its previous use as a tip, it is appropriate to attach conditions requiring a contaminated land surveys to be undertaken prior to commencement of development and the implementation of any necessary mitigation measures to prevent contamination in the interests of health and safety. This complies with the NPPF and UDP Policy EN7 Pollution Control.

Objections - Issues raised by objectors have been addressed in the above report. Whilst

there may be a net loss of informal parking for local residents, this facility, on land outside the control of those residents using it (or indeed the planning authority), is not guaranteed and could be terminated by the owner at any time.

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 Existing block plan 21-14-05, Location and site plan 21-14-01B, Drainage plan 21-14-25, Floor plans 21-14-10A, Elevations 21-14-15-B and streetscape 21-14-20 -A 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. 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 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 15 - 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

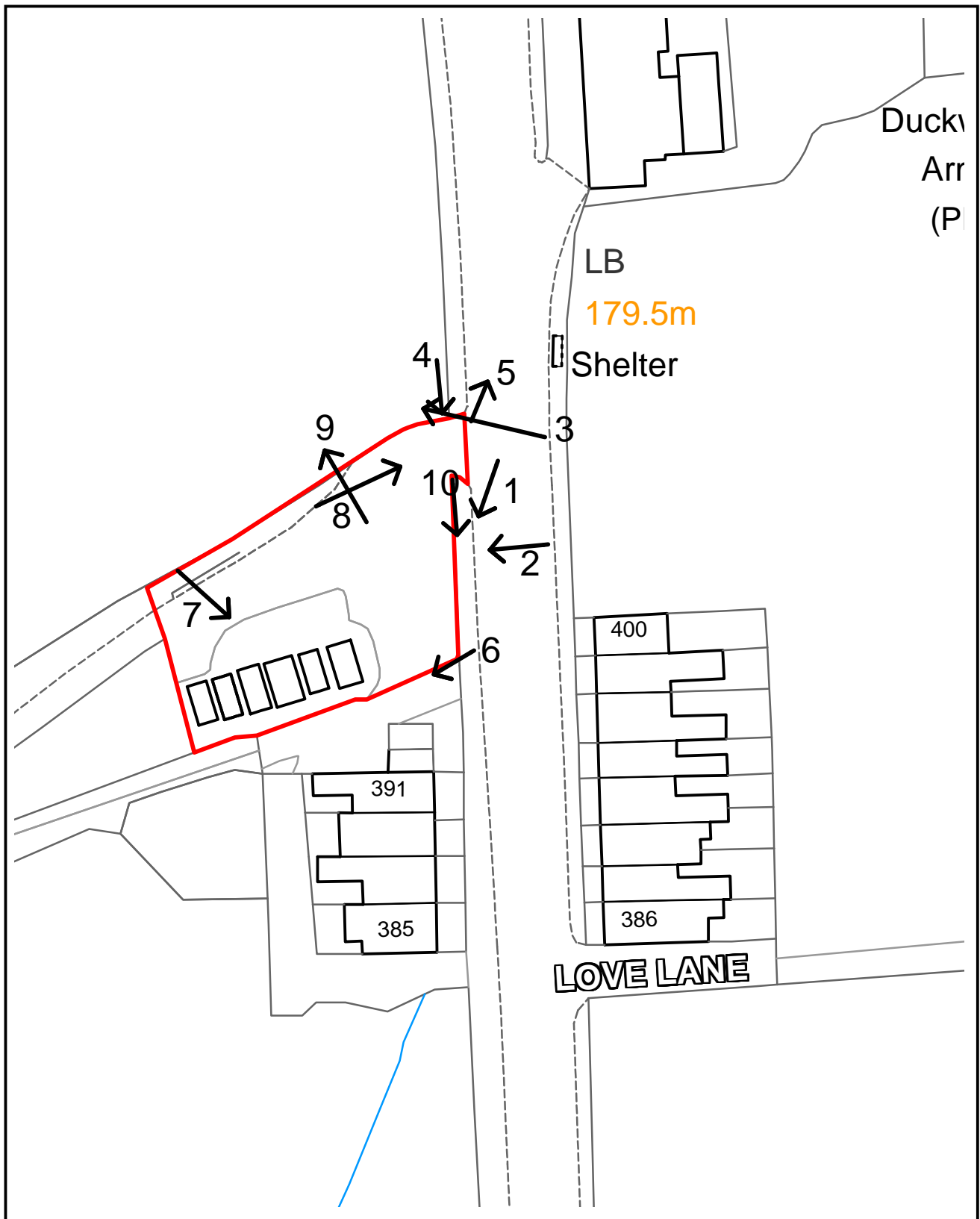
the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority 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 15 - Conserving and enhancing the natural environment.

6. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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.
7. 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.
8. The five car parking spaces not within the curtilage of the proposed houses, indicated on the approved site plan and being provided in lieu of the existing garages/parking currently available on the site to local residents, shall be surfaced, demarcated and made permanently available for (local residents) parking prior to the first occupation of the proposed dwellings.
Reason. In order to provide off-road parking for local residents in the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
9. Prior to the demolition of the garages permitted by this approval, a survey shall be conducted, and the survey results established as to whether the buildings are utilised by bats. Following the survey and if required, a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. All mitigation measures shall be fully implemented prior to the commencement of the works and remain in situ on the site for an agreed period of time.
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 11 of the National Planning Policy Framework.
10. Before the first occupation of the properties hereby approved, the windows at stairwell windows on the side elevations shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 The Form of New Residential Development.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68608

ADDRESS: Land adjacent to 391 Whalley Road,
Shuttleworth, Ramsbottom,

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

68608

Photo 1



Photo 2



68608

Photo 3



Photo 4



68608

Photo 5



Photo 6



68608

Photo 7



Photo 8



68608

Photo 9



Photo 10

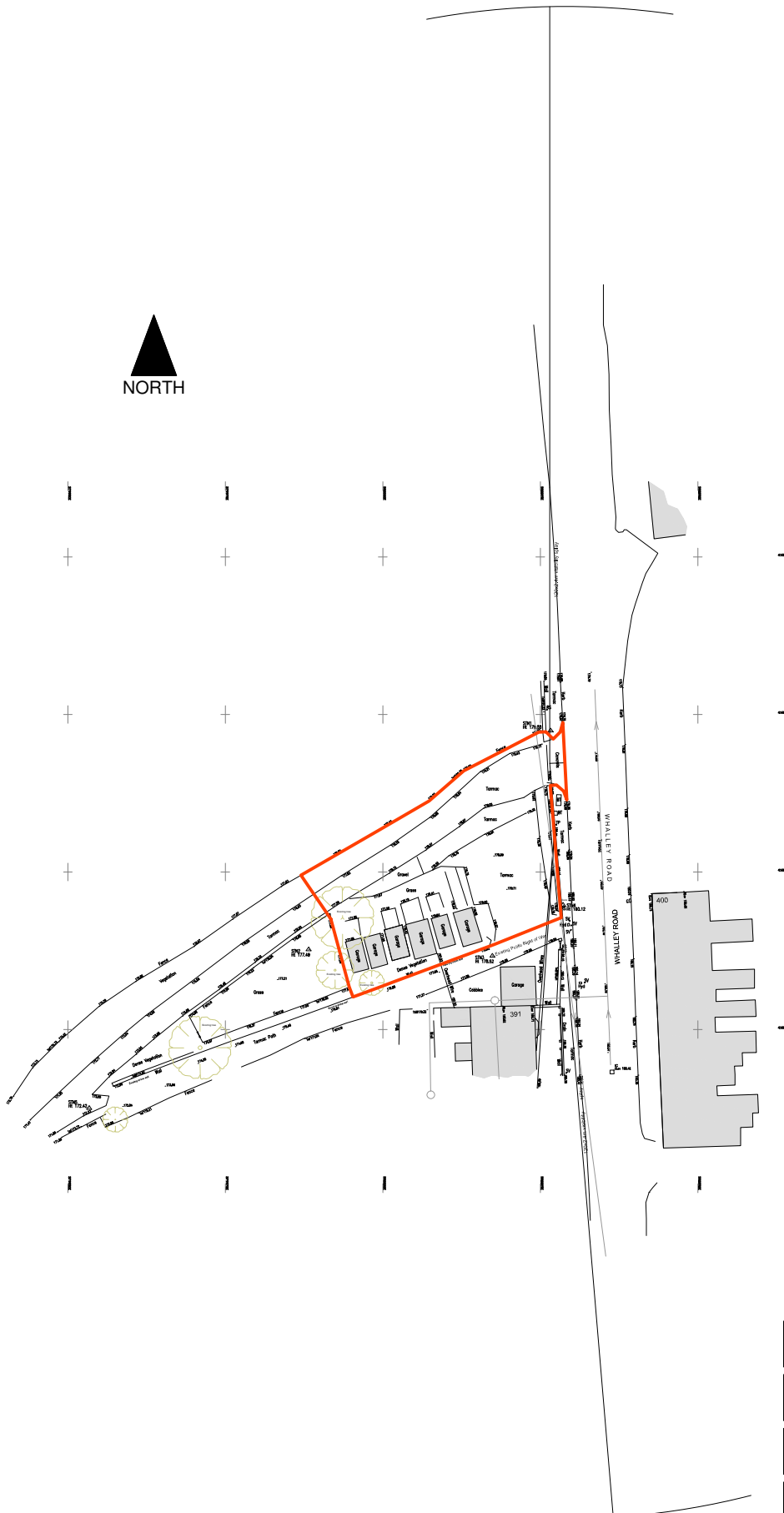


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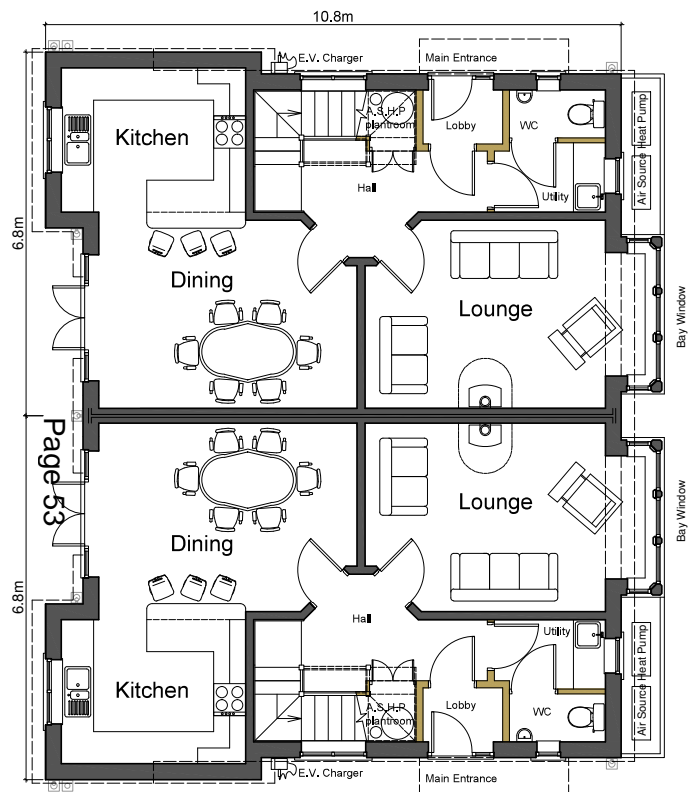
REV. AMENDMENTS

DATE

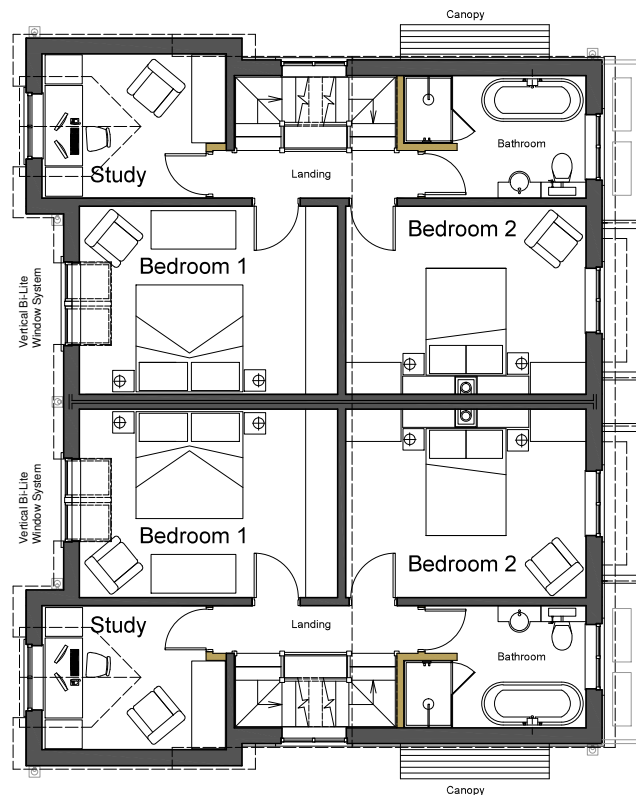


Project	PROPOSED NEW DWELLINGS: LAND ADJACENT TO 391 WHALLEY ROAD, RAMSBOTTOM, BURY BL0 0ER
Drawing	EXISTING BLOCK PLAN
Client	MR S. MORT
Dwn. By	NP
Scale	1:500 @ A2
Drg. No.	21-14-05
Drg. Size	A2
Date	SEPTEMBER 2021

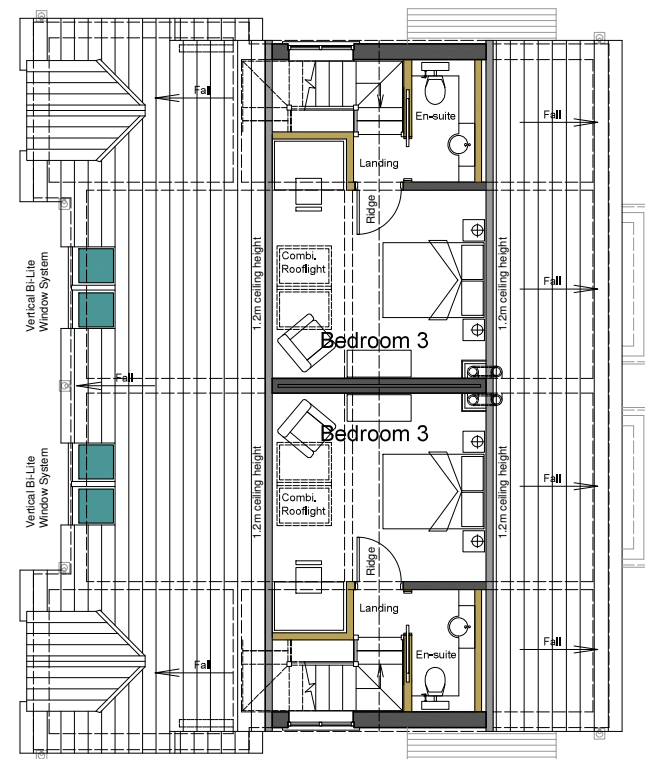
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- | REV. | AMENDMENTS | DATE |
|-------|---|----------|
| Rev A | Ridge Height, front and rear eaves height all reduced. Windows at front, side and rear altered. Dormer reduced and Balcony removed. | 22-10-19 |



Proposed Ground Floor Plan

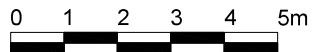


Proposed First Floor Plan



Proposed Second Floor Plan

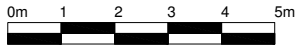
Proposed Plans @1:50



- Masonry construction
- Timber stud partition
- Roof & Dormer construction

Project	PROPOSED NEW DWELLINGS: LAND ADJACENT TO 381 WHALLEY ROAD, RAMSBOTTOM, BURY BLD DER
Drawing	PROPOSED GROUND, FIRST & SECOND FLOOR PLANS
Client	MR S. MORT
Dwn. By	NP
Scale	1:50 @ A1
Drg. No.	21-14-10-A
Drg. Size	A1
Date	NOVEMBER 2021

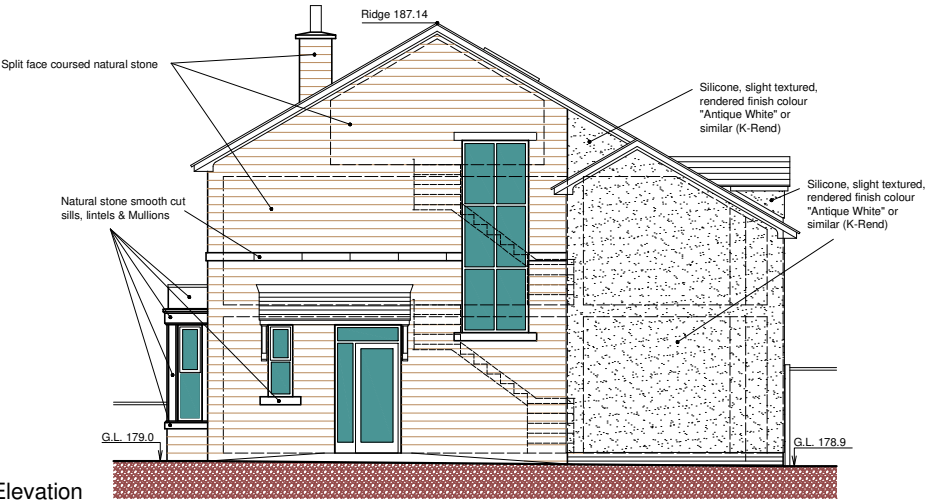
Proposed Elevations @1:50



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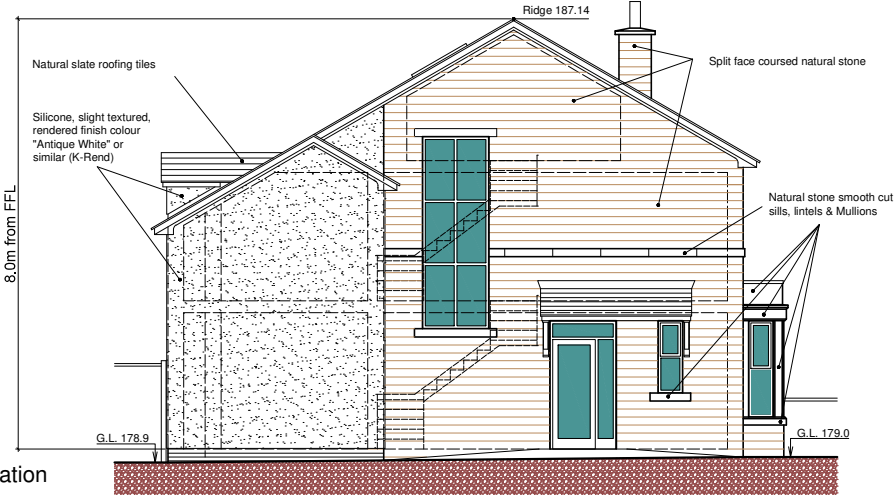
REV.	AMENDMENTS	DATE
Rev A	Dimensions added	22-04-04
Rev B	Ridge Height, front and rear eaves height all reduced. Windows at front, side and rear altered. Dormer reduced and Balcony removed.	22-10-19



Proposed North Elevation



Proposed East Elevation



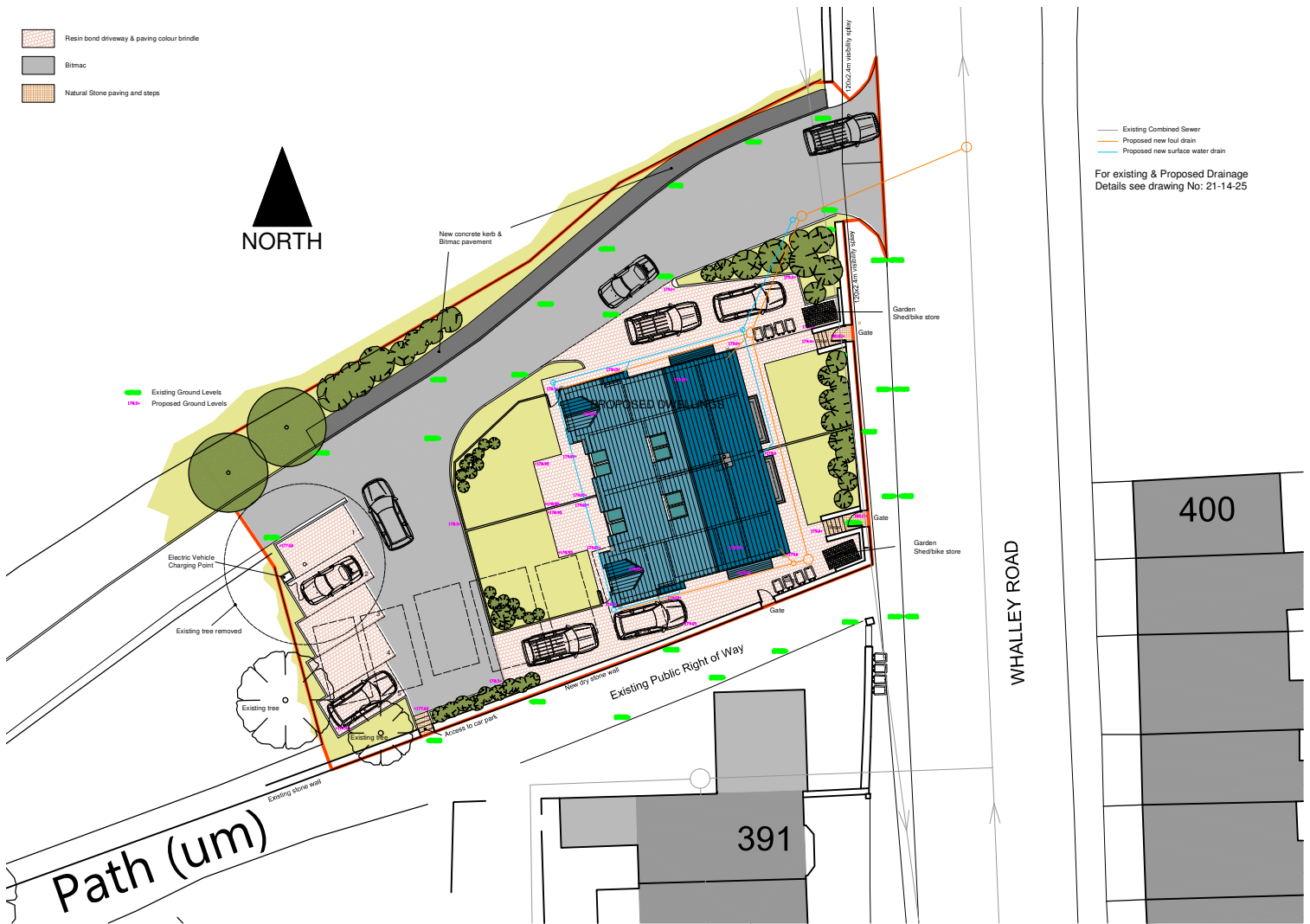
Proposed South Elevation



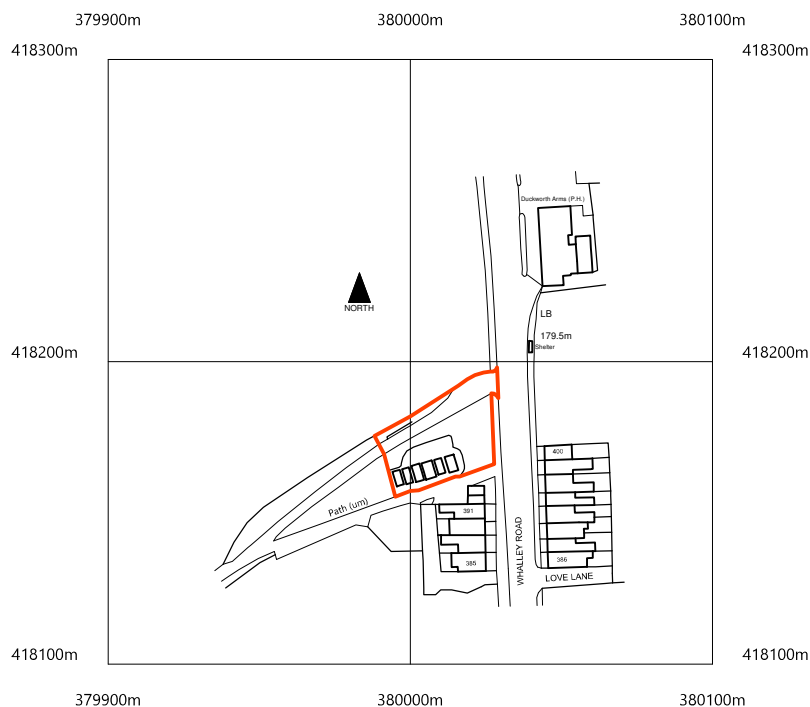
Vertical Bi-Lite System



Proposed West Elevation



Proposed Block Plan @ 1:200 at A2



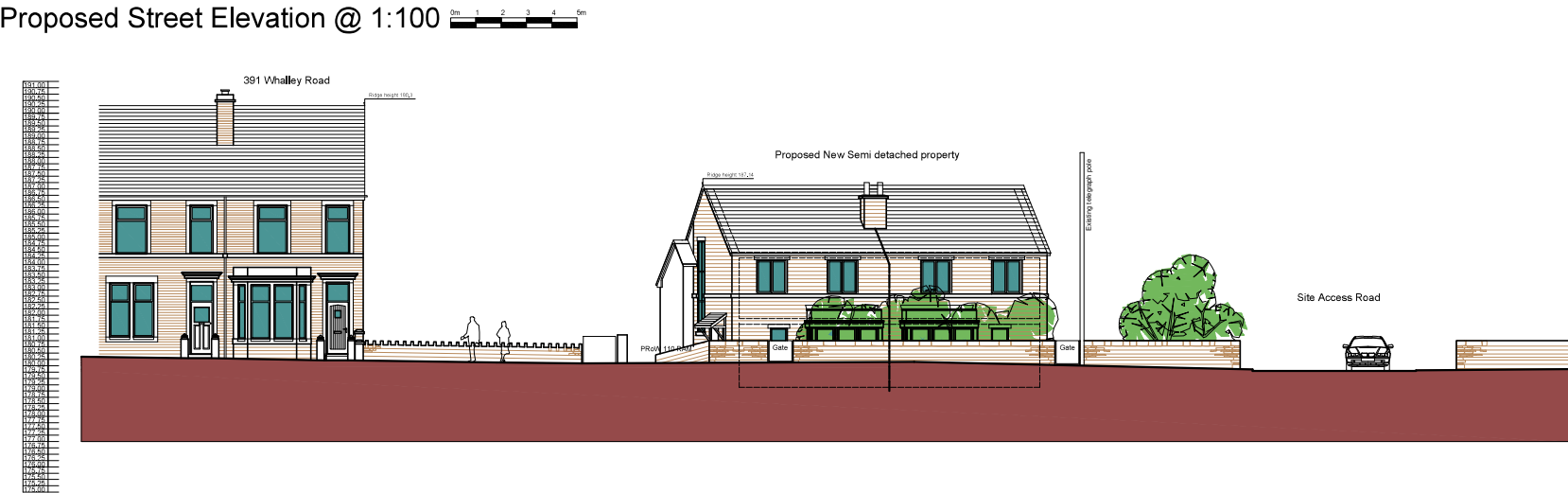
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REV.	AMENDMENTS	DATE
Rev A	Drainage and additional notes added	22-04-06
Rev B	Ridge Height, front and rear eaves height all reduced. Windows at front, side and rear altered. Dormer reduced and Balcony removed. Roof Plan altered.	22-10-19

Project	PROPOSED NEW DWELLINGS: LAND ADJACENT TO 391 WHALLEY ROAD, RAMSBOTTOM, BURY BL0 0ER
Drawing	LOCATION PLAN & PROPOSED BLOCK PLAN
Client	MR S. MORT
Dwn. By	NP
Scale	1:1250 @ A2
Drg. No.	21-14-01-B
Drg. Size	A2
Date	SEPTEMBER 2021

Proposed Street Elevation @ 1:100



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- | REV. | AMENDMENTS | DATE |
|-------|---|----------|
| Rev A | Ridge Height, front and rear eaves height all reduced. Windows at front, side and rear altered. Dormer reduced and Balcony removed. | 22-10-19 |

Proposed Street Elevation @ 1:100



Proposed Street Section @ 1:100



Gable of 391 Whalley Road

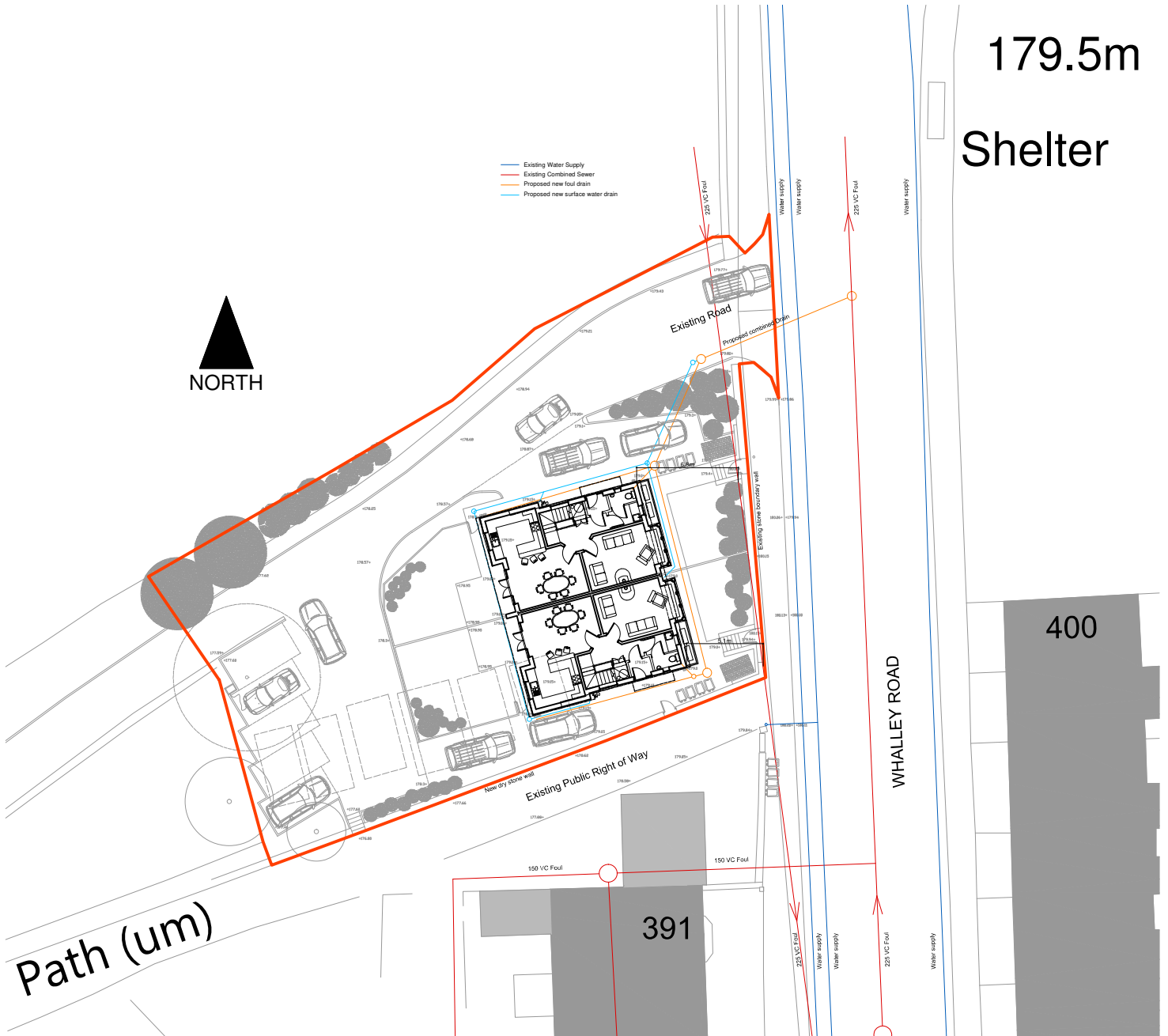
Project	PROPOSED NEW DWELLINGS: LAND ADJACENT TO 391 WHALLEY ROAD, RAMSBOTTOM, BURY BL 0 8ER
Drawing	PROPOSED STREET ELEVATIONS
Client	MR S. MORT
Dwn. By	NP
Scale	1:100 @ A1
Dwg. No.	21-16-20-A
Dwg. Size	A1
Date	MARCH 2022

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- This drawing is to be read in conjunction with all relevant consultants' and / or specialists' drawings / documents and any discrepancies or variations are to be notified to the architect before affected work commences.

REV. AMENDMENTS

DATE



Project	PROPOSED NEW DWELLINGS: LAND ADJACENT TO 391 WHALLEY ROAD, RAMSBOTTOM, BURY BL0 0ER
Drawing	EXISTING & PROPOSED DRAINAGE BLOCK PLAN
Client	MR S. MORT
Dwn. By	NP
Scale	1:1250 @ A2
Drg. No.	21-14-25
Drg. Size	A2
Date	SEPTEMBER 2022

Drainage Block Plan @ 1:200 at A2

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Ward: North Manor

Item 04

Applicant: Ms Sharon Brearley

Location: Land adjacent to 51 Humber Drive, Bury, BL9 6SJ

Proposal: Erection of 2 no. semi detached dwellings.

Application Ref: 68633/Full

Target Date: 29/08/2022

Recommendation: Approve with Conditions

Description

The application site is unallocated and forms part of the garden to No. 51 Humber Drive. The site is located at the end of a cul-de-sac between Humber Drive and Trent Drive and the site slopes from front to back. There is 1 tree on the site.

There are residential properties to the south and east of the site. There are trees on the northern and western boundaries, with open land beyond, which is allocated as river valley in the UDP.

Planning permission was granted in October 2017 for the erection of 2 dwellings on this site. The proposed dwellings would be one and a half storeys to the front and two and a half storeys at the rear to take account of the sloping site. The proposed dwellings would be constructed from brick with grey roof tiles. The main difference between the previously approved and this application is the materials for the proposed dwellings, which would be brick and tile.

The proposed development involves the erection of 2 dwellings, which would be accessed from Humber Drive. The proposed dwellings were shown to be one and a half storeys to the front and two and a half storeys at the rear to take account of the sloping site. The proposed dwellings would be constructed from red brick with grey roof tiles

Relevant Planning History

61829 - Erection of 2 no. semi-detached dwellings with detached garages at 51 Humber Drive, Bury. Approved with conditions - 25 October 2017

68283 - Erection of 2 semi-detached dwellings at land adjacent to 51 Humber Drive, Bury. Withdrawn - 13 June 2022.

Publicity

The neighbouring properties were notified by means of a letter on 2 August 2022.

4 letters have been received, which have raised the following issues:

- The proposed dwelling will greatly impact upon our privacy as we live in a bungalow and the proposed house is three storeys high. It will look directly into our living room and bedroom.
- Parking is already difficult due to Humber Drive being a T - junction. Also Trent Drive being a blind corner, it will prevent them being able to gain a clear view in order to exit Trent Drive onto Humber Drive. The extra cars will cause obstructions and in an emergency it will prevent emergency services gaining access to Trent Drive.
- It will have a detrimental effect on wildlife and trees already established on the land. It is home to many mature trees and I have personally seen deer, foxes, owls, wood pigeons and hedgehogs on the land.

- The proposed development is not in keeping with the rest of the estate and existing homes and finally these will not be affordable homes.
- We believe that the steepness of the land where permission is being sought is too steep at the rear to build upon and would be very dangerous.
- There has already been significant local development with over three hundred homes built on Bevis Green, there is no further need to destroy wildlife for two extra homes just for greed.
- There is a lot of traffic for the clubhouse, and houses and we don't need any more houses or traffic on the estate.
- We believe the land not to be suitable and certainly not in keeping with the existing surrounding properties.
- Wildlife in this area shall be affected along with the destruction of the existing trees.

The neighbouring properties were notified of revised plans on 25 October 2022. Any comments received will be reported in the Supplementary Report.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to construction traffic management plan, footway alterations and car parking.

Drainage Section - No response.

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

Waste Management - No response.

United Utilities - No objections, subject to the inclusion of conditions relating to drainage.

Pre-start Conditions - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT4	New Development
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 - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties to the east and south and open land to the north and west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Planning permission was granted on this site for 2 residential dwellings in 2017. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and layout - The proposed development would provide a pair of semi-detached dwellings. The proposed dwellings would be a storey and a half in height to the front and two and a half storeys at the rear. The proposed dwellings would be constructed from brick, render and grey roof tiles and would be modern in design. The use of the proposed materials and the use of dormers and pike details would help to break up the elevations and add visual interest. As such, the proposed dwellings would not be a prominent feature within the streetscene.

The level of private amenity space for the proposed dwellings would be acceptable and there would be space within the side garden for bin storage, which would be screened by a close timber boarded fence. One tree on site would need to be removed, but this tree is of poor quality and it would be replaced as part of the landscaping plan. There would be gabion walls to the rear of the site and close boarded timber fencing to the rear and side, which would be acceptable in the locality. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards between residential properties and would be relevant in this case. There should be a minimum of 20 metres between directly facing habitable room windows, which is based upon a two storey development. A habitable room window is a lounge, dining room or bedroom

There would be a minimum of 22.8 metres between the proposed dwellings and the gable of No. 1 Trent Drive and 20.6 metres between the proposed dwellings and No. 42 Humber Drive, which would be in excess of the aspect standards.

There is a window at first floor level in the gable elevation of No. 51 Humber Drive and there would be 10.6 metres between the gable of No. 51 Humber Drive and the gable of the proposed dwellings. As the proposed dwellings would be one and a half storeys above the ground level, a distance of 10 metres would be acceptable.

There would be a minimum of 7.8 metres from the rear elevation of the proposed dwellings to the boundary, which would comply with the aspect standards. The proposed juliet balconies would be located on the rear and would not have a significant adverse impact upon the amenity of the neighbouring properties. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residential properties.

Highways issues - The proposed development would be accessed from driveways from Humber Drive at the end of the cul-de-sac. There would be acceptable levels of visibility. The Traffic Section has no objections, subject to the inclusion of conditions relating to construction traffic management plan, footway alterations and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1 and H2/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum number of parking spaces is 2 spaces per 3 bedroom dwelling, which equates to 4 spaces.

The proposed development would provide 1 space for each of the dwellings and an integral garage for both properties. As such, 2 spaces would be provided for each dwelling, which would comply with the maximum parking standards. Therefore, the proposed development would comply with Policy HT2/4 of the Bury Unitary Development Plan and SPD11

Response to objectors

- The issues relating to design, layout, highways issues and impact upon residential amenity 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 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 SB1-00, SB1-01, SB1-02B, SB1-03, SB1-04B, SB1-05B, SB1-06B, SB1-07B 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. 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 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 15 - 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 15 - Conserving and enhancing the natural environment.
6. 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.

7. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season;; 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 Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

8. 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:
 - Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwellings;
 - Access point for construction traffic from the adopted highway;
 - Site hoardings (if proposed) clear of the adopted highway;
 - Hours of operation, confirmation of demolition, delivery and construction vehicle sizes that can be accommodated on the residential estate roads that serve the site and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
 - Parking on site (or on land under the applicant's control) 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 spread onto the adjacent adopted highways as a result of the groundworks operations or 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.

9. Notwithstanding the details indicated on the approved plans, the development hereby approved shall not be first occupied unless and until the formation of the proposed footway crossings onto Humber Drive, incorporating the refurbishment of the section of footway abutting the site affected by the proposed development and statutory undertakers connections to the proposed dwellings and all associated highway remedial works, has been implemented to a scope and specification to be agreed and to the written satisfaction of the Local Planning Authority.

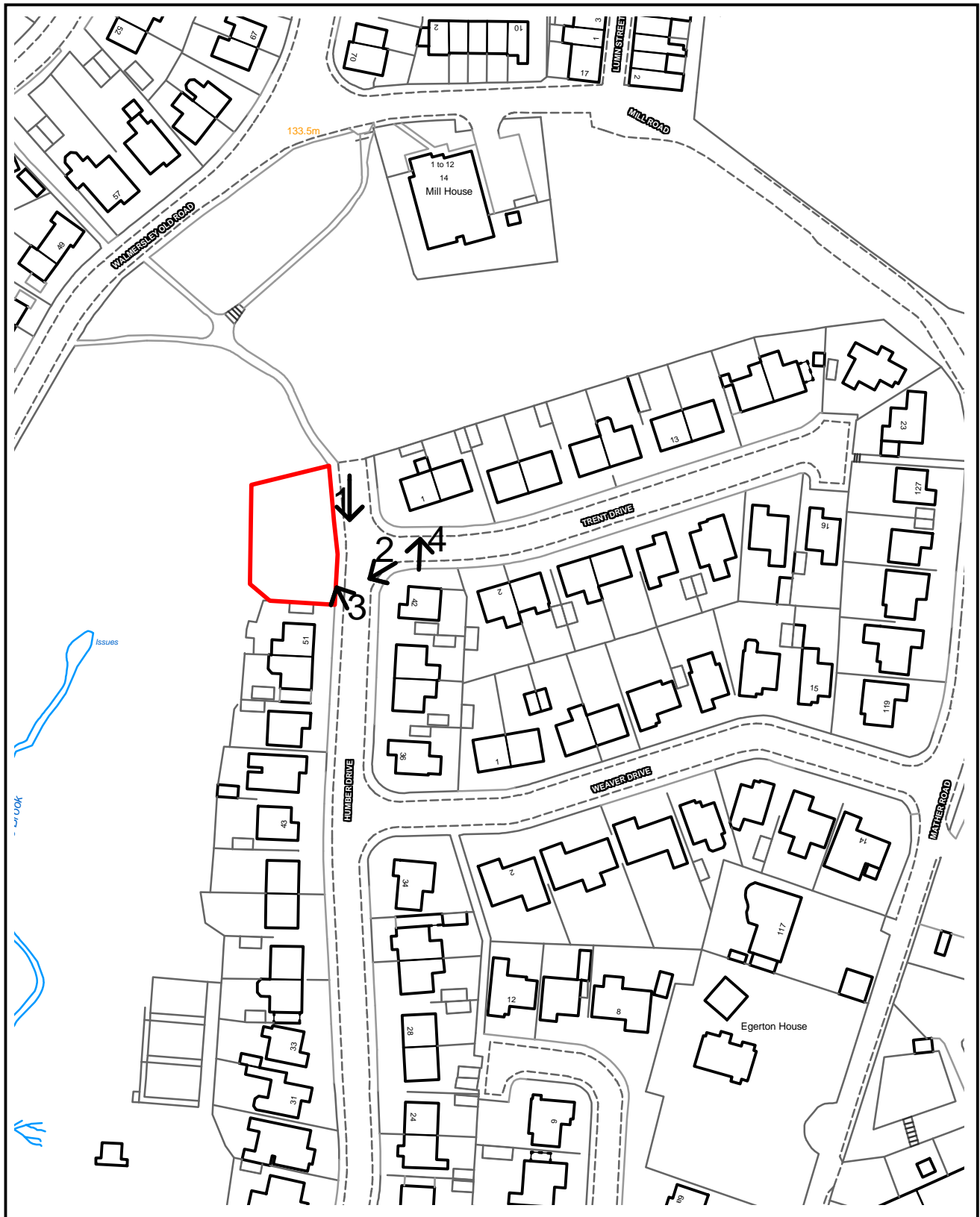
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development

10. The car parking arrangements indicated on the approved plans incorporating garage spaces and 5.5m minimum length hardstandings in front the proposed garage doors shall be made available for use prior to the dwellings 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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68633

ADDRESS: Land adjacent to 51 Humber Drive,
Bury, BL9 6SJ

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

68633

Photo 1



Photo 2



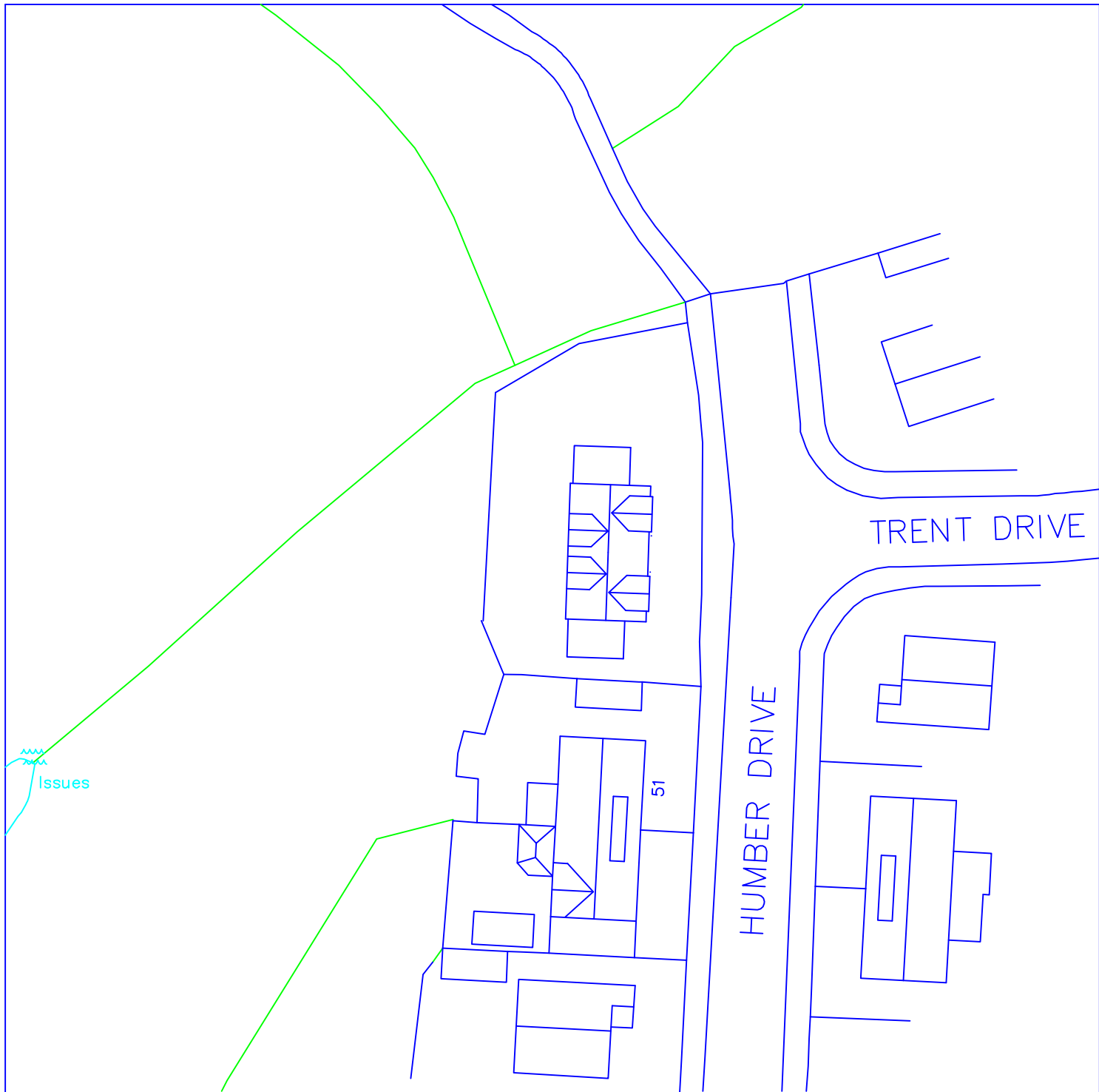
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Photo 3



Photo 4

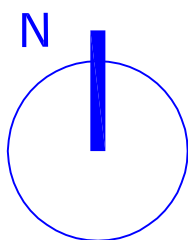




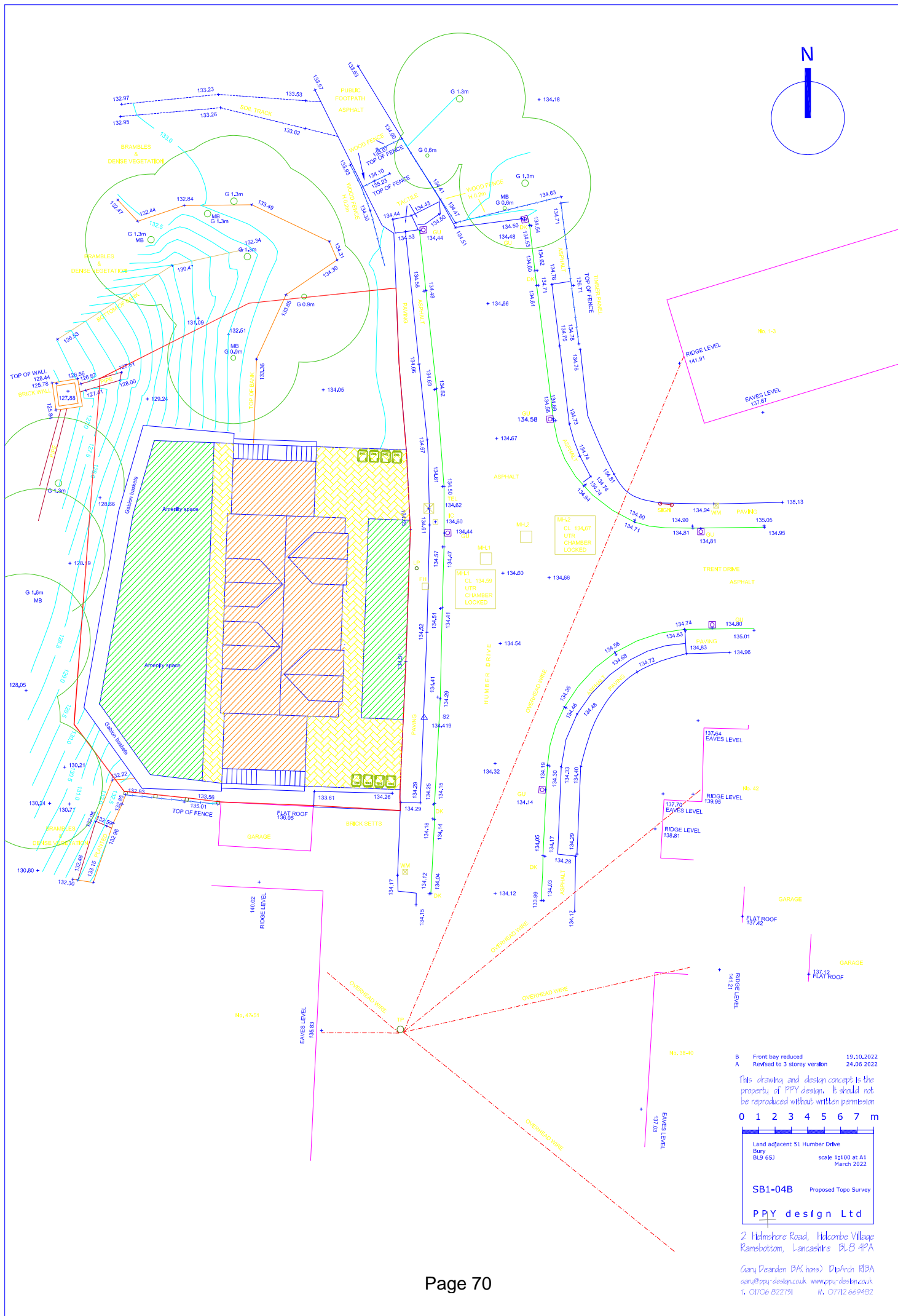
B Front bay reduced
A Three storey dwellings

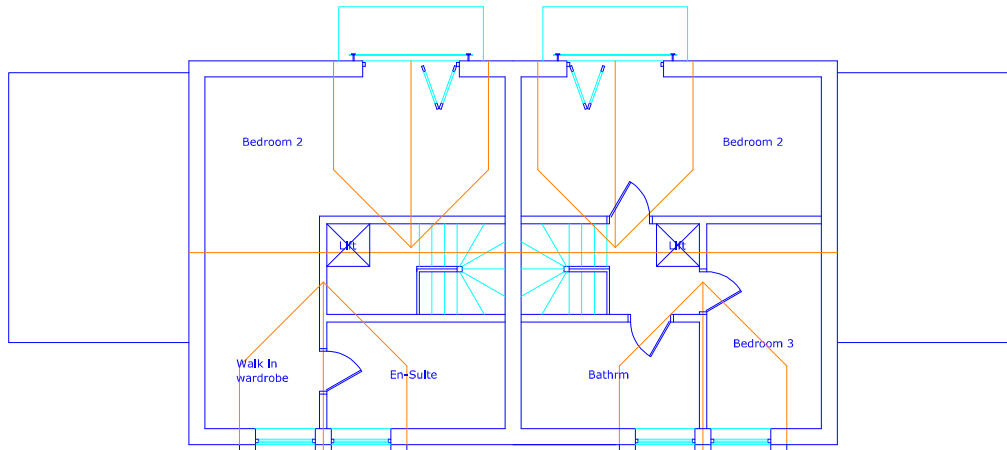
19.10.2022
02.07.2022

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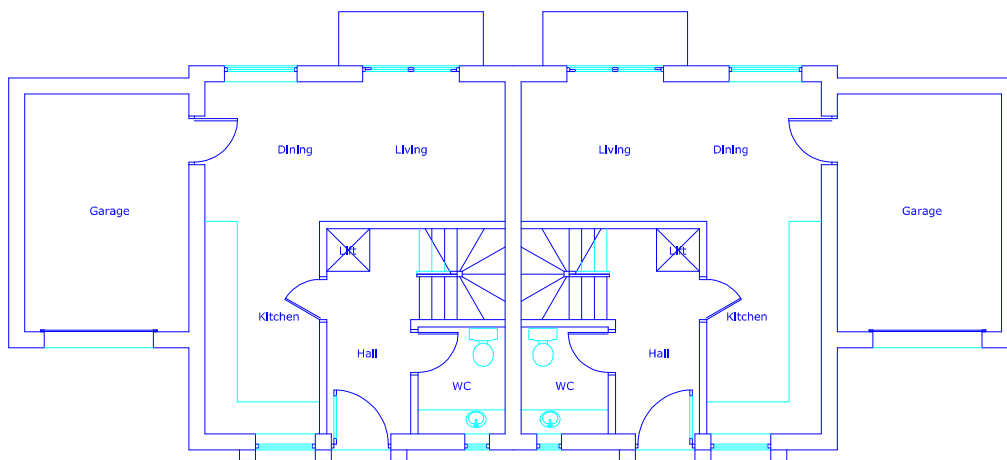


Land adjacent 51 Humber Drive Bury BL9 6SJ	
scale 1:500 at A4 March 2022	
SB1-02B	
Proposed Block Plan	
PPY design Ltd	

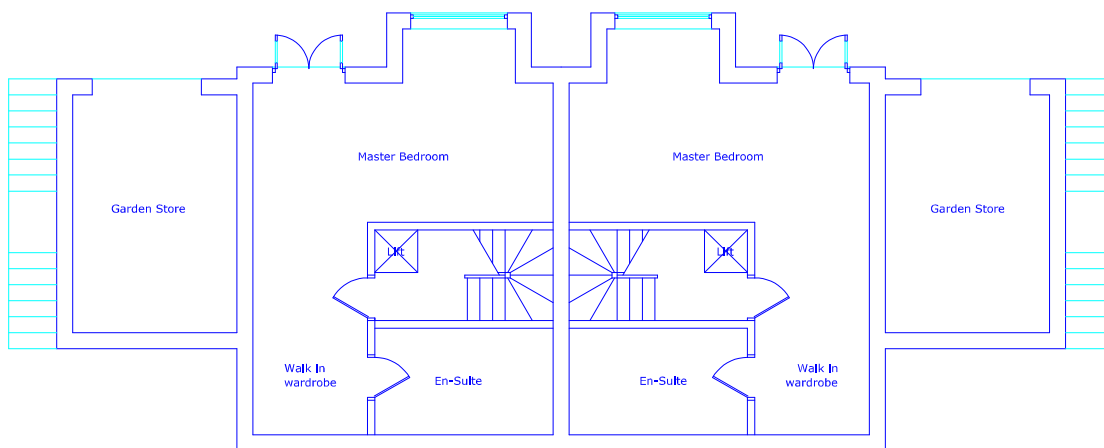




Proposed First Floor



Proposed Ground Floor



Proposed Lower Ground Floor

B Front bay reduced 19.10.2022
A Revised to three storey 02.07.2022

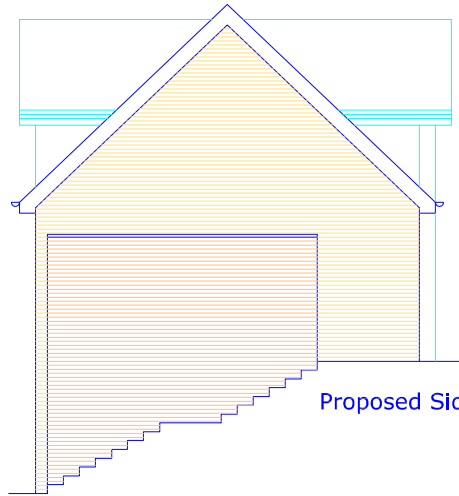
0 1 2 3 m

Land adjacent 51 Humber Drive	
Bury	scale 1:50 at A1
BL9 6SJ	June 2022
SB1-05B Proposed Layout Plans	
PPY design Ltd	

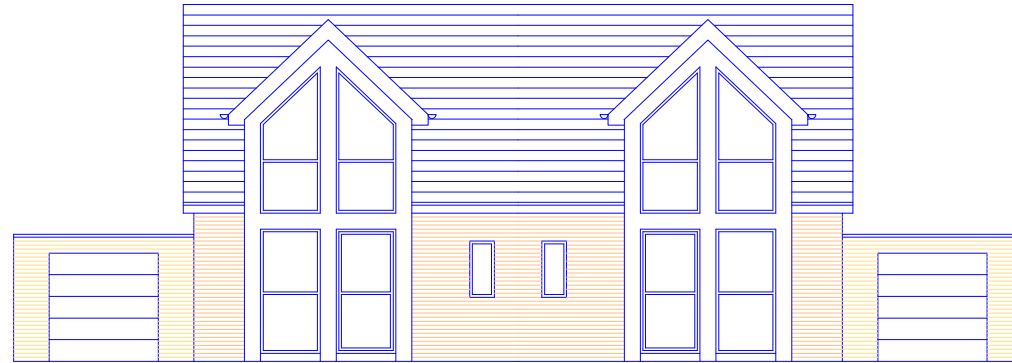
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2 Helmshore Road, Holcombe Village
Ramsbottom, Lancashire BL8 4PA

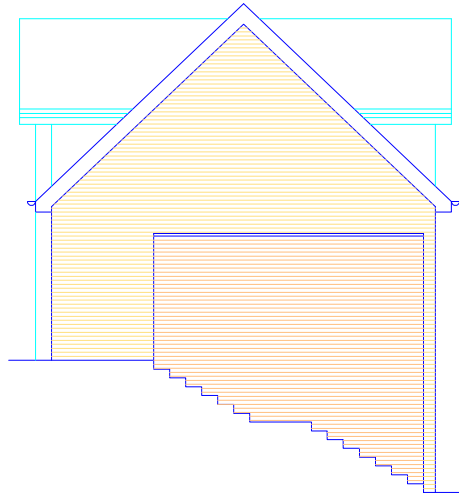
Gary Dearden (BA) (hons) DipArch RIBA
gary@ppydesign.co.uk www.ppydesign.co.uk
t. 01706 822791 M. 07712 669482



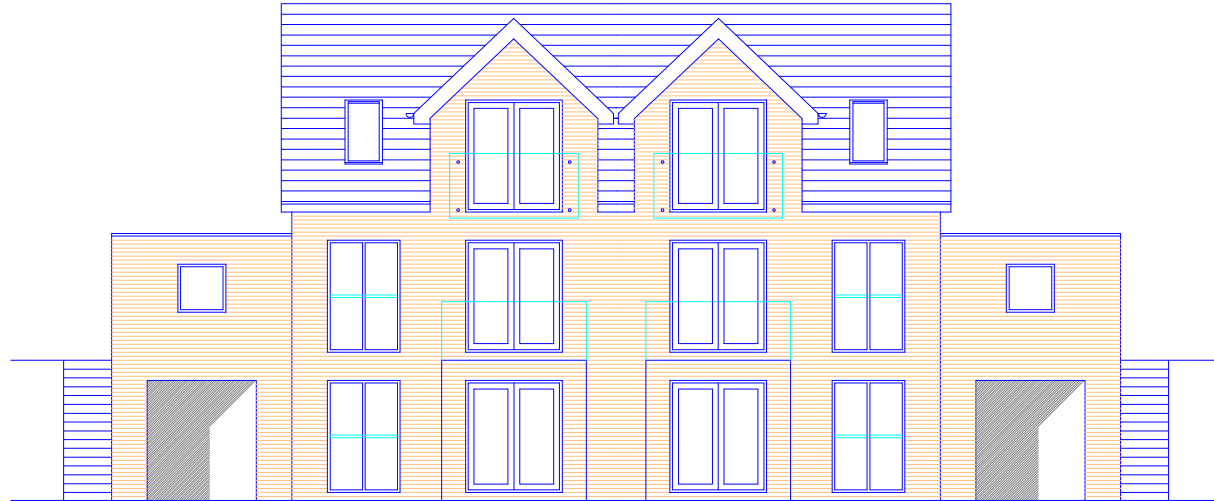
Proposed Side Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

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2 Helmskore Road, Helmskore Village
Ramsbottom, Lancashire BL8 4PA

Gary Dearden (BAK) (hons) DipArch RIBA
gary@ppy-design.co.uk www.ppy-design.co.uk
T: 01706 522751 M: 07912 669482

B Front bay reduced 19.10.2022
A Revised to three storey 02.07.2022

0 1 2 3 m

Land adjacent S1 Humber Drive
Bury BL9 6SJ scale 1:50 at A1
June 2022

SB1-06B Proposed Elevations

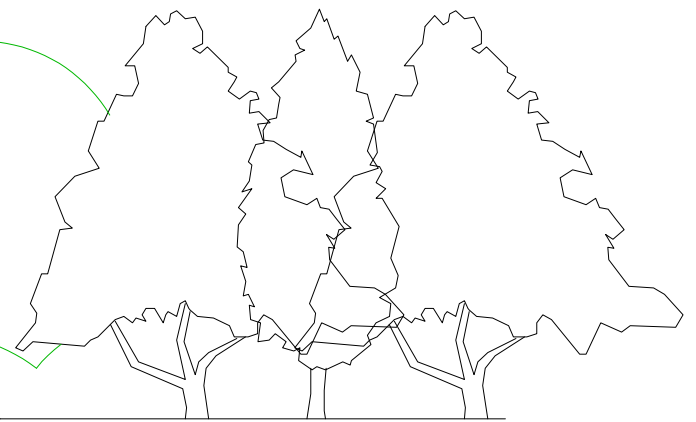
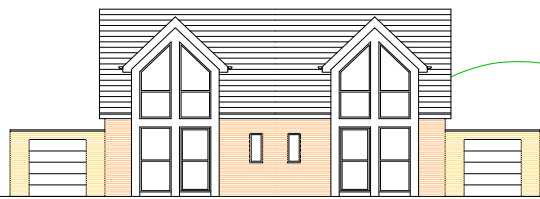
PPY design Ltd



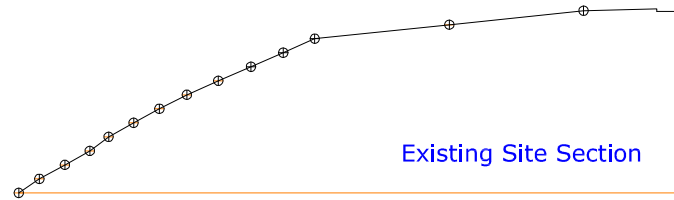
Existing Street Scene along Humber Drive



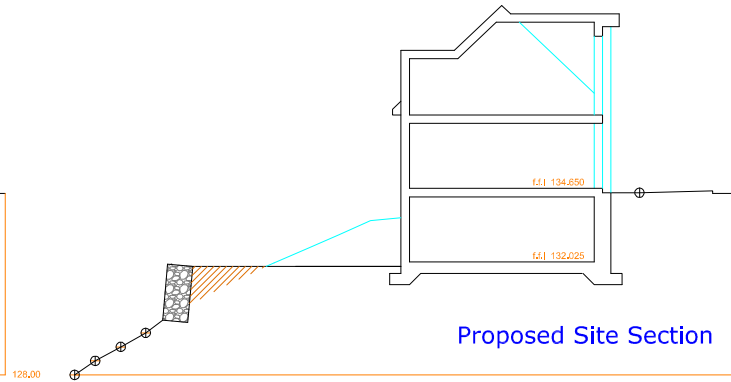
Proposed Street Scene along Humber Drive



Page 73



Existing Site Section



Proposed Site Section

B Front bay reduced 19.10.2022
A Revised to 3 storey scheme 24.06.2022

0 1 2 3 4 5 6 7 m

Land adjacent 51 Humber Drive
Bury
BL9 6SJ
scale 1:100 at A1
May 2022

SB1-07B Existing and Proposed
Street Scenes and
Site Sections

PPY design Ltd

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Ward: Radcliffe - North and Ainsworth

Item 05

Applicant: PEL Electrical Ltd

Location: Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bolton, BL2 5PT

Proposal: Erection of a dwelling and associated access, parking and landscaping, provision of landscape buffer, and change of use and refurbishment of Gate House within the curtilage of the former Ainsworth Nursing Home.

Application Ref: 68661/Full

Target Date: 05/09/2022

Recommendation: Approve with Conditions

Description

The site relates to a plot and building which forms part of the former Ainsworth Nursing Home. It is accessed via a private lane which is formed from the top of Ainsworth Road. The whole site is located in the Green Belt, Special Landscape Area and West Pennine Moors and is on the Council's Draft local list as a Non-Designated Heritage Asset. The site is covered by a blanket TPO.

The site is located to the north of Ainsworth Village and is self-contained and remote from the rest of the village, nearby farm settlements and residential dwellings, having formally being an isolation hospital for infectious diseases. It was later used as a nursing home for the elderly up until the time it closed down.

The nursing home site is rectangular in shape and the existing built development is generally focused centrally within the site, with the main internal access running north through the site which branches to the east to serve the main building and other buildings to the north. The remaining land is grassed, treed or vegetated. Surrounding the site is open land and fields.

By way of background, the site has now been sold off as separate plots and three plots have planning permission for the conversion to residential dwellings with alterations and extensions.

This application relates to a plot of land to the southwest of the former Ainsworth nursing home site. The site contains a small brick building, which was in use as a gatehouse. The remainder of the site is open and there are trees on the perimeter.

The proposed development involves the erection of a single dwelling and the conversion of the gatehouse into living accommodation. The proposed dwelling would be two storeys at the front and single storey with dormers at the rear. The dwelling would be constructed from brick with a slate roof and would be accessed via the existing access.

Relevant Planning History

67342 - Erection of two dwellings and associated access, parking and landscaping, provision of landscape buffer; Change of use and refurbishment of Gate House within the curtilage of the former Ainsworth Nursing Home - Withdrawn by Applicant 11/07/2022

Adjacent site

65412 - Conversion of wash house to 1 no. dwelling with single storey extensions and dormer to rear at Ainsworth nursing home, Knowsley Road, Ainsworth. Approved with conditions - 22 June 2020.

65626 - Conversion of property to 1 no. residential building; increase to the roof height, two storey extension and associated parking and landscaping, change of use of land to residential garden at The Bungalow, Ainsworth Nursing Home, Knowsley Road, Ainsworth. Received - 7 July 2020

66142 - Change of use from nursing home to private dwelling including alterations and garage extension at Knowsley House, Knowsley Road, Ainsworth. Approved with conditions - 21 January 2021

66398 - Non-material amendment following grant of planning permission 65412 - Removal of two windows on the west elevation and replace with timber French doors at Ainsworth Nursing Home, Knowsley Road, Ainsworth. Approved with conditions - 5 February 2021.

66467 - Variation of conditions following approval of 65626- Amendment to approved plans with the addition of a porch at The Bungalow, Ainsworth Nursing Home, Knowsley Road, Ainsworth. Approved with conditions - 29 March 2021

66763 - Demolition of existing nursing home and construction of two storey detached dwelling with associated garages at Ainsworth Nursing Home, Knowsley Road, Ainsworth. Refused - 8 December 2021

66836 - Demolition of the building known as 'The Haven', and the erection of a replacement building for use as a private dwellinghouse, with associated garden curtilage and parking at The Haven, part of Ainsworth Nursing Home, Knowsley Road, Ainsworth. Approved with conditions - 22 July 2021.

67368 - Demolition of existing building to be replaced with 2 no. dwellings at the Coach House, former Ainsworth Nursing Home, Knowsley Road, Ainsworth. Refused - 30 November 2021.

68665 - Demolition and conversion of the building known as 'The Haven' to 1 no. private residential dwelling, with associated garden curtilage and parking at 5 Knowsley View, The Haven, Knowsley Road, Ainsworth. Received - 18 August 2022.

Publicity

The neighbouring properties were notified by means of a letter on 22 August and a press notice was published in the Bury Times on 25 August 2022. Site notices were posted on 31 August 2022.

1 letter of support has been received, which has raised the following issues:

- I am in favour of the proposed scheme, it keeps the gatehouse and puts it to good use.
- This site is now looking dilapidated and run down in parts, the buildings that have been renovated and made into private dwellings look great and are a huge improvement.
- I don't understand the objections of the nearby properties because at the moment the plot is overgrown and unsightly, it was obvious when all the plots were sold off one by one and are owned by other individuals that many similar applications will be submitted in due course.
- As far as I'm concerned this scheme will greatly enhance the site.

5 letters have been received, which have raised the following issues:

- We are happy to support the conversion/development of the original gate house, but cannot support the further development of this part of the site with a completely new building on Green Belt land. Normally planning would only be countenanced in building over an existing footprint.
- The placement of the proposed development will block out all my views/open aspects onto the green belt land to the front of the house.
- The proposed development would block sunlight as the property is on such a large scale within a green belt area.

- If the property is placed alongside my property, as my property is a dormer bungalow and considerably lower in height, the new build would be directly looking into my skylight widows two of which are bathroom and not frosted and the other a child's bedroom. This would infringe on privacy and block out all natural light coming into my home and again block open aspects of the green belt land.
- If the planned house was central, ensuring not blocking my views or overlooking my house, I would have no objections
- No existing drainage is available on this site for foul sewage. The application states otherwise which is incorrect. Surely this must be addressed prior to any kind of approval being granted. Also, the boundary fencing must be of stockproof construction
- I have serious misgivings. The plot is nearly an acre in size and yet the proposal is to squeeze the new house tight to the northern boundary of the site right up against mine.
- As my house is south facing, and we would be at right angles to the new property there are serious implications with regards to light being blocked into my kitchen and living rooms, especially if the house were to be moved forward from its current location (which I understand to be the case). The site is surrounded by tree's and light is already an issue.
- Also the proposal is for a 2 storey house which would tower over mine, I was told this was not an option at my planning stage, given that nearly all of the buildings on site are single storey.
- Were the proposal a single storey dormer bungalow type (like mine) more central and not as high, I would not object. I think there is ample space to achieve the same size dwelling in this format.

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

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to construction traffic management plan, car parking, turning facilities and sprinklers.

Drainage Section - No response.

Waste Management - No response.

Conservation Officer -

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

United Utilities - No objections, subject to the inclusion of conditions relating to drainage.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats, nesting birds and landscaping and informatives relating to invasive species and badgers.

Environment Agency - No response.

Pre-start Conditions - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN2	Conservation and Listed Buildings
EN5/1	New Development and Flood Risk
EN1	Built Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management

EN8	Woodland and Trees
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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 (Green Belt) - The application site is located within the Green Belt.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC).

In Paragraph 144, LPA's should ensure that substantial weight is given to any harm in the Green Belt. VSC 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 considerations.

Paragraph 145 considers the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. provision of appropriate facilities for outdoor sport, recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green belt and do not conflict with the purpose of including land;
- c. the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs; and
- g. limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development: or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting identified affordable housing need within the area of the Local Planning Authority.

Paragraph 146 states that other certain forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are

- engineering operations;
- local transport infrastructure, which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- material changes in the use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds); and

- development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development unless -

- for agriculture and forestry,
- essential facilities for outdoor sports and recreation,
- limited extension, alteration or replacement dwelling provided it would not result in disproportionate additions over and above the size of the original dwelling or not materially larger than the one it is to replace;
- limited infilling in existing villages as set out under Policy OL1/3.

Policy OL1/3 states in all named villages which lie within the Green Belt, limited infill development may be permitted, provided it is in scale with the village and would not adversely affect the character of surroundings.

Policy OL1/4 states that the conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing that:

- it would not have a materially greater impact than the present use on openness;
- any extensions of re-used buildings and any associated uses of land surrounding the building do not conflict with the openness of the green belt;
- the buildings would be capable of conversion without major or complete reconstruction;
- form, bulk and design would be in keeping with the surroundings;
- suitable access and traffic can be accommodated;
- necessary services can be provided;
- no damage to habitats or protected species.

New dwelling - The proposed development would be located between two existing buildings - the gatehouse and the wash house. As such, the proposed development would be an infill plot. Therefore, the principle of the proposed development would be acceptable and would comply with exception e) of paragraph 145 of the NPPF and Policies OL1/2 and OL1/3 of the Bury Unitary Development Plan.

Conversion - The proposed development involves the conversion of the existing gatehouse into additional living accommodation. The proposed development would not involve any extensions or changes to the existing openings. As such, the proposed form, bulk and design would be as it is presently and in keeping with the surroundings. The existing building would be capable of conversion. Therefore, the principle of the proposed development would be acceptable and would be in accordance with third exception in paragraph 146 of the NPPF and Policy OL1/4 of the Bury Unitary Development Plan.

Principle (Residential) - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is

an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located in a rural area but forms part of the former nursing home and would be previously developed land. There would be existing infrastructure in place to facilitate the development. The principle of residential development on the site would be acceptable if the development can comply with the relevant Green Belt policies and would comply with Policy H1/2 of the Bury Unitary Development plan and the NPPF.

Design, layout and impact on heritage - The proposed dwellinghouse would be sited within the curtilage of the former hospital site. The former hospital buildings are considered to be a Non-Designated Heritage Assets (NDHAs). The site is not within a conservation area.

Paragraph 203 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The above premises have been identified as non-designated heritage assets in accordance with Annex 2 of the NPPF and are considered to be buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions, because of their heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those "...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."

The proposal would not impact directly on the significance of the NDHAs but would be within their setting, which if impacted negatively could cause harm to the significance of the NDHAs.

The proposed dwelling would be constructed from red brick and natural slate and as such would incorporate architectural reference to the existing buildings without challenging their architectural integrity. The siting of the dwelling would provide spatial mitigation with regard

the sites' layout and form creating a visual separation. The proposal, whilst two storey would have its first floor within the roof space ensuring its height is below that of the existing buildings and therefore, would not dominate visually in terms of its height.

The alterations to the Gate House are very minor and would not represent a negative impact within the site.

The Submitted heritage assessment concludes as follows:

"With respect to the level of harm in relation to this proposed development the heritage assessment (HA) considers the buildings to be NDHA's and low/medium significance. The significance is modulated between building to building due to their degree of originality and alteration. The impact of the proposed development is generally upon the spatial layout of the site and given the new development is adding to the layout with a similar form of development and retaining and reusing the former gatehouse, the overall level of harm of the works proposed are positive".

And

"The HA concludes that the crucial test contained within the NPPF is whether there is any harm to a heritage asset that is outweighed by the public interest and benefits of a proposal. It is concluded that the proposed works would result in a positive impact in that new development, which is spatially correct and if constructed in similar materials to existing forms, would enhance the site in addition to retaining the existing gatehouse. It will put the building to a viable use without harming its modest aesthetic".

The Conservation Officer agrees with the heritage assessment and has no objections to the proposed development. In conclusion, the proposed development, by virtue of its siting, size, scale, mass and materials, would not cause harm to the setting of the former hospital buildings and as such, would not cause any loss to their significance. Therefore, the proposed development would be in accordance with Policy EN2 of the Bury Unitary Development Plan and the NPPF.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be 19.2 metres from the utility room for the proposed dwelling to the conservatory associated with Knowsley House, which would be in excess of the 13 metres required.

There would be 12.2 metres from the blank gable of the proposed dwelling to the front elevation of the Wash House. The bulk of the proposed dwelling would be set behind the building line for the Wash House and as such, would not have an adverse impact upon the amenity of the occupiers of the Wash House.

There would be between 12 and 20 metres from the rear elevation of the proposed dwelling to the boundary with the site, which would be in excess of the 7 metres required.

The existing gatehouse would be converted into guest accommodation linked to the proposed dwelling. The proposed gatehouse would utilise all the existing windows and would be single storey in height. There would be 12.1 metres between the proposed gatehouse and the Bungalow. Whilst this would be below the 13 metres required, there is a 2 metre high timber fence, which would prevent any overlooking or loss of privacy.

Therefore, the proposed development would not have an adverse impact upon the residential amenity of the neighbouring properties.

Ecology - An ecological survey was submitted as part of the application and identified no significant issues.

Bats - Bat surveys for the existing gatehouse were submitted. No bats were seen emerging

from the building and therefore, the proposed development would not have a negative impact upon the bats. GM Ecology Unit agrees with the findings of the report and has no objections, subject to the inclusion of conditions relating to bats.

Trees - The trees were also assessed as having bat roosting potential and the tree report is recommending removal of two trees on arboricultural reasons. In addition, some trees and shrubs would be removed as part of the proposed development. GM Ecology Unit has no objections to the removal of the trees, subject to the inclusion of conditions relating to trees and nesting birds.

Protected species - The report discounted the presence of all other protected species and GM Ecology Unit has no objections, subject to the inclusion of an informative relating to badgers.

Invasive species - Species, such as rhododendron are classed as invasive species in the Wildlife and Countryside Act 1981. Rhododendron has been identified on site, but may be the ornamental variety. GM Ecology Unit has no objections, subject to the inclusion of an informative relating to invasive species.

Landscaping - Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The proposed soft landscaping proposals would be adequate to mitigate for the loss of low to moderate grassland and scrub. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to landscaping.

Therefore, the proposed development would not have an adverse impact upon protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Trees - An arboricultural survey has been submitted with the application and confirms that two existing trees to the west of the access road would be retained and all the trees on the perimeter of the site would be retained. 5 trees would have to be removed and these are located to the west of the access road. The trees to be removed are category C, which is poor quality. Given the retention of the two existing trees and those on the perimeter and the planting of 5 additional trees, the proposed development would not harm the character of the area. Therefore, the proposed development would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

Highways issues - The existing access to the site is from the head of Ainsworth Road. It is an unadopted single wide road, but a well-maintained and surfaced lane. This is the only access into the site and would be utilised by not just this plot but by other plots which may come forward for development in the future.

For a development of a single plot, the standard of the access is considered to be acceptable for the amount of traffic which would be generated, and that given the number of plots which could come forward in the future, which is likely to be no more than 6 or 7, the existing access would be of a standard to suitably serve the whole of the site. (If a future development were to be larger scale, the access may need to be considered).

As the site is in a remote location and given there is only one access to the site, GMF&RS have been consulted on the application.

The Fire Service are of the opinion that given the proposed site layout would create a cul-de-sac in excess of 250 metres in length with the single point of entry to the proposed development would being unsatisfactory as any obstruction along the single access road could prevent emergency vehicles from entering the estate and restrict access to the dwelling, increasing attendance time and posing a risk to public life.

A site layout which is considered unacceptable on the grounds of accessibility for fire

appliances may become acceptable if the buildings are equipped with sprinkler systems which are strongly recommended for buildings that are more than 250 meters from an access road. Residential sprinkler systems are therefore recommended by GMFRS for this development as they allow for a longer response time to emergency situations and may be deemed suitable to overcome the site deficiencies of the proposal.

In addition, GMF&RS advise the proposal should meet the recognised Approved Document requirements for Fire Service access:

- Vehicular access for a fire appliance to within 45m of all points within the dwellings
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes
- If the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required
- There should be a suitable fire hydrant within 165m of the furthest dwelling.

The Traffic Section has no objections, subject to the inclusion of conditions relating to construction traffic management plan, car parking, turning facilities and sprinklers. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1, H2/2 and HT6/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a 5 bedroom dwelling is 3 spaces per dwelling.

The proposed development would provide 4 parking spaces - 3 by the proposed dwelling and 1 space next to the proposed converted gatehouse for use by guests/visitors. As such, the proposed development would provide the required number of spaces and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

- The issues relating to development within the Green Belt, loss of privacy, loss of light, design and layout have been addressed in the report above.
- The loss of a view is not a material planning consideration and cannot be taken into consideration.
- No existing drainage is available on this site for foul sewage. The application states otherwise which is incorrect. Surely this must be addressed prior to any kind of approval being granted. Also, the boundary fencing must be of stockproof construction

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 21/1242/100, TRI-3419-01, TRI-3419-02, TRI-3419-03, TRI-3419-04, 21/1242/101A, 21/1242/200E, 21/1242/202A, 21/1242/203A, 21/1242/204, 21/1242/205A, 21/1242/206A, 879A-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. 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 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 15 - 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 15 - Conserving and enhancing the natural environment.
6. If the works to the Gatehouse do not commence before 30th April 2023, the building must be reassessed for bat roosting potential and the associated survey submitted to and approved in writing by the Local Planning Authority before any demolition works are carried out. The demolition shall be carried out in accordance with the approved details.
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 11 of the National Planning Policy Framework.
7. The removal of the tree called Tree 1 has the potential to cause harm to bats as identified in the Ecological Survey and Assessment - ERAP Ltd ref. 2021-117. If removal is required, the works must be carried out in accordance with Method

Statement outline in Section 5.5.5 of the Ecological Survey and Assessment - ERAP Ltd ref. 2021-117

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 11 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.
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. The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and 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 EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
10. 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.
11. 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.
12. 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:
 - Photographic dilapidation survey of the unadopted section of Knowsley Road classified as Public Footpath No.42, Christ Church, Radcliffe that serves the

site in the event that subsequent remedial works are required following construction of the development;

- Proposed site hoardings and gates positions (if proposed);
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the residential estate roads and Public Right of Way leading to the site and number of vehicle movements;
- Parking on site of operatives' vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way and adopted highways as a result of the groundworks operations or 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.

13. Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies, shall be installed in the dwelling hereby approved and shall thereafter be maintained at all times.

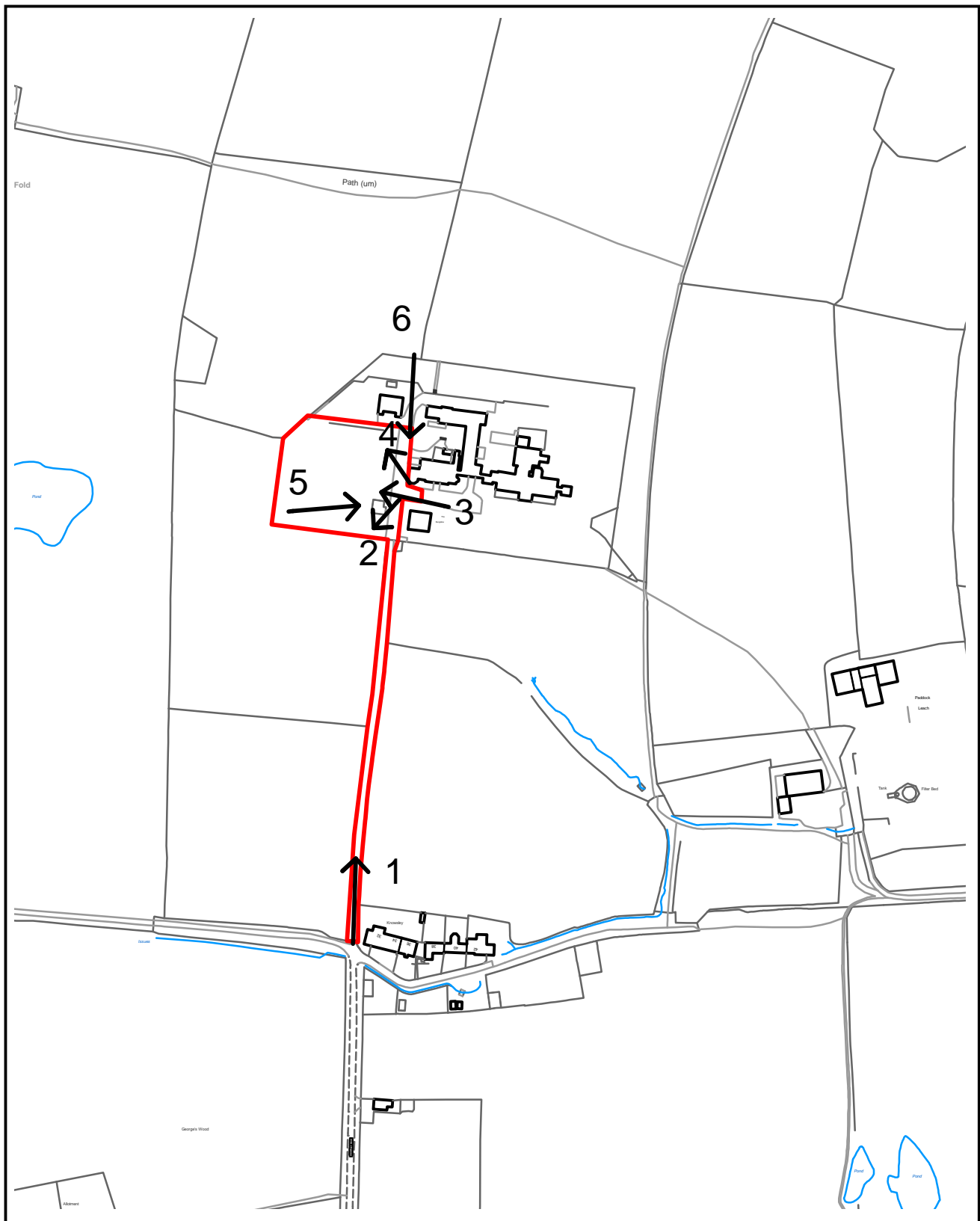
Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

14. The car parking and turning facilities indicated on the approved plans shall be surfaced and made available for use prior to first occupation of the dwelling hereby approved and thereafter maintained available for use 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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68661

**ADDRESS: Ainsworth Nursing Home,
Knowsley Road**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

68661

Photo 1



Photo 2



68661

Photo 3



Photo 4



68661

Photo 5

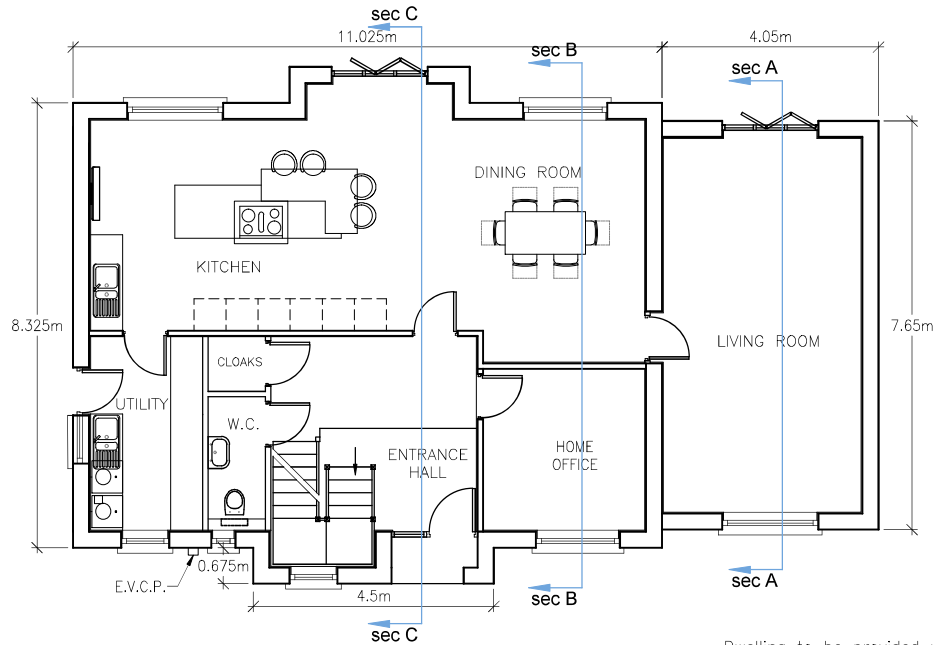


Photo 6



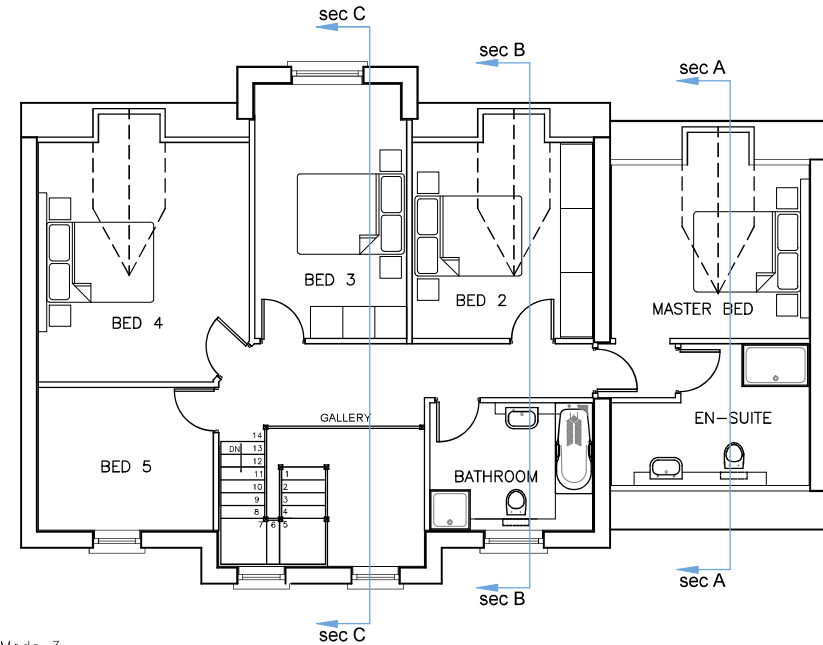


Dwelling to have a sprinkler system installed (designed to BS9251), and will meet the requirements of Approved Document B of the Building Regulations for provision of access for the Fire Service.



PROPOSED GROUND FLOOR PLAN (1:100)

Dwelling to be provided with a single Mode 3 compliant Electric Vehicle Charging Point (EVCP) to be installed to the external wall of the dwelling directly adjacent to the parking spaces. The specification for the EVCP's are to be; Rolek Wallpod:EV Type 2 Mode 3 charging socket.



PROPOSED FIRST FLOOR PLAN (1:100)

Notes	Notes	Amendments	Project								
		A 01.07.22 JPE HOUSE DESIGN 'HANDED' TO AMENDED SITING OF SINGLE DWELLING.	Title ERECTION OF A DWELLING AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, PROVISION OF LANDSCAPE BUFFER, AND REFURBISHMENT OF THE GATE HOUSE WITHIN THE CURTILAGE OF THE FORMER AINSWORTH NURSING HOME, KNOWSLEY ROAD, AINSWORTH, BURY~ Client PEL ELECTRICAL LTD Dwg. No. 21/1242/202A – PROPOSED FLOOR PLANS <table><tr><th>Date</th><th>Plot Scale</th><th>Drawn by</th><th>Status</th></tr><tr><td>07.06.2021</td><td>A3@1:100</td><td>JPE</td><td>PLANNING</td></tr></table> JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stalybridge, Cheshire. SK15 2SF Telephone 07875 627 988 jim@jpeconsultancy.co.uk	Date	Plot Scale	Drawn by	Status	07.06.2021	A3@1:100	JPE	PLANNING
Date	Plot Scale	Drawn by	Status								
07.06.2021	A3@1:100	JPE	PLANNING								

Pitched and hipped roofs to be clad with natural slates.

Aluminium, circular section gutters and rainwater pipes (black).

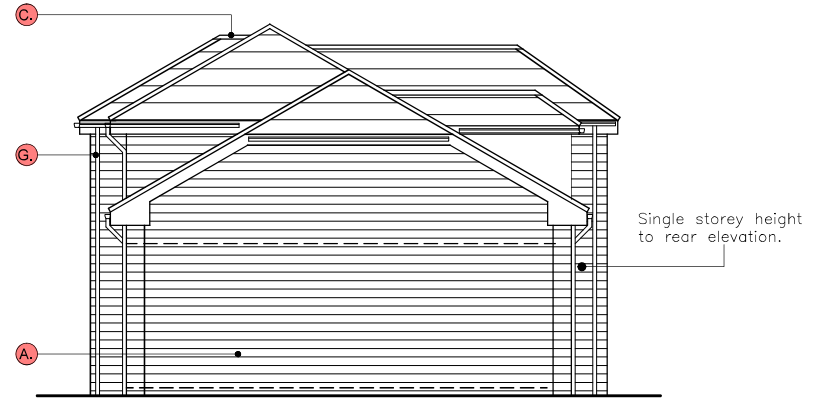
Vertical emphasis to windows.

Brick detailing to window heads to match existing buildings.

Red brick facing to match existing buildings.



PROPOSED FRONT ELEVATION (1:100)



PROPOSED SIDE ELEVATION (1:100)

Page 93



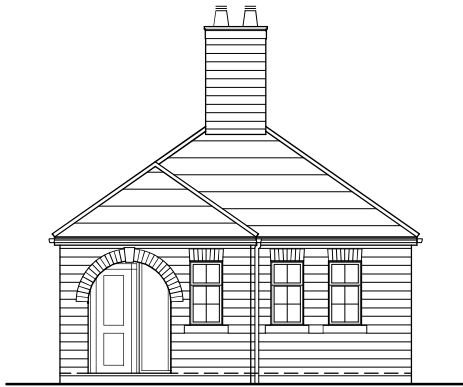
PROPOSED REAR ELEVATION (1:100)



PROPOSED SIDE ELEVATION (1:100)

Notes	Notes	Amendments	Project								
<p>KEY DESIGN PRINCIPLES;</p> <p>Key design principles identified for inclusion in the final design include:</p> <ul style="list-style-type: none">- New dwelling sited close to existing access and grouping of buildings;- Existing mature trees and dense vegetation retained to south and west boundaries;- Landscape buffer incorporated to south and west boundaries;- Small building footprint in relation to plot area;- Existing mature trees retained to frontage of new dwelling. Supplementary landscape planting to be provided;- Materials to match those to existing buildings;- Building form to match existing structures with pitched roofs reducing down to single storey height at rear;- Varying height of roofs similar to form of existing buildings.	<p>DESIGN/MATERIALS REFERENCE:</p> <ul style="list-style-type: none">A. red brick facings to elevationsB. detailing to elevations at heads & sillsC. variation to height and scale of roofsD. hipped roofs with feature dormersE. vertical emphasis to windowsF. slate roofG. aluminium rainwater goods (black)H. arched door surround (Gate House & Administration Block)	<p>A 01.07.22 JPE HOUSE DESIGN 'HANDLED' TO AMENDED SITING OF SINGLE DWELLING.</p>	<p>Title</p> <p>ERECTION OF A DWELLING AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, PROVISION OF LANDSCAPE BUFFER, AND REFURBISHMENT OF THE GATE HOUSE WITHIN THE CURTILAGE OF THE FORMER AINSWORTH NURSING HOME, KNOWSLEY ROAD, AINSWORTH, BURY~</p> <p>Client</p> <p>PEL ELECTRICAL LTD</p> <p>Dwg. No.</p> <p>21/1242/203A – PROPOSED ELEVATIONS</p> <table><tr><th>Date</th><th>Plot Scale</th><th>Drawn by</th><th>Status</th></tr><tr><td>07.06.2021</td><td>A3@1:100</td><td>JPE</td><td>PLANNING</td></tr></table> <p>JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stalybridge, Cheshire. SK15 2SF Telephone 07875 627 988 jim@jpeconsultancy.co.uk</p>	Date	Plot Scale	Drawn by	Status	07.06.2021	A3@1:100	JPE	PLANNING
Date	Plot Scale	Drawn by	Status								
07.06.2021	A3@1:100	JPE	PLANNING								

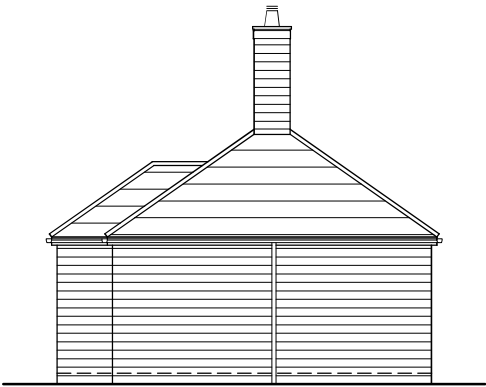
CHANGE OF USE AND REFURBISHMENT OF GATE HOUSE TO GUEST ACCOMMODATION ANCILLARY TO PLOT 1~



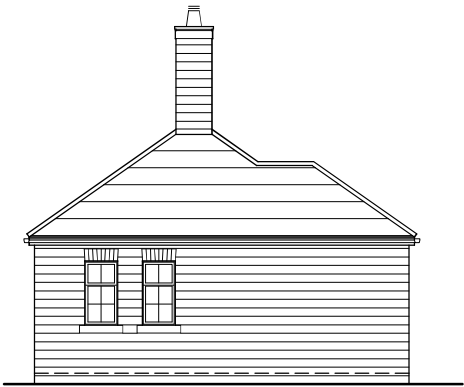
PROPOSED FRONT ELEVATION (1:100)



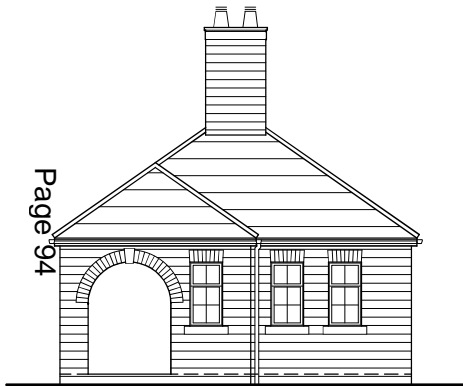
PROPOSED REAR ELEVATION (1:100)



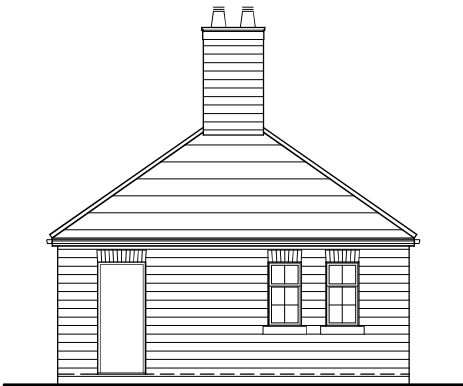
PROPOSED SIDE ELEVATION (1:100)



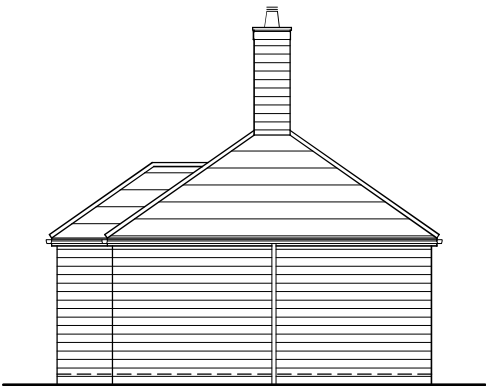
PROPOSED SIDE ELEVATION (1:100)



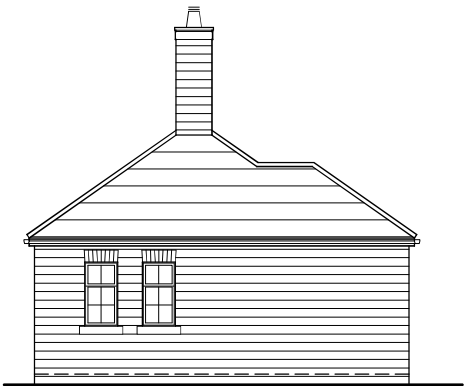
EXISTING FRONT ELEVATION (1:100)



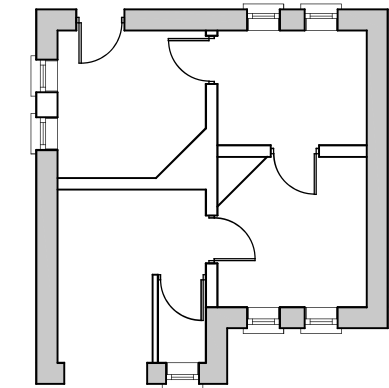
EXISTING REAR ELEVATION (1:100)



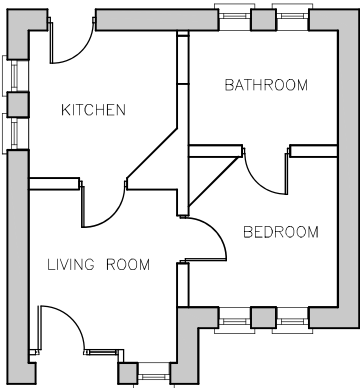
EXISTING SIDE ELEVATION (1:100)



EXISTING SIDE ELEVATION (1:100)



GATE HOUSE
EXISTING LAYOUT PLAN (1:100)



GATE HOUSE
PROPOSED LAYOUT PLAN (1:100)

Amendments				Project			
				Title			
				ERECTION OF TWO DWELLINGS AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, PROVISION OF LANDSCAPE BUFFER, AND REFURBISHMENT OF THE GATE HOUSE WITHIN THE CURTILAGE OF THE FORMER AINSWORTH NURSING HOME, KNOWSLEY ROAD, AINSWORTH, BURY~			
				Client			
				PEL ELECTRICAL LTD			
				Dwg. No.			
21/1242/204 – GATE HOUSE – PLANS AND ELEVATIONS							
Date		Plot Scale		Drawn by		Status	
07.06.2021		A3@1:100		JPE		PLANNING	
JPE CONSULTANCY LIMITED							
ARCHITECTURAL DESIGN & PLANNING							
9 Woodend Drive, Stalybridge, Cheshire. SK15 2SF							
Telephone 07875 627 988 jim@jpeconsultancy.co.uk							

ERECTION OF A DWELLING AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, PROVISION OF A LANDSCAPE BUFFER, AND REFURBISHMENT OF THE GATE HOUSE WITHIN THE CURTILAGE OF THE FORMER AINSWORTH NURSING HOME-



STREET SCENE THROUGH PROPOSED DEVELOPMENT (1:200)

		Notes	Notes	Amendments	Project
				A/01.07.22 JPE	Title ERECTION OF A DWELLING AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, PROVISION OF LANDSCAPE BUFFER, AND REFURBISHMENT OF THE GATE HOUSE WITHIN THE CURTILAGE OF THE FORMER AINSWORTH NURSING HOME, KNOWSLEY ROAD, AINSWORTH, BURY--
					Client PEL ELECTRICAL LTD
					Dwg. No. 21/1242/205A - STREET SCENE
Date 07.06.2021	Plot Scale A1@1:200	Drawn by JPE	Status PLANNING		
JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stoneyridge, Chester, CH15 2SF Telephone: 07875 627 888 jpe@jpeconsultancy.co.uk					

REPORT FOR NOTING

Agenda Item 5

Bury
COUNCIL

**Agenda
Item**

5

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	8 November 2022
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 03/10/2022 and 30/10/2022



Ward: **Bury East**

Application No.: 68398 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: Coachmans Corner, 10 Bridge Hall Drive, Bury, BL9 7NX
Proposal: Replacement of existing 2m high fence with a 2.5m high timber fence on side boundary

Application No.: 68453 **App. Type:** FUL 06/10/2022 Approve with Conditions
Location: Site of Former Peel Health Centre, Market Street / Angouleme Way, Bury, BL9 0EQ
Proposal: Variation of conditions 2 and 3 following approval of planning permission ref. 66978 - Amendments to approved landscaping, lighting details and external finishing materials

Application No.: 68598 **App. Type:** FUL 18/10/2022 Approve with Conditions
Location: 31 Ash Street, Bury, BL9 7BT
Proposal: Single storey extension at side/rear

Application No.: 68712 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: 64 Shepherd Street, Bury, BL9 0RT
Proposal: Part single/Part two storey rear extension

Application No.: 68819 **App. Type:** TEL 12/10/2022 Prior Approval Required and Refused
Location: Corner of Jubilee Way & Tenters Street, Bury, BL9 0AL
Proposal: Prior approval for proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.

Application No.: 68821 **App. Type:** TEL 12/10/2022 Prior Approval Required and Refused
Location: Land at junction of Heywood Street & Benson Street, Bury, BL9 7EB
Proposal: Prior approval for proposed 5G 17m telecoms installation: H3G street pole and additional equipment cabinets.

Application No.: 68824 **App. Type:** FUL 24/10/2022 Approve with Conditions
Location: Woodgate Hill Water Treatment Work, Sixth Avenue, Bury, BL9 7RP
Proposal: Construction of Chemical Dosing Building including associated hard standing and Security Fencing

Ward: **Bury East - Moorside**

Application No.: 68516 **App. Type:** ADV 03/10/2022 Approve with Conditions
Location: Link House, 35 Walmersley Road, Bury, BL9 5AE
Proposal: Various illuminated / non-illuminated building and car park signage including a pair of canopy fascia signs to the entrance canopy

Application No.: 68519 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 90 Ferngrove, Bury, BL9 6JX
Proposal: Two storey extension at side/rear extension and loft conversion with rear dormer

Application No.: 68609 **App. Type:** FUL 05/10/2022 Approve with Conditions
Location: Hoyle Nursery School, Chesham Fold Road, Bury, BL9 6HR
Proposal: Erection of temporary external classroom and play area with 2m high boundary fencing.

Application No.: 68635 **App. Type:** FUL 06/10/2022 Approve with Conditions
Location: 19A Chesham Road, Bury, BL9 6LY
Proposal: Two storey side extension; Single storey front extension

Application No.: 68777 **App. Type:** FUL 03/10/2022 Approve with Conditions
Location: St Pauls C of E Primary School, Porritt Street, Bury, BL9 6LJ
Proposal: Single storey extension to Porritt Street elevation to form secure entrance area/office

Application No.: 68818 **App. Type:** TEL 17/10/2022 Prior Approval Required and Refused
Location: Land opposite Brookshaw Centre, Brook Street, Bury, BL9 6EB
Proposal: Prior approval for proposed 5G 15m telecoms installation: H3G street pole and additional equipment cabinets.

Ward: **Bury East - Redvales**

Application No.: 68590 **App. Type:** FUL 05/10/2022 Approve with Conditions
Location: 37 Rhiwlas Drive, Bury, BL9 9DE
Proposal: First floor rear extension

Application No.: 68616 **App. Type:** FUL 11/10/2022 Approve with Conditions
Location: 1 Brocklehurst Avenue, Bury, BL9 9AQ
Proposal: Two storey front extension; First floor bay window at front; Juliet balcony to the front; Two storey side extension with gable roof; Ridge height to be increased by 200mm; Dormer extension at rear; Two storey rear extension.

Application No.: 68617 **App. Type:** FUL 11/10/2022 Approve with Conditions
Location: 3 Brocklehurst Avenue, Bury, BL9 9AQ
Proposal: Two storey front extension; First floor bay window at front; Juliet balcony to the front; Two storey side extension with gable roof; Ridge height to be raised by 200mm; Dormer extension at rear: Two storey rear extension.

Application No.: 68721 **App. Type:** FUL 21/10/2022 Approve with Conditions
Location: 5 Richmond Street, Bury, BL9 9BS
Proposal: Single storey front extension; Single storey/two storey rear extension; Widening of existing vehicular access

Application No.:	68726	App. Type:	FUL	13/10/2022	Approve with Conditions
Location:	411 Manchester Road, Bury, BL9 9RY				
Proposal:	Two storey extension at side/rear: Single storey extension at rear; Front balcony; Rear dormer; External alterations; Raised patio; Detached outbuilding				
Application No.:	68769	App. Type:	FUL	25/10/2022	Approve with Conditions
Location:	33 Derwent Drive, Bury, BL9 9LS				
Proposal:	Two/single storey side extension				
Application No.:	68770	App. Type:	FUL	27/10/2022	Approve with Conditions
Location:	22 Orchid Drive, Bury, BL9 9EL				
Proposal:	Single storey side extension				
Application No.:	68833	App. Type:	TEL	17/10/2022	Prior Approval Required and Refused
Location:	Land at junction of Burns Avenue & Tennyson Avenue, Bury, BL9 9RF				
Proposal:	Prior approval for proposed 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.				
Application No.:	68846	App. Type:	GPDE	13/10/2022	Prior Approval Not Required - Extension
Location:	224 Market Street, Bury, BL9 9AB				
Proposal:	Prior approval for proposed single storey rear extension				

Ward: **Bury West - Elton**

Application No.:	68402	App. Type:	ADV	25/10/2022	Approve with Conditions
Location:	10 Tottington Road, Bury, BL8 1LH				
Proposal:	Installation of wall-mounted illuminated 48-sheet D-Poster (digital) display - Illuminated external 3m x 6m, Frequency of images to be no greater than once every ten seconds				
Application No.:	68641	App. Type:	FUL	24/10/2022	Approve with Conditions
Location:	103 Holme Avenue, Bury, BL8 1HW				
Proposal:	Two storey extension at side; Single storey extension at side/rear; Loft conversion with rear dormer; Create additional parking to front driveway; Front canopy				
Application No.:	68722	App. Type:	LDCP	03/10/2022	Lawful Development
Location:	18 Leigh Lane, Bury, BL8 2RH				
Proposal:	Lawful development certificate for proposed single storey rear extension				
Application No.:	68734	App. Type:	FUL	11/10/2022	Approve with Conditions
Location:	19 Bowes Close, Bury, BL8 1UA				
Proposal:	Single storey side and rear extension				
Application No.:	68759	App. Type:	FUL	27/10/2022	Approve with Conditions
Location:	528 Brandlesholme Road, Bury, BL8 1JH				
Proposal:	Two storey side extension; Single storey rear extension; Raised rear terrace and New front gate				

Application No.: 68810 **App. Type:** LDCP 19/10/2022 Lawful Development
Location: 68 Valley View, Bury, BL8 1WN
Proposal: Lawful development certificate for proposed erection of a single storey rear extension

Application No.: 68847 **App. Type:** FUL 19/10/2022 Approve with Conditions
Location: 2 Lindow Close, Bury, BL8 1JR
Proposal: Two storey front extension and Single storey rear extension

Ward: **Bury West - West**

Application No.: 68521 **App. Type:** FUL 14/10/2022 Refused
Location: 16 Turton Close, Bury, BL8 2EE
Proposal: Two storey extension at side and two/single storey extension at rear with juliette balconies at side/rear and alterations to existing roof; External alterations to include changes to windows/doors and render to external elevations

Application No.: 68625 **App. Type:** FUL 12/10/2022 Approve with Conditions
Location: 514 Bolton Road, Bury, BL8 2DU
Proposal: Two storey side extension; Single storey rear extension; Erection of fence above existing wall and gate

Application No.: 68710 **App. Type:** FUL 14/10/2022 Approve with Conditions
Location: 18 Kingston Close, Bury, BL8 2EN
Proposal: Front bay window extension

Application No.: 68718 **App. Type:** FUL 19/10/2022 Approve with Conditions
Location: 28 Gisburn Drive, Bury, BL8 3DH
Proposal: Single storey rear extension

Application No.: 68765 **App. Type:** FUL 24/10/2022 Approve with Conditions
Location: 3 Wadebridge Drive, Bury, BL8 2NN
Proposal: Replace existing conservatory with single storey rear extension linked to conversion of garage

Ward: **North Manor**

Application No.: 68638 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 14 Hawthorn Avenue, Ramsbottom, Bury, BL0 9UZ
Proposal: Single storey infill extension at front/side; Single storey extension at rear and Single storey extension to garage at rear to connect to dwelling

Application No.: 68658 **App. Type:** FUL 14/10/2022 Approve with Conditions
Location: 32 Brandlesholme Road, Tottington, Bury, BL8 4DR
Proposal: First floor rear extension

Application No.: 68664 **App. Type:** FUL 05/10/2022 Approve with Conditions
Location: 13 Brookfield Road, Bury, BL9 5LA
Proposal: Single storey rear extension

Application No.: 68745 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 1 Wood Road Lane, Summerseat, Bury, BL9 5QA
Proposal: Two storey side extension and extended raised decking at rear

Application No.: 68791 **App. Type:** LDCP 19/10/2022 Lawful Development
Location: 17 Haworth Avenue, Ramsbottom, Bury, BL0 9UX
Proposal: Lawful development certificate for proposed single storey pitched roof rear extension. Demolish existing detached garage and remove existing carport.

Application No.: 68813 **App. Type:** TEL 13/10/2022 Prior Approval Required and Refused
Location: Grass verge at Coleridge Road, Greenmount, Bury, BL8 4EW
Proposal: Prior approval for proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.

Ward: **Prestwich - Holyrood**

Application No.: 68613 **App. Type:** FUL 20/10/2022 Approve with Conditions
Location: 2A Nursery Road, Prestwich, Manchester, M25 3EN
Proposal: First floor side extension with balcony; Front porch extension with balcony, External works including new vehicular crossing

Application No.: 68634 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: 283 Heywood Road, Prestwich, Manchester, M25 2RA
Proposal: Single storey rear extension

Application No.: 68808 **App. Type:** FUL 14/10/2022 Approve with Conditions
Location: 11 Chatsworth Avenue, Prestwich, Manchester, M25 1LZ
Proposal: Two storey side extension, single storey extension at side/rear and new front porch

Application No.: 68820 **App. Type:** TEL 14/10/2022 Prior Approval Required and Refused
Location: Land at junction of Hastings Road & Henry Street, Prestwich, Manchester, M25 1LY
Proposal: Prior approval for proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.

Ward: **Prestwich - Sedgley**

Application No.: 66674 **App. Type:** FUL 05/10/2022 Refused
Location: Former nursery building and land to rear of Earl Street, Prestwich, Manchester, M25 1GQ
Proposal: Change of use and part demolition of former nursery building to form 3 no.dwellings; Demolition of existing garage units and construction of 12.no dwellings with associated external works (15 units in total)

Application No.: 68589 **App. Type:** FUL 10/10/2022 Refused
Location: 60 Meade Hill Road, Prestwich, Manchester, M25 0DJ
Proposal: Single/two storey side extension; Two storey rear extension over existing single storey rear with loft conversion; Associated roof alterations

Application No.: 68636 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: 15 Craigwell Road, Prestwich, Manchester, M25 0EF
Proposal: Two storey side/rear extension

Application No.: 68689 **App. Type:** FUL 10/10/2022 Refused
Location: 1 Hereford Drive, Prestwich, Manchester, M25 0JY
Proposal: Erection of 1no. dwelling with associated site works including soft landscaping, cycle and refuse storage

Application No.: 68707 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 72 Park Road, Prestwich, Manchester, M25 0FA
Proposal: Creation of one detached house and two semi detached houses

Application No.: 68746 **App. Type:** FUL 10/10/2022 Approve with Conditions
Location: 32 Lichfield Drive, Prestwich, Manchester, M25 0HX
Proposal: Part Single/ part two storey rear extension

Application No.: 68749 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: St Marys Park, St Marys Road, Prestwich, Manchester, M25 1GG
Proposal: Erection of a single storey detached building to provide an equipment store

Application No.: 68754 **App. Type:** FUL 12/10/2022 Approve with Conditions
Location: 129 Albert Avenue, Prestwich, Manchester, M25 0HF
Proposal: Two storey extensions at side and rear

Application No.: 68781 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 120 Park Road, Prestwich, Manchester, M25 0DU
Proposal: Single storey rear extension

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

Application No.: 68565 **App. Type:** FUL 05/10/2022 Approve with Conditions
Location: 142 Lowther Road, Prestwich, Manchester, M25 9QP
Proposal: Two storey side extension

Application No.: 68706 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 3 Butt Hill Avenue, Prestwich, Manchester, M25 9PN
Proposal: Single storey front/side extension

Application No.: 68728 **App. Type:** ADV 11/10/2022 Approve with Conditions
Location: 558 Bury New Road, Prestwich, Manchester, M25 9ND
Proposal: 2 no. non - illuminated signs

Application No.: 68739 **App. Type:** FUL 18/10/2022 Approve with Conditions
Location: 31 Sandy Lane, Prestwich, Manchester, M25 9RD
Proposal: Single storey extension at rear; First floor extension at side and Conversion of garage into living space.

Application No.: 68747 **App. Type:** FUL 24/10/2022 Approve with Conditions
Location: 5 Hamilton Road, Prestwich, Manchester, M25 9GG
Proposal: Single storey rear extension; Hip to gable roof extension; Dormer extensions at front and roof extension above garage; Front porch extension

Ward: **Radcliffe - East**

Application No.: 67413 **App. Type:** FUL 03/10/2022 Approve with Conditions
Location: 2 Holcombe Grove, Radcliffe, Manchester, M26 1SE
Proposal: Erection of a two storey detached dwelling following demolition of two minor outbuildings and improvements to the existing access

Application No.: 68541 **App. Type:** FUL 06/10/2022 Approve with Conditions
Location: Land to west of Bury Road/Wartheroad/Hardys Gate/York Street, Radcliffe, M26 2GL
Proposal: Construction of an earth embankment to connect an existing low flood defence wall to the north to high ground to the south - the structure will act to complete a flood defence structure to the private premises to the north

Application No.: 68573 **App. Type:** FUL 19/10/2022 Approve with Conditions
Location: 9 Hardman Close, Radcliffe, Manchester, M26 4HY
Proposal: Single storey rear extension, Dormer at rear

Application No.: 68737 **App. Type:** FUL 11/10/2022 Approve with Conditions
Location: 2 Farm Crescent, Radcliffe, M26 4LX
Proposal: Single storey extension at side

Application No.: 68742 **App. Type:** LBC 13/10/2022 Approve with Conditions
Location: Radcliffe War Memorial, Blackburn Street, Radcliffe
Proposal: Listed building consent to install a handrail on steps at the front of the war memorial (to provide assistance in gaining access to the memorial from street level)

Application No.: 68812 **App. Type:** TEL 07/10/2022 Prior Approval Required and Refused
Location: Bury Street Works, Bury Street, Radcliffe, M26 2GB
Proposal: Prior approval for proposed 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.

Application No.: 68830 **App. Type:** TEL 19/10/2022 Prior Approval Required and Granted
Location: Land outside Greater Manchester Waste Disposal, Cemetery Road, Radcliffe, Manchester, M26 4EU
Proposal: Prior approval for proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.

Application No.: 68858 **App. Type:** GPDE 17/10/2022 Prior Approval Not Required - Extension
Location: 11 Halter Close, Radcliffe, Manchester, M26 4BH
Proposal: Prior approval for proposed single storey rear extension

Ward: **Radcliffe - North and Ainsworth**

Application No.: 68697 **App. Type:** FUL 07/10/2022 Approve with Conditions
Location: 6 Harley Avenue, Ainsworth, Radcliffe, Bolton, BL2 5RN
Proposal: Provision of new ramped access at front and reposition of main entrance door to front porch

Application No.: 68779 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 14 Browns Road, Radcliffe, Bolton, BL2 6RQ
Proposal: Single storey front/side extension

Ward: **Radcliffe - West**

Application No.: 68423 **App. Type:** FUL 03/10/2022 Approve with Conditions
Location: Land between 32 and 36 Albion Street, Radcliffe, Manchester, M26 1BH
Proposal: Proposed two storey building with retail E(a) to ground floor and storage space above E(c)

Application No.: 68753 **App. Type:** PIAPA 06/10/2022 Prior Approval Required and Granted
Location: 129-131 Blackburn Street, Radcliffe, Bury, M26 3WQ
Proposal: Prior approval for proposed change of use from commercial/retail (Class E) to 3 no. flats (Class C3) to part ground floor/first floor (ground floor shop at front to be retained)

Application No.: 68794 **App. Type:** FUL 11/10/2022 Approve with Conditions
Location: 47 Harper Fold Road, Radcliffe, Manchester, M26 3RU
Proposal: Two storey side/rear extension

Application No.: 68829 **App. Type:** TEL 12/10/2022 Prior Approval Required and Refused
Location: Land on Byron Avenue, Radcliffe, Manchester, M26 3GU
Proposal: Prior approval for proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.

Application No.: 68947 **App. Type:** CON 21/10/2022 Raise No Objection
Location: Land to rear of Shoreside Stables Prestolee Road, Stoneclough, Radcliffe, M26 1HJ
Proposal: Article 18 consultation from Bolton Council (ref. 13256/22) for Proposed erection of a 7MW battery energy storage system and associated cabling

Ward: **Ramsbottom + Tottington - Tottington**

Application No.: 68602 **App. Type:** FUL 25/10/2022 Approve with Conditions
Location: 21 Walshaw Walk, Tottington, Bury, BL8 3JS
Proposal: Single storey rear/side extension

Application No.: 68688 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 18 Sandybrook Close, Tottington, Bury, BL8 3LB
Proposal: Two storey side extension; Single storey extension at rear; Widening of existing driveway

Application No.: 68817 **App. Type:** TEL 06/10/2022 Prior Approval Required and Refused
Location: Land near junction of Sycamore Road & Bury Road, Tottington, Bury, BL8 3EG
Proposal: Prior approval for proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.

Ward: **Ramsbottom and Tottington - Ramsbottom**

Application No.: 68154 **App. Type:** FUL 24/10/2022 Approve with Conditions
Location: Tower View, Lumb Carr Road, Ramsbottom, Bury, BL8 4NN
Proposal: Removal of summer house and hard landscaping. Construction of a home office / garden room and patio.

Application No.: 68618 **App. Type:** FUL 28/10/2022 Approve with Conditions
Location: Unit 1-2 Halter Inn Works, 11 Redisher Croft, Ramsbottom, Bury, BL0 9SA
Proposal: Siting of 2no. storage containers

Application No.: 68624 **App. Type:** FUL 17/10/2022 Approve with Conditions
Location: 41 Garnett Street, Ramsbottom, Bury, BL0 9JN
Proposal: Single storey rear extension; Loft conversion with front and rear dormers

Application No.: 68761 **App. Type:** FUL 03/10/2022 Approve with Conditions
Location: 6 Lancaster Avenue, Ramsbottom, Bury, BL0 9QA
Proposal: Two storey rear extension; Loft conversion with 2no. dormer windows on side/rear; Pitched roof to existing front door and bay window.

Application No.: 68786 **App. Type:** FUL 07/10/2022 Approve with Conditions
Location: 53 Ribble Drive, Whitefield, Manchester, M45 8WF
Proposal: Two storey/single storey side extension; Single storey rear extension

Application No.: 68788 **App. Type:** LDCP 21/10/2022 Lawful Development
Location: 30 Marlborough Close, Ramsbottom, Bury, BL0 9YU
Proposal: Lawful development certificate for proposed single storey rear extension with a porch at front

Ward: **Whitefield + Unsworth - Besses**

Application No.: 68774 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 24 Marston Close, Whitefield, Manchester, M45 8JS
Proposal: Two storey side extension; Single storey rear extension

Application No.: 68838 **App. Type:** GPDE 17/10/2022 Prior Approval Not Required - Extension
Location: 2 Goyt Walk, Whitefield, Manchester, M45 8RL
Proposal: Prior approval for proposed single storey rear extension

Application No.: 68867 **App. Type:** LDCP 27/10/2022 Lawful Development
Location: 3 Parr Fold, Bury, BL9 8JB
Proposal: Lawful development certificate for proposed single storey rear extension to house

Ward: **Whitefield + Unsworth - Pilkington Park**

Application No.: 68307 **App. Type:** FUL 03/10/2022 Refused
Location: 231 Bury New Road, Whitefield, Manchester, M45 8QP
Proposal: Lean-to retractable canopy structure over existing patio with full-height glazing to south & east elevations and timber wall to west elevation

Application No.: 68627 **App. Type:** FUL 14/10/2022 Approve with Conditions
Location: 1 Park Hill Drive, Whitefield, Manchester, M45 7PD
Proposal: Two storey extension at front; First floor extension at front/side and alterations to front elevation; Widening of existing driveway

Application No.: 68683 **App. Type:** FUL 24/10/2022 Approve with Conditions
Location: 41 Wingate Drive, Whitefield, Manchester, M45 7GX
Proposal: Single storey rear extension

Application No.: 68694 **App. Type:** FUL 07/10/2022 Approve with Conditions
Location: 32 The Fairways, Whitefield, Manchester, M45 7BN
Proposal: First floor extension at side; Two/single storey extension at rear

Application No.: 68732 **App. Type:** FUL 27/10/2022 Approve with Conditions
Location: 32 Ringley Road, Whitefield, Manchester, M45 7LE
Proposal: Erection of detached outbuilding in front garden

Application No.: 68854 **App. Type:** TEL 27/10/2022 Prior Approval Required and Refused
Location: Pavement outside 177 Bury New Road, Whitefield, M45 6AB
Proposal: Prior approval for proposed 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.

Ward: **Whitefield + Unsworth - Unsworth**

Application No.: 68568 **App. Type:** HAZ 12/10/2022 Approve with Conditions
Location: Gateway House, Pilsworth Road, Bury, BL9 8RD
Proposal: Hazardous Substance Consent for Consolidation for all substances and categories of substances in line with Schedule 1 of the 2015 Regulations

Application No.:	68703	App. Type:	FUL	07/10/2022	Approve with Conditions
Location:	14 Chadderton Drive, Bury, BL9 8NL				
Proposal:	First floor side extension				

Application No.:	68727	App. Type:	FUL	11/10/2022	Approve with Conditions
Location:	5 Ajax Drive, Bury, BL9 8EE				
Proposal:	Single storey rear extension				

Total Number of Applications Decided: **94**

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REPORT FOR NOTING

Agenda Item 6

Bury
COUNCIL

**Agenda
Item**

6

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	8 November 2022
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,
3 Knowsley Place ,Bury BL9 0EJ

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning Appeals Lodged
between 03/10/2022 and 30/10/2022**



Application No.: 67658/FUL

Appeal lodged: 12/10/2022

Decision level: COM

Appeal Type: Written Representations

Recommended Decision: Approve with Conditions

Applicant: Westchurch Homes Limited & Wyresdale Amateur Football Club

Location: Land to west of Radcliffe Moor Road/Bury New Road, Radcliffe

Proposal: Change of use of the land for use as outdoor sports pitches including engineering operations to form 4 pitches, the construction of a clubhouse, ancillary storage structures, creation of access from Radcliffe Moor Road, parking, landscaping, drainage and associated works.

Application No.: 68817/TEL

Appeal lodged: 26/10/2022

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Ck Hutchison Networks (UK) Limited

Location: Land near junction of Sycamore Road & Bury Road, Tottington, Bury, BL8 3EG

Proposal: Prior approval for proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.

Application No.: 68819/TEL

Appeal lodged: 26/10/2022

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Ck Hutchison Networks (UK) Limited

Location: Corner of Jubilee Way & Tenters Street, Bury, BL9 0AL

Proposal: Prior approval for proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.

Application No.: 68821/TEL

Appeal lodged: 26/10/2022

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Ck Hutchison Networks (UK) Limited

Location: Land at junction of Heywood Street & Benson Street, Bury, BL9 7EB

Proposal: Prior approval for proposed 5G 17m telecoms installation: H3G street pole and additional equipment cabinets.

Total Number of Appeals Lodged: 4

<p align="center">Planning Appeals Decided between 03/10/2022 and 30/10/2022</p>



Application No.: 67665/FUL	Appeal Decision: Dismissed
Decision level: DEL	Date: 10/10/2022
Recommended Decision: Split Decision	Appeal type: Written Representations
Applicant: Mr Zaffer Hussein	
Location: 3 Bridgefield Drive, Bury, BL9 7PE	
Proposal: A: Single storey rear/side extension B: First floor front extension	
Application No.: 68327/FUL	Appeal: No further action
Decision level: DEL	Date: 05/10/2022
Recommended Decision: Split Decision	Appeal submitted too late
Applicant: Mr Joseph	
Location: 15 Orange Hill Road, Prestwich, Manchester, M25 1LR	
Proposal: A: Front Porch and amendments to front bay window B: Rear dormer extensions	



Appeal Decision

Site visit made on 14 September 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/T4210/W/22/3292503

3 Bridgefield Drive, Bury BL9 7PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Zaffar Hussein against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67665, dated 4 October 2021, was refused by notice dated 11 January 2022.
 - The development proposed is First floor front extension single storey rear/side extension.
-

Decision

1. The appeal is dismissed insofar as it relates to the first floor front extension. The appeal is allowed insofar as it relates to the single storey rear/side extension at 3 Bridgefield Drive, Bury BL9 7PE in accordance with the terms of the application, Ref 67665, dated 4 October 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/543/01; un-numbered proposed site plan; 21/663/02 and 21/663/03 except in respect of all aspects of 20/543/01 other than the location plan; and in respect of the first floor extension shown on un-numbered proposed site plan.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing dwelling.

Preliminary Matters

2. The Council has attempted to issue a split decision in this case, partly allowing and partly dismissing the proposal. Although that power is given to the Secretary of State in appeals under section 79 of the Town and Country Planning Act 1990 (as amended), there is no general power for Local Planning Authorities to do so. As such, the whole of the proposal is before me and the appeal will proceed on that basis.

Main Issues

3. The main issues are the effect on:
 - the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal property is a large detached dwelling set in a spacious plot. The surrounding area is characterised by development of this type. There is no consistent appearance to the properties, however they are linked by the use of similar materials and design features, giving the area an attractive cohesive appearance.
5. While there is not a defined pattern to development in the area, the dwellings are generally set back from the highway. In that respect, the existing garage is prominent in the street scene as it projects clearly forward of the main dwelling, perpendicular to it and with a significant massing as a result of the height of the roof.
6. This prominence would be substantially increased by the appeal proposal, which would add a first floor and gable end. The roof would be particularly prominent as it would have a ridge height the same as that of the main dwelling and would be a long structure as it connected to the existing ridge line. This increased mass, projecting forward of the dwelling would be unduly prominent and incongruous in the street scene. This is contrary to the advice in the Alterations and Extensions to Residential Properties Supplementary Planning Document adopted 2004 and updated 2010 (SPD) which advises front extensions should not project excessively from the original front wall and should reflect the proportions of the original dwelling and more generally requires extensions to reflect the massing of the original dwelling.
7. It is acknowledged that the extension, in and of itself, is well designed in terms of how it relates to the design features of the host property. However this would not overcome the harm that would arise from its overall scale and prominence in the street scene.
8. The rear/side extension would be single storey, with a flat roof sitting at eaves height to the existing projection. While it would be visible in glimpses from the side, it would be viewed in the context of the existing built form of the appeal property and its neighbour. It would be largely screened when facing the property by the high gates which sit to the side of the property. It therefore would not be prominent in the street scene, subject to materials which could be controlled by condition.
9. In relation to this main issue, the rear/side extension would be of an acceptable size and height and have an acceptable effect on the character of the surrounding area in accordance with Bury Unitary Development Plan adopted August 1997 (UDP) Saved Policy H2/3.
10. However the first floor front extension would not be of an appropriate size and height and would not have an acceptable effect on the character of the surrounding area. This element of the appeal scheme would, therefore, not comply with UDP Saved Policy H2/3 which seeks a high standard of design for residential extensions and alterations, and the guidance contained within the SPD.

Living conditions

11. Both extensions would be adjacent to 5 Bridgefield Drive, which sits at a slightly higher level than the appeal site. No 5 has a garage at ground floor and a large glazed window to the first floor closest to the appeal site. Given the orientation of the dwellings, the extent of the windows and the gap between the properties, there would not be a material loss of light. The front garden area of No 5 is otherwise used for parking, so there would not be an adverse effect on the living conditions of the occupants arising from the front extension.
12. The rear/side extension, given its small scale, flat roof, position adjacent to the blank side elevation of No 5 and the difference in levels between the sites, would have no effect on the living conditions of No 5.
13. In relation to this main issue, the proposed extensions would have an acceptable effect on the amenity of adjacent properties in accordance with UDP Saved Policy H2/3 which requires extensions and alterations to be sympathetic to the surrounding area.

Other Matters

14. The appellant has referred to a decision taken in 2011 and suggests that there is a lack of consistency between the two decisions. I do not have details of that proposal before me, including the reason for refusal. However, despite the UDP and SPD remaining the same, this appeal is to be judged on its own merits, particularly after such a considerable passage of time. While both the UDP and SPD pre-date the National Planning Policy Framework (the Framework) in any of its iterations, the current Framework is clear in its requirement for development to be of a high quality, and the principles set out in the SPD as they relate to this appeal therefore remain valid.
15. The appellant has made reference to UDP Saved Policy EN1/2 but stated that it was a non-specific policy. The Council have not referred to that policy in either their officer report or decision notice. I have not been provided with a copy of that policy. However as neither party has put forward any arguments with regard to this policy, I have not considered it further.
16. Reference has been made by both parties to the need for a bat survey. As I have found that the aspects of the development that would affect the roof would not be acceptable, I have not considered this issue further.
17. The two parts of the development proposed are clearly severable. I have identified no adverse effects arising from the rear/side extension and consider that it would be appropriate to issue a split decision.

Conditions

18. I have imposed standard conditions with regard to time limit and approved plans to define the terms of the permission. With the exception of the layout plans, the two aspects of the development are shown on different plans and those plans which show the floor plan and elevations of the front extension do not form part of the approved plans. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

19. For the reasons given above I conclude that the appeal is allowed insofar as it relates to the rear/side extension as that is in accordance with the provisions of the development plan. The appeal is dismissed insofar as it relates to the first floor front extension as it would be contrary to the development plan and there are no material considerations of sufficient weight to lead me to conclude otherwise.

J Downs

INSPECTOR

**Details of Enforcement Appeal Decisions
between 03/10/2022 and 30/10/2022**



Location: 18 Meade Hill Road, Prestwich, Manchester, M25 0DJ

Case Ref:
0261 / 21

Issue: Change of use of property to short term let accommodation

Appeal Decision: Dismissed 07/10/2022



Appeal Decision

Site visit made on 27 September 2022

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2022

Appeal Ref: APP/T4210/C/22/3293202

18 Meade Hill Road, Prestwich, Manchester M25 0DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Austin Mbawa against an enforcement notice issued by Bury Metropolitan Borough Council.
- The enforcement notice was issued on 13 January 2022.
- The breach of planning control as alleged in the notice is as follows:
Change of use of the dwelling within Use Class C3 to short term lets (Sui Generis).
- The requirements of the notice are as follows:
Cease the use of the property on the site as short term let accommodation.
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed. See formal decision below.

Background information

2. The appeal building is a two storey semi-detached dwelling on the southern side of the road, in this predominantly residential part of Prestwich. There is a driveway to the front of sufficient size to park one vehicle, a detached garage and a rear garden. The house is bounded to the rear by the Metrolink line and is close to one of the stations providing regular tram services into Manchester Piccadilly and beyond.
3. In July 2021 the Council received a complaint that a change of use had occurred and that the dwellinghouse was being used as short term let holiday accommodation. Following a Land Registry check the appellant (the leaseholder) and the owner of the house were contacted and, after further complaints, a Planning Contravention Notice (PCN) was served on the appellant on 5 October 2021. The appellant was given an extension of time for completion of the PCN which was e-mailed to the Council on 17 December 2021. However, a paper copy was not returned to the Council.
4. Following a request from the Council, the complainants kept a log to record activities at the property so that the nature of the use could be assessed. This is set out in Appendix A to the Council's appeal statement. The Council was not satisfied with the answers in the PCN and, having liaised further with the complainants and having checked the website being used to market the property (named as 'Heat-On House'), the Council considered it expedient to serve the enforcement notice on both the appellant and the owner of the house.

5. The property is still being used solely as short-term let accommodation. It has 4 double bedrooms, a kitchen with a dishwasher and a microwave, a flat-screen TV, a seating area and 1 bathroom fitted with a shower. Off-road parking space for one car is provided to the front. It is rented out via online travel agencies, which describe the property as a holiday home being able to accommodate a maximum of 13 guests (9 adults and 4 children).

The appeal on ground (a)

6. In effect, the appeal on ground (a) seeks retrospective planning permission for a change of use of the land from dwelling house within Use Class C3 of The Town and Country Planning (Use Classes) Order 1987 (as amended), to short term let accommodation (Sui Generis use).

Main issue

7. The main issue is the effect of the short term let accommodation on the living conditions of nearby residents by reason of noise and disturbance and anti-social behaviour. There is no issue regarding the principle of the use (see below) since the Borough aims to extend the range of visitor accommodation. However, this is subject to the effect of any proposal with regard to such matters as the impacts on the character of a locality, parking and residential amenities.

Relevant Policy

8. The development plan is the Bury Unitary Development Plan BUDP and the most relevant policies are EC4/1 (Small Businesses); EC6/1 (New Business, Industrial and Commercial Development); EN7/2 (Noise Pollution); H3/1 (Assessing non-conforming uses) and RT4/3 (Visitor Accommodation). The National Planning Policy Framework (NPPF) is a major material planning consideration. In particular it states that the planning system, should support strong, vibrant and healthy communities and that decisions should play an active role in guiding development towards sustainable solutions by taking local circumstances into account, to reflect the character, needs and opportunities of each area.

9. The Council also refers to Section 17 of the *Crime and Disorder Act 1998* which imposes a duty on it to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the environment).

The gist of the case for the appellant.

10. The change of use is considered to comply with Policies EC4/1, H2/5, H3/1, EN7/2 and RT4/3 of the BUDP. It is stressed that the house provides high quality short term let accommodation for visitors to the Borough and that it also provides employment opportunities for local people. It is acknowledged that, on occasions, the change of use of the property could lead to an increase in the number of persons visiting the property compared to its use as a single dwelling (Use Class C3). However, it is indicated that it previously housed a large family and is located on a busy local residential road directly to the north of the Metrolink line.

11. The change in use is not considered to result in any materially different or unacceptable levels of additional noise, above what may be expected from a single family occupying the house. An analysis of the booking data recorded over the past seven months is considered to show that this is the case. It is also stressed that the

principle of the conversion of an existing building to provide visitor accommodation in the Borough is supported by Local Policy and that the principle of such a change is acceptable. It is also indicated that the LPA does not have any specific policy limiting the loss of residential dwelling houses to other uses.

12. It is indicated that, although available for occupation seven days a week, it remains unoccupied for the majority of the time. It is also indicated that booking records demonstrate that the property is most likely occupied during the weekend, with peak bookings taken on Friday and Saturday evenings.

13. References are made to the NPPF including the emphasis that the government places on ensuring that the planning system should help create conditions in which businesses can invest, expand and adapt the need to support economic growth and productivity, the need promotion of healthy communities; the need promotion of sustainable transport; and the need to achieve well-designed places. The above BUDP policies are also referred to and in particular RT4/3 (Visitor Accommodation) which, amongst other things states that *'extensions to existing accommodation and conversion of existing buildings to provide further bedspaces will be viewed favourably, where other development criteria are met.'*

14. Turning to the Council's contention that the short term let accommodation is deemed to conflict with the NPPF and the above policies of the BUDP, it is contended that if the property reverted to its lawful use as a single family sized residential dwelling it would be occupied on a daily basis. In contrast booking records of 'Heat-On House' which have been maintained by the appellant since its launch in July 2021 demonstrate that its combined average vacancy from July 2021 to January 2022 (inclusive) amounts to only 49%. Thus it is essentially vacant for half of the time.

15. During the same period, the mean group size extended to 5.16 people which is broadly consistent with the number of inhabitants that could reasonably be expected to reside in the property if it was occupied as a family sized dwelling.

16. It is indicated that this pattern of occupancy is unlikely to change in the future given that the majority of visitors to the property are seeking accommodation to provide a base from which to explore the cultural attractions of Greater Manchester during weekends, thus supporting the local economy. The Council's unsubstantiated assertion that the property is now subject to increased comings and goings when compared to its lawful residential use, is not accepted.

17. Neither is it accepted that the property creates disturbance as a result of increased vehicle movements by way of visitors to the property as well as from cleaning staff. It is contended that the bookings records and pattern of occupancy table indicate that there is likely to be a reduction in the number of vehicle movements that could reasonably be associated with the use of the property as a family sized dwelling. The occupancy data also shows that cleaners only need to visit the site on an average of two to three times per week.

18. Irrespective of the reduced number of vehicle movements associated with the site, it is argued that there will be no discernible noise impact in the context of the hundreds of vehicle movements which take place within the immediate streetscene on a weekly basis and that the appellant has taken all reasonable steps to ensure that visitors to 'Heat-On House' do not cause any unacceptable noise or disturbance to occupiers of neighbouring properties on Meade Hill Road.

19. Reference is made to the submitted 'House Rules' document and it is contended that this provides a clear framework by which all guests need to adhere to (or risk financial penalty). This is considered to mitigate the potential for adverse noise or anti-social behaviour and it is indicated that the rules, which are reinforced by CCTV cameras, are enforced by the appellant who essentially acts as manager for the property. In addition, bookings can only be made by those over the age of 21.

20. With regard to noise monitoring it is confirmed that the house is fitted with noise monitoring software known as 'Minut' which records any sounds within and around the property in decibels and live recordings which are linked in real time to the appellant's mobile phone by way of graphs. An example is submitted with the appellant's appeal statement.

21. In the unlikely event of there being any noise over and above the set level of 70db for 10 minutes, messages and an alarm are automatically sent to the appellant to enable action to be taken. This is an effective tool to prevent potential noise disturbance from guests such as loud music or parties and reflects the considered approach taken by the appellant to ensure that the use of the property as short term let accommodation does not result in any unacceptable impacts upon the amenity of occupiers of neighbouring properties.

22. It is stressed that further evidence of the appellant's careful approach to the management of the property is demonstrated by the overwhelmingly positive reviews which have been uploaded to the one of the booking websites. This indicates that from a total of 26 reviews, an average score of 8.5 out of 10 (classified by the website as 'Very Good') has been registered. Several of the comments refer to the appellant as being a proactive and helpful host and the 'House Rules' being enforced as appropriate.

23. It is indicated that the appellant's agent is experienced in dealing with issues relating to noise and disturbance within planning applications and appeals and that potential for adverse impacts upon neighbouring amenity usually arises from a change of use of a property to a fundamentally different use which would be potentially incompatible within an established residential area (such as a hot food takeaway).

24. This is on the basis of: fundamentally different patterns of comings and goings when compared to the surrounding area (ie at different times of the day or late into the evening where the potential for adverse noise impacts is exacerbated); a significant increase in the number of comings or goings to the property; potential for people to congregate near to the property that would result in the potential for adverse noise impacts and increased car/vehicle/delivery movements.

25. It is argued that none of the above issues apply to the scheme and therefore that the development accords with Policies EN7/2, RT4/3 and H2/5 of the Bury Unitary Development Plan and should be considered acceptable.

The gist of the case for the Council

26. The Council contends that the retention of the short-term let accommodation use would continue to be seriously detrimental to the residential amenities of the nearby residents, by reason of the noise, anti-social behaviour and disturbance. It is stressed, therefore that the use conflicts with the NPPF and Policies EC4/1 (Small Businesses); EC6/1 (New Business, Industrial and Commercial Development); EN7/2 (Noise Pollution) and H3/1 (Assessing Non-conforming Uses). Given the provisions of

Policy RT4/3, the Council accepts that the principle of development is acceptable in general terms But that clearly the impacts on amenity need to be considered.

27. The Council stresses that, in normal circumstances, the use of a Class C3 dwelling would be expected to be occupied by a family (given that it is a three bed semi-detached dwelling) or group of up to 6 people. However, in this case the proposed use of the property would allow for occupation by up to 13 individuals (as advertised) which is more than double the number of occupants one may reasonably expect to be residing at the property.

28. The figures relating to the booking record are referred to and that the average vacancy rate of the appeal site amounts to 49% and that the mean group size is 5.16 people. The Council also notes that the house rules require respectful behaviour; that there is noise monitoring equipment and external CCTV. It is also acknowledged that, the property might be subject to fewer comings and goings than may be the case than with a permanently occupied dwelling.

29. However, it is stressed that the impact noted in the reasons for issuing the Enforcement Notice refers to noise, anti-social behaviour and disturbance. Reference is again made to the 'booking record' which demonstrates that groups of between 7 and 10 people regularly occupy the premises (largely at weekends).

30. The Council refers to the two formal '*Notice of Anti-Social Behaviour Formal Warnings*' issued on 03/12/2021 and 09/02/2022, which were issued in response to multiple complaints of anti-social behaviour by guests at the property (set out Appendix B to the Council's appeal statement). It is indicated that these occurrences of anti-social behaviour tend to correlate with weekend parties of larger groups, although not exclusively so.

31. The Council stresses that the reported anti-social behaviour includes '*loud swearing and screaming, banging, playing of loud music, verbal abuse and threatening language (towards neighbours), altercations on the street, sexual liaisons in the garden, drug and alcohol misuse*'. It is indicated that the Police have had to be called to attend various incidents.

32. The Council acknowledges that occupation of the property by a family or group of up to six people living together does not guarantee that such behaviour would not occur. However, the Council indicates that it is clear that there has been a high incidence of anti-social behaviour related to the unsupervised occupation of the property by groups and parties of adults using the property on short term lets.

33. It is argued that the transient nature and frequency of the short term occupiers tends to mean that they have little connection to the area and hence are less inclined to respect the surrounding area and its existing residents. It is suggested therefore that such visitors have fewer concerns or realisation of causing noise and disturbance. It is accepted that the house rules, noise monitoring and CCTV, can encourage considerate behaviour.

34. However it is argued that these cannot provide assurances that short term visitors will not engage in anti-social behaviour. The repeated reports and complaints are considered to be firm evidence that the attempted controls are insufficient to prevent some visitors for behaving anti-socially. Although guest reviews have been submitted it is indicated that these merely provide satisfaction reports from visitors and do not in themselves provide evidence of careful management.

35. Given the unacceptable and harmful impacts demonstrated on neighbouring amenity of the unauthorised use, the proposal is contrary to the above stated UDP policies and the NPPF. No planning conditions are considered capable of overcoming the unacceptable harmful impacts identified.

My assessment

36. I agree with the Council and the appellant that the principle of the proposed change of use is acceptable and that certain local plan and NPPF policies could support such a use in this part of the Borough. However, the policies in favour of such a use need to be considered and balanced against other policies which seek to safeguard residential amenity and to ensure that the developments proposed are sustainable in terms of all economic, social and environmental factors.

37. The complaints made in the first instance to the Council are substantial and have continued since the enforcement notice was issued. Furthermore, the log kept by the complainants at the Council's request confirms, in my view, that the activities of some visitors has caused significant undue noise and disturbance for the residents. There is also considerable evidence from neighbours and interested persons, some of whom outline the history of the appellant's use of the property, from when he first took over the lease of the property.

38. The courts have held that whether or not a change of use has occurred must depend on the particular circumstances of each case and as a matter of fact and degree. The basic test is to compare the lawful use of the land or property with the use being carried out and to assess whether the use alters the character of usage of the property to such an extent that a material change has taken place.

39. There is no appeal on ground (c); that a contravention has taken place. However, on behalf of the appellant it is contended that, with regard to the comings and goings, noise and disturbance and the general pattern of usage of the property there is no material difference to its use as a dwellinghouse in Class C3. I disagree with this contention. In my view the use as a short term holiday let property is fundamentally and materially different to its use as a family house, or even a small House in Multiple Occupation (HMO) in Class C4.

40. Whilst accepting that bookings records indicate an occupancy level overall of around 49%, when in use as a holiday let, the evidence indicates that the main comings and goings are over the weekend periods and that, as well as some visitors arriving by car, so too do the cleaning staff. On average the records indicate that occupancy levels at the weekend are between 7 and 10 people. However, there is the potential to accommodate 13 people and the main reason for the issue of the enforcement notice relates to noise, anti-social behaviour and disturbance.

41. Two formal '*Notice of Anti-Social Behaviour Formal Warnings*' were issued in response to multiple complaints of the guests' behaviour at the property and these occurrences of anti-social behaviour tend to correlate with weekend parties of larger groups, although, as indicated by the Council, not exclusively so. I acknowledge that in some communities there are certain families who also behave anti-socially. However, in my view, the potential for disturbance by up to 13 people (or different groups of up to that number) regularly congregating inside and outside of the property for celebrations or parties mainly at weekends, is substantially greater than any use by a family group.

42. I accept that the appellant has put in place various mitigation measures including the 'Minut' programme and that there is also a set of 'House Rules' in place. However, it is clear from the complaints of neighbours (both before and after the issuing of the enforcement notice) that these have not been working in relation to all visitors. The anti-social behaviour has continued and the living conditions of the people who live close by have been severely disrupted. In my view the 'House Rules' cannot possibly be expected to be followed by 100% of visitors, 100% of the times of occupancy. I consider that it is too optimistic of the appellant to expect, that when on holiday and/or having some form of celebration, visitors will behave perfectly and with full consideration for the nearby residents in this part of Prestwich.

43. Whilst accepting that not all visitors will, or have behaved, in an anti-social manner, unfortunately the recorded '*loud swearing and screaming, banging, playing of loud music, verbal abuse and threatening language (towards neighbours), altercations on the street, sexual liaisons in the garden, drug and alcohol misuse*' of some visitors has caused undue and unacceptable disturbance for neighbouring residents. The log kept by complainants as well as their individual submissions all clearly outline the unacceptable activities (some seemingly illegal) of some guests.

44. The need for the police to be involved at various times reinforces my view that the use of the property as a short term holiday let property has caused major material planning concerns and that the character of usage as such (no matter how low the overall occupation) has been significantly different to use as a dwellinghouse for a normal family.

45. Based on the evidence before me and as a matter of fact and degree, I consider that there has been an unacceptable change of use from a single dwellinghouse to a Sui Generis use as a property being let for short term holiday let accommodation. It follows that I agree with the Council that the use is contrary to the BUDP policies referred to above, as well as to the basic policies set out in the NPPF.

46. On this latter point I consider that a continued use of the property for short term lets would be socially and environmentally unacceptable. The NPPF seeks to ensure that developments are sustainable and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

47. There is clear evidence that the short term holiday let use of the dwelling has had severe anti-social consequences. There has also been clear environmental harm caused due to the levels and frequency of noise and disturbance caused by visitors. I consider that the use has clearly undermined the quality of life for neighbouring residents and that there have been clear conflicts caused within this residential community. I do not consider that the current measures in place to control or monitor the behaviour of some guests can mitigate against the reported activities. Nor do I consider that any further mitigation measures could improve the situation and the harmful effects on the living conditions of neighbours.

48. In summary I do not consider that planning permission ought to be granted for the continued use of the property as short term let holiday accommodation. It follows that the appeal must fail on ground (a).

Other Matters

49. In reaching my conclusions I have taken into account all of the other matters raised on behalf of the appellant, by the Council and by others. These include the initial submissions, all of the statements and appendices, all of the complainants and interested persons' submissions, the photographic evidence and any final submissions.

50. However, none of these carries sufficient weight to alter my conclusion that planning permission should not be granted for this use and nor is any other factor of such significance so as to change my decision.

Formal Decision

51. The appeal is dismissed and the enforcement notice is upheld. The application deemed to have been made under section 177(5) is refused.

Anthony J Wharton

Inspector

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