

Title	Planning Applications
To:	Planning Control Committee
On:	22 May 2018
By:	Development Manager
Status:	For Publication

Executive Summary

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

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

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Development Manager

Background Documents

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

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

01	Township Forum - Ward: North Manor	App No. 62473
	Location: Bramley Fold Farm, Hawkshaw Lane, Tottington, Bury, BL8 4LG	
	Proposal: Two storey extension at rear and two storey extension at side; Alterations to existing shed; Repositioning of access gates	
	Recommendation: Split Decision	Site Visit: N
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02	Township Forum - Ward: Bury East - Moorside	App No. 62546
	Location: Land adjacent to 436 Walmersley Road, Bury, BL9 6QE	
	Proposal: Erection of 6 no. dwellings	
	Recommendation: Minded to Approve	Site Visit: Y
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03	Township Forum - Ward: Bury East - Redvales	App No. 62554
	Location: 1 Parkhills Road, Bury, BL9 9AU	
	Proposal: Change of use from shop unit (Class A1) to cafe/ice cream parlour (Class A3) (Ground floor only)	
	Recommendation: Approve with Conditions	Site Visit: N
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04	Township Forum - Ward: Prestwich - Sedgley	App No. 62557
	Location: 45 Bury Old Road, Prestwich, Manchester, M25 0EY	
	Proposal: Extensions and change of use to existing dwelling to form a post graduate study centre (Class D1); Formation of new vehicular access from Kings Road	
	Recommendation: Approve with Conditions	Site Visit: N
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05	Township Forum - Ward: Bury East - Redvales	App No. 62565
	Location: Land adjacent to 411 Manchester Road, Bury, BL9 9RY & 10 Fletcher Fold Road, Bury, BL9 9RX	
	Proposal: Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road to garden; New boundary fences, walls and railings	
	Recommendation: Approve with Conditions	Site Visit: N
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06 **Township Forum - Ward:** Bury East - Redvales **App No.** 62615

Location: 1 Inman Street, Bury, BL9 0TP
Proposal: Change of use from single dwelling to 6 bed House of Multiple Occupation (HMO) with conversion of garage at rear to living accommodation and erection of pitched roof
Recommendation: Approve with Conditions **Site Visit:** N

07 **Township Forum - Ward:** Prestwich - Holyrood **App No.** 62634

Location: 4 Glebelands Road, Prestwich, Manchester, M25 1NE
Proposal: Change of use from residential care home (C2) to 11 bed house of multiple occupation
Recommendation: Approve with Conditions **Site Visit:** N

08 **Township Forum - Ward:** Ramsbottom + Tottington - Tottington **App No.** 62652

Location: Land adjacent to 16A Watling Street, Tottington, Bury, BL8 3QS
Proposal: Erection of 2 no. pigeon lofts and 2 no. sheds and storage container
Recommendation: Split Decision **Site Visit:** N

09 **Township Forum - Ward:** Prestwich - Sedgley **App No.** 62673

Location: 4 Woodthorpe Court, Prestwich, Manchester, M25 0NP
Proposal: Two storey and first floor side extension
Recommendation: Approve with Conditions **Site Visit:** N

Ward: North Manor

Item 01

Applicant: Mr Richard Ali

Location: Bramley Fold Farm, Hawkshaw Lane, Tottington, Bury, BL8 4LG

Proposal: Two storey extension at rear and two storey extension at side; Alterations to existing shed; Repositioning of access gates

Application Ref: 62473/Full

Target Date: 19/04/2018

Recommendation: Split Decision

This application is being presented to Planning Control Committee as Councillor Wright has called the application in, following confirmation from the chair.

Description

The application relates to a detached farm house located on Hawkshaw Lane consisting of a farm house, and converted attached barn. The dwelling The property is an isolated, uplands dwelling of long house design with origins prior to 1773. The premises is constructed from natural stone, painted white to the rear and has a natural slate roof. The stone mullions windows to the front of the dwelling are of particular note. The dwelling is two storey at the front, reducing to single storey at the rear creating a distinctive catslide roof. The site is located within the Green Belt, and the dwelling is included on the draft local list. The dwelling is surrounded by open land to the north, south and west with Hawkshaw Lane located to the east of the property.

Proposal A

Planning permission is sought for the removal of an existing shed located to the south of footpath number 3TOT and for the construction of a new timber clad shed, with corrugated metal roofing. The proposed shed would be approximately 4840mm long, and 3075mm wide reaching a maximum height of approximately 2500mm.

Proposal B

Planning permission is sought for the construction of a part two storey, part first floor extension to the rear of the premises that would project approximately 2200mm from the principal rear elevation of the dwelling and incorporates elements of glazing at first and ground floor. A two storey side extension is also proposed that projects approximately 4600mm from the existing side elevation, and is set back approximately 600mm behind the front and rear elevations.

Relevant Planning History

41879 - Conversion of redundant barn to form extension to existing farm house - Approve with Conditions 06/04/2004

02059/E - Extension of existing farmhouse - Enquiry completed 04/01/2018

15/0198 - Construction of building - 01/07/2015

Publicity

The neighbouring properties were notified by means of a letter on 23 February 2018. A site notice was posted on 8 March 2018.

Comments received from the occupants of Melrose in relation to:

- Outbuilding is located on the lane that the occupants have a right of access to.
- Appearance, location and future use of outbuilding unclear.
- If the building is increased in size or moved it could impact on the access to their

property.

- Why has access to the shed been moved to the opposite side.

1 objection received from the occupants of Tonge Fold Farm in relation to:

- The entrance to the dwelling is currently utilised as a passing place when two vehicles meet on Hawkshaw lane. Moving the gates would make passing more difficult and could be detrimental to driver safety.

A third party representation has also been received from the Ward Councillor, Councillor Daly stating that "I would like to call in the above application at Bramley Fold Farm in North Manor Ward. This is because the building is on the draft list for non designated heritage assets which came before the committee in November last year for note. As yet it is not policy and no consultation has been undertaken with any property owners. I would like this planning application to be discussed by the planning committee as a number of issues have emerged with regard to the implementation of this proposed policy that should be debated by democratically elected councillors. These include who is expected to submit heritage assessments before a policy is introduced, what evidence base and level are planning officers working to in requesting these assessments and when will this draft list actually enter policy at a council level?"

The neighbouring properties, and those who have commented were notified of revised plans and additional information on the 11th April 2018. No further comments have been received to date.

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

Consultations

Traffic Section - No objections.

Conservation Officer - Object to the scheme for the following reasons:

- Heritage element of Design and Access statement only refers to the building's history and does not assess the significance of the building or the scheme's impact upon it
- Accommodation appears excessive, and has direct implications for the scale and impact of the proposed extensions
- A landscape section and photographs have been submitted and does not show a significant bank hiding the rear of the property
- The shape of the building is key to it's character

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2	Conservation and Listed Buildings
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
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.

Visual Amenity and Impact on Green Belt

The application site is located in the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this are:

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

The NPPF continues that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

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

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

In order to assess the impact of the elements of the proposal in terms of Green Belt and visual amenity the report will be split into two parts, one assessing the impact of the proposed shed (Proposal A) and one to assess the impact of the proposed extensions and alterations to the dwelling (Proposal B).

Shed - Proposal A

The proposed shed would be of the same size and scale as the existing shed, and would sit on the same footprint. The NPPF allows "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;" and as such, the proposal is considered to be acceptable in principle.

The proposed shed is of a simple and unobtrusive design and as such would have minimal visual impact compared to the existing shed located at the site. SPD 8 states that materials for new buildings within the Green Belt should be sympathetic with the location and minimise visual impact. The proposed shed would be timber cladded, with a corrugated metal roofing. These materials are considered to be acceptable within the Green Belt and Special Landscape Area. As such, the proposed shed would not be a prominent feature and would not have a significant impact on the openness of the Green Belt. Therefore the proposed shed would comply with UDP Policies OL1/2, EN1/2, SPD 8 and NPPF paragraph 89.

Extensions and Alterations - Proposal B

Supplementary Planning Document 8 (SPD 8) states that the Council may allow an

extension up to a third of the volume of the original dwelling. It is noted that the applicant has stated within their Design and Access Statement that PPG2 and SPD 8 do not specify in terms of precise percentages. However the NPPF, which superseded PPG2 in 2012, makes it clear that any extensions or alterations to a building should not result in disproportionate additions over and above the size of the original building. In this instance the proposal would result in extensions that would result in a total volume increase of 38% and as such exceeds the advice given within SPD 8 and therefore has the potential to have a significant impact on the openness of the Green Belt. Whilst every case is judged on its own merits the proposals as they stand would result in a significant increase in massing over and above the suggested 33% and therefore reasonably requires justification.

The Design and Access Statement submitted with the proposal acknowledges that the site is located within the Green Belt, and the associated limitations that accompanies this when extending a dwelling. Following pre-application advice the increase in volume has been reduced to 38% from 46%. This has been achieved by repositioning the ridge of the rear extension, and by setting back the front and rear elevations of the proposed two storey side extension. A site section has also been included with the application following the alterations made after pre-application, to clarify the impact on the proposal when viewed from Hawkshaw Lane. The applicant considered that the visual harm on the Green Belt will be negligible.

The submitted Design and Access Statement also asks that case law in relation to the volume of demolished structures within the Green Belt be taken into consideration when assessing the scheme. The inclusion of this case law however appears to be misguided, as the case law refers to previously developed sites in relation to the last bullet point of paragraph 89 of the NPPF. The proposal is for an extension of an existing building, rather than redevelopment of the site. The test that needs to be applied in this instance relates to the exception in paragraph 89 that allows "extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building" and the proposal needs to be considered within this context.

Additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling. The proposal as set out would result significant alterations to the rear of the property in particular, adding an additional floor to this aspect. A two storey extension is also proposed to the side of the dwelling increasing the dwellings length and height at this point. The proposal also seeks to add large expanses of glazing to the rear. The first floor gable design glazing in particular would become a significant feature of the rear elevation and would further enhance and exacerbate the increased scale of the dwelling. The introduction of this glazing at the rear is considered not be complimentary to the original property due the scale, height and use of materials and as such not acceptable in terms of impact on the openness of the Green Belt.

SPD 8 states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications. The Design and Access Statement submitted states that the proposed extensions are located in areas that are less visible from any public vantage point, with the land to the rear and hedgerows providing screening. Photographic views and a section have also been submitted with the application that illustrate that there is a slight change in topography at the rear of the site, with a rise in levels from the ground floor of the dwelling. The dwelling however is located within close proximity to the Hawkshaw Lane and the rear elevation of the property, at its current height is clearly visible from this public highway. The proposed development, which includes an increase in height and scale, is considered to be highly prominent and would appear visually intrusive when viewed from this public vantage point.

The side extension is less visible from public vantage points and has been designed so that it is set back from the principal front and rear elevations of the dwelling. Whilst the set back

and lower ridge height give an impression of subservience when viewed from the front, the rear glazing element of the extension would appear visually intrusive. SPD 8 states that materials should be sympathetic with the location in order to minimise visual impact. The dwelling is an isolated, upland dwelling in long house design and this local vernacular needs to be addressed within the design of the proposed extension. The use of such extensive glazing panels to the rear of the property, both within the first floor extension and the side extension does not reflect the local vernacular in terms of extent, positioning and materials and as such would have a detrimental impact on the character of the dwelling as well as the visual amenity of the surrounding area.

The applicant has requested that the development proposal is dealt with in line with section 10.10 of SPD 6 which states that "where there is appropriate justification, in the form of an Access Statement and confirmation that the alterations are needed by an appropriately qualified person, the Council will allow exceptions to the above criteria in cases where proposals are for disabled people who require particular adaptations to their homes." The applicant confirms that there are two members of the family who will benefit from the alterations proposed and additional information has been provided to which has sought to justify the space requirements.

It is accepted that justification on this sensitive issues is reasonably made and single level living is required for less mobile members of the family. The application also states that two members of the family work from home and as such, additional space for home offices is required at the site. However whilst there are specific special needs, the information submitted has not justified the need for the scale of the extensions comprising of 7 bathrooms/ensuites, 3 lounges and various other ancillary rooms - study, reading room etc in this Green Belt location. A less dramatic approach, with a more modest range of accommodation and shared ancillary spaces may be more suitable at this sensitive location.

In view of the above, it is considered that the proposed development would result in a disproportionate addition over and above the size of the original dwelling and would have an adverse impact upon the openness of the Green Belt. As such, the proposal is inappropriate development, which by its definition, is harmful to the Green Belt and should not be approved, except in very special circumstances. Whilst members of the applicant's family have specific requirements, these do not outweigh the harm to the openness of the Green Belt. Therefore the proposal would conflict with Policies OL1/2, EN1/2, H2/3 of the Bury UDP, SPD 8 and the NPPF.

Heritage - Proposal B

The farm is included on the draft local list and in consideration of paragraphs 128-135 of the NPPF is considered to be a non-designated heritage asset.. As such, it is necessary to assess the proposal in terms of paragraph 135 of the NPPF which states that "the significance of a non-designated heritage asset should be taken into account in determining the application" and a balanced judgement is required having regard for the scale of harm or loss to the particular heritage asset.

The farm house has a date stone of 1773. Although at present there is no written description within the draft local listing, the dwelling is of a long house plan/design with origins prior to the 1773 date. It is generally well preserved and the Conservation Officer considers that following further analysis it may be worthy of consideration of statutorily national listing. As such, the property is considered to be a significant heritage asset and the proposal needs to have regard to the scale of any harm or loss of significance.

A heritage section was submitted within the design and access statement. However this only refers to the building's history and comments on possible previous changes to the building fabric. There is no further assessment of significance, and little reference or consideration of the NPPF. Following pre-application discussions, and initial comments from the Conservation Officer on the current application, the applicant was asked to address the heritage aspect of the proposal and an amended Design and Access Statement was submitted. This states that "we do not consider the building to be of particular architectural

significance." However, this is in contradiction to the Heritage element of the Design and Access statement which explains the history of the building and the site and refers to records of 1618, 1625, 1672, 1773 and 1800 and the remains of a 16th century cruck barn being found during previous conversion works leading the agent to the view that the building was built in the later 16th Century.

The records identified within the Design and Access Statement point to a building site of early age and historic interest, with building fabric of 1773 and earlier and as such implies that the building does in fact have a significant heritage aspect. What has been submitted to support the application is considered to fall short of the requirements of paragraph 128 of the NPPF which requires an applicant to *describe the significance* of any heritage asset *affected by* the proposal, and there is little exploration of how the proposals meet the heritage aspects of the NPPF.

The heritage statement provided has made little attempt to assess the significance of the original building and the scheme's impact on it. Whilst the revised submission does indicate other design options were considered, these have only been illustrated in terms of showing the rear elevation, and without any substantial explanation as to why these were rejected and their impact on the heritage significance of the original dwelling. The final paragraph of page 8 of the Design and Access Statement states that "taking guidance from English Heritage the designs proposed were modern and contrasting to the property. Helping differentiate its periods of change, whilst not impacting on the openness of the Green Belt." This appears to imply the direct involvement of English Heritage (now Heritage England) which does not appear to be the case with this site. Until the significance of the building has been assessed its importance cannot be fully understood, and as such the impact of the proposal on its significance can not be fully considered.

The shape of the existing building has been identified as a feature of particular importance to its character and significance and is representative of an isolated long house in an upland setting. The long, lowish profile and catslide roof at the rear have been acknowledged by the Council's Conservation Officer as key elements of the building. The proposed extension to the rear is a substantial alteration, and one that changes the shape and massing of the building and largely removes the catslide feature. Whilst a modern interpretation for an extension to an old building is viewed as acceptable in principle it is considered that this works best when the new work is subservient to the original structure, and where the character of the original building is not compromised.

The Design and Access Statement identifies other design options, which would leave the roof area mainly intact. Other possibilities of extending the property in a less visually intrusive location to meet the applicants needs should equally be assessed and reasons provided as to why they have been discounted. Without the benefit of a heritage assessment, which identifies the significant parts of the building from a heritage perspective, it is not possible to assess whether the dwelling can be adapted to meet the applicants needs.

The application has been brought before Planning Committee due to the ward councillor's concerns in relation to the Council's draft local list and the designation of the proposal site as a non-designated heritage asset. It should however also be noted that when reviewing the paper file for the survey and collation work for the draft local list, a submission from one of the occupants of the current dwelling is included. At that time, the view of the occupant was that the dwelling was a building of architectural and historical interest and should be considered for the draft local list, amongst others. The LPA agreed with the property's inclusion.

The recent appeal decision at 96 Watling Street, Affetside (Bury MBC reference 61641, Planning Inspectorate Reference APP/T4210/W/17/3187674) should also be taken into consideration when determining this application. Whilst the schemes are naturally different, this appeal decision reinforces section 12 of the NPPF which requires the LPA to have regard to the heritage value of properties, irrespective of whether they have been included,

or not included on a local list. This appeal decision states that *"there is disagreement between the parties with regard to the historic, communal and aesthetic value of the appeal dwelling and whether it should be considered to form a non-designated heritage asset. Whilst the building is not on a 'local list' of non-designated heritage assets, this does not mean that it has no heritage value."*

Again, in appeal decision APP/T4210/W/16/3164780 (Greenhalgh Fold Cottage 60468), the Inspector stated *"Planning Policy Guidance (PPG) advises that local planning authorities may identify non-designated heritage assets (Ref ID 18a-039-20140306). Whilst the appeal site may not be 'locally listed', this is not a requirement of PPG, and it does not preclude the relevance of the Council's assessment."*

In light of these statements, the current application and dwelling to which it relates, has been identified by the Council as a property of significant importance with regard to heritage and it is considered that the applicant has been given adequate opportunities to address this significance.

Therefore the proposed development would by virtue of its size, siting, and design have an unacceptable impact on a Non-Designated Heritage Asset. The proposed development would be neither sympathetic to nor compatible with the historic significance of the building. The proposal would therefore conflict with Policy EN2 of the Bury UDP and Chapter 12 - Conserving and enhancing the historic environment of the NPPF paragraphs 128 - 135.

Residential Amenity

UDP Policy H2/3 and Supplementary Planning Document 6 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

Proposal A

The existing shed has doors to the east and west elevations with the main door to the east. The proposed shed would have the main entrance to the west elevation, with a pedestrian door to the east. The applicant has stated that the entrance has been reorientated so that vehicular access can be gained to the shed, without impeding the access track to the adjacent property.

Proposal B

Due to the location of the proposals and the nearest residential dwelling being approximately 57 metres away and located to the south east of the site. As such, no residential amenity issues are foreseen.

Neighbour Objections

The shed is currently rented to a third party, and the applicant intends to retain this use. As such the activity will not be altered. The proposed footprint of the shed has been retained as existing, and for security reasons and ease of access the proposed access has been limited to the west elevation to allow vehicle access without impeding the access track to Melrose.

The repositioning of the gate posts for the main dwelling has been removed from the application and as such it is considered that the objections raised by the occupants of Tonge Fold Farm have been addressed.

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

Proposal A

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 Paragraphs 186-187 of the National Planning Policy Framework.

Proposal B

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Split Decision

Conditions/ Reasons

1. **Proposal B** - The proposed development by virtue of its scale and design would lead to inappropriate development within the Green Belt that would erode the character of the property in question and the openness of the surrounding area. The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to the following policies of the Bury Unitary Development Plan: OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt, H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and National Planning Policy Framework Paragraph 89.

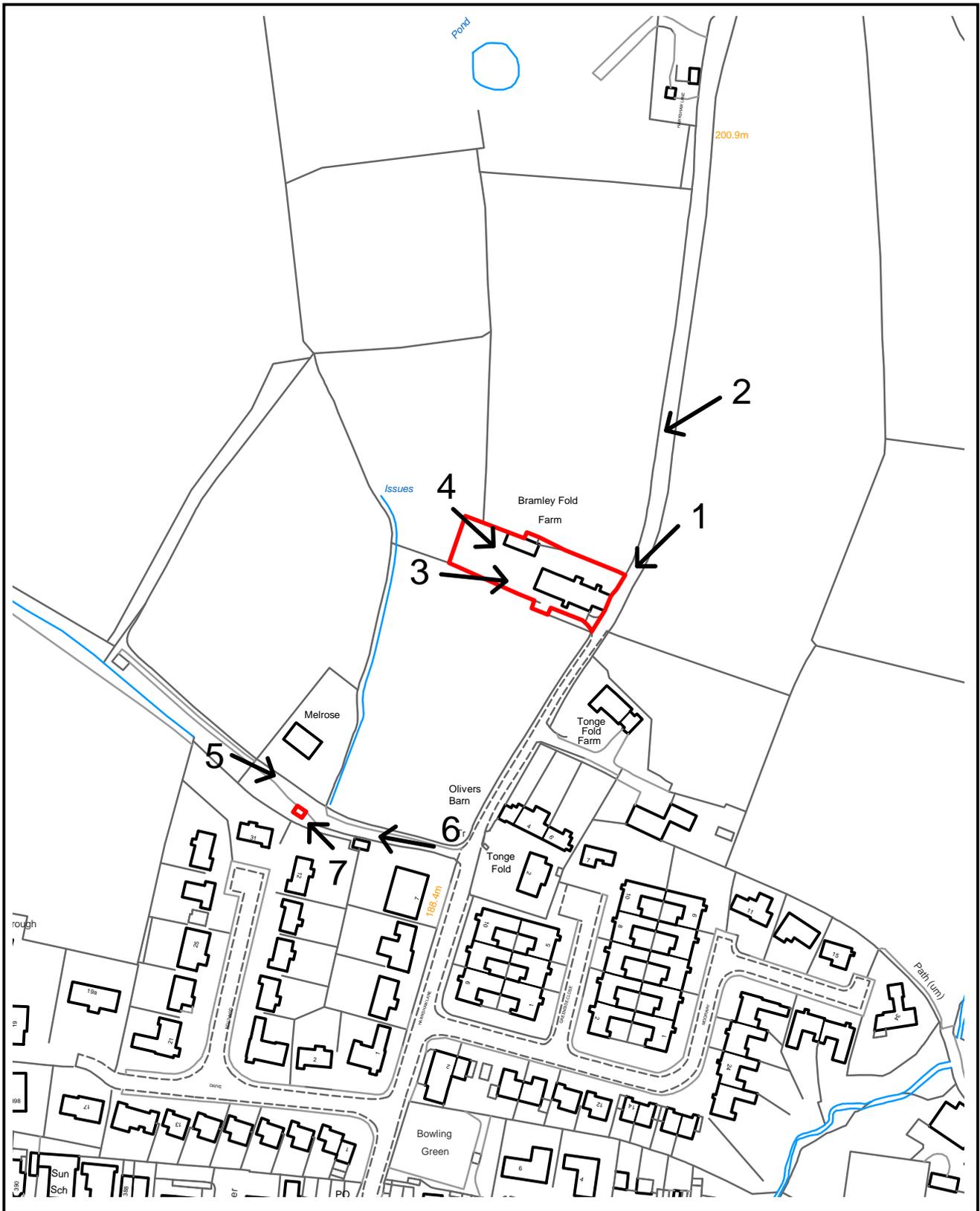
1. **Proposal A** - The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. **Proposal B** - The proposed development would by virtue of its size, siting, and design have an unacceptable impact on a Non-Designated Heritage Asset. The proposed development would be neither sympathetic to nor compatible with the historic significance of the building. The proposal would therefore conflict with Policy EN2 of the Bury UDP and Chapter 12 - Conserving and enhancing the historic environment of the NPPF paragraphs 128 - 135.

2. **Proposal A** - This decision relates to drawings numbered 17/465.SLP and 17/465.08B 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 **Helen Goldsbrough** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62473

ADDRESS: Bramley Fold Farm, Hawkshaw Lane
Hawkshaw

Planning, Environmental and Regulatory Services

(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.



62473

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



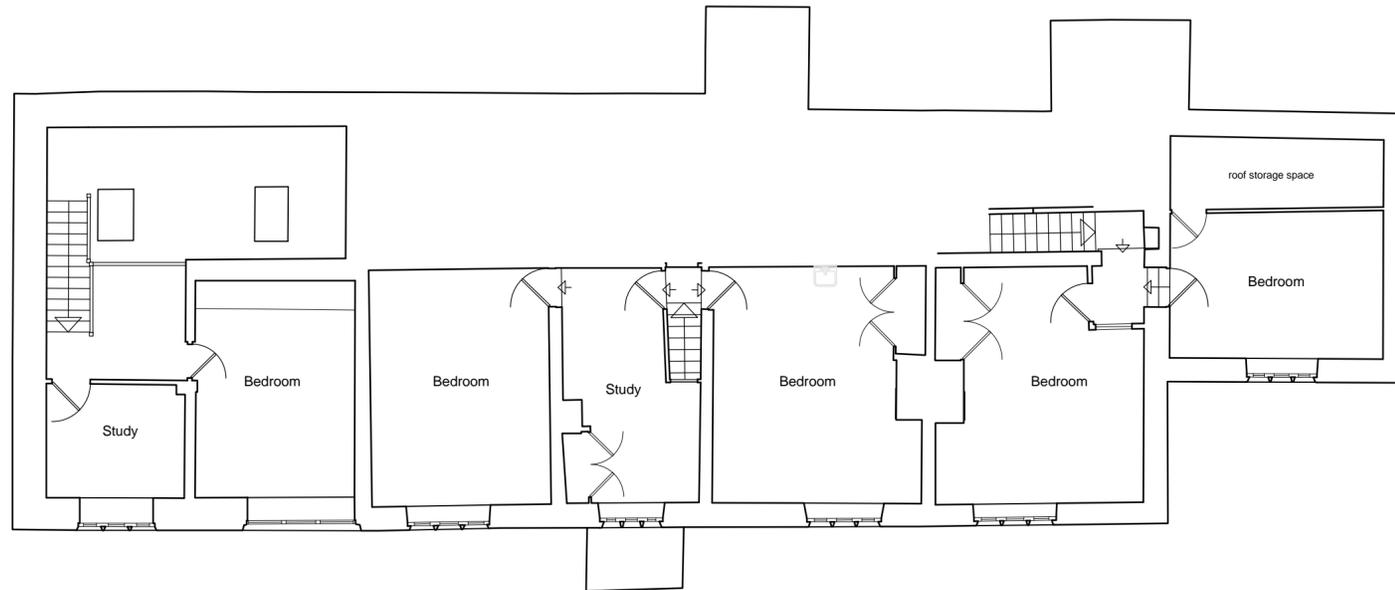
Photo 7



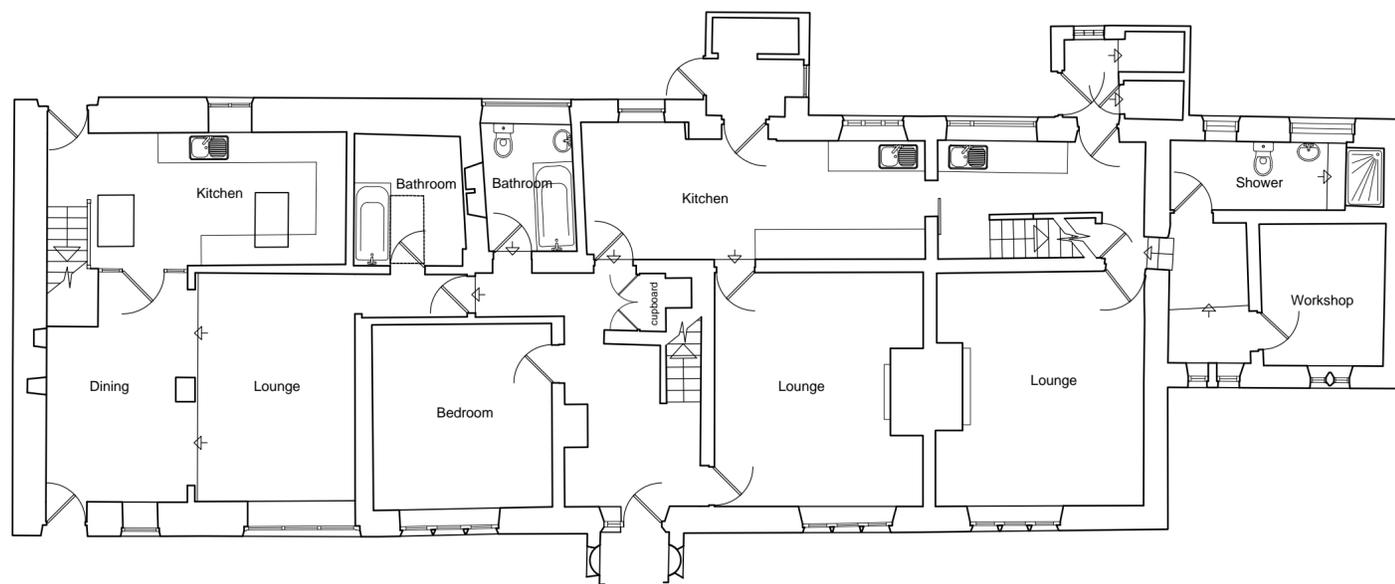
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REV. AMENDMENTS DATE



Existing First Floor Plan



Existing Ground Floor Plan

Project	EXTENSIONS AND ALTERATIONS: BRAMLEY FOLD FARM, HAWKSHAW
Drawing	EXISTING FLOOR PLANS
Client	MR AND MRS R. ALI
Dwn. By	LO
Scale	1:100
Drg. No.	17/465.01
Drg. Size	A2
Date	SEPTEMBER 2017

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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.

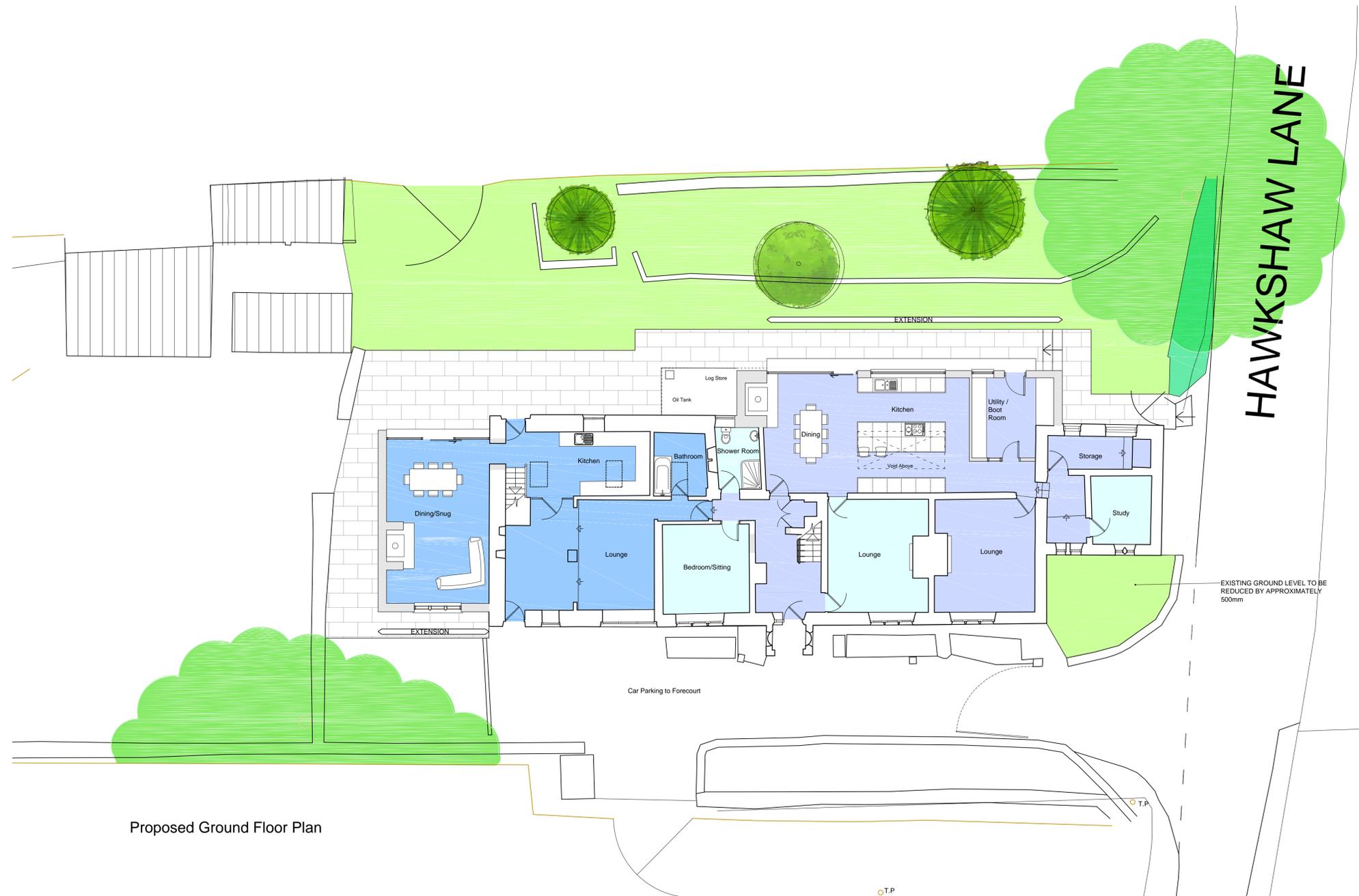
REV.	AMENDMENTS	DATE
A	Chimney position/glazing to en-suites	23.08.17
B	Site Plan included/ chimney moved	04.10.17
C	Side Extension increase	31.10.17
D	Overall volume reduction	19.01.18
E	Additional information and key	05.02.18
F	Flat roof to log store	06.04.18
G	Revised gate position	09.04.18
H	Gate position reinstated	01.05.18



Proposed First Floor Plan

General Spatial Arrangement Legend

- Mr and Mrs Ali
- Mr and Mrs R Ali
- Mr J Ali
- Communal



Proposed Ground Floor Plan

Project	EXTENSIONS AND ALTERATIONS: BRAMLEY FOLD FARM, HAWKSHAW
Drawing	PROPOSED FLOOR PLANS
Client	MR AND MRS R. ALI
Dwn. By	LO
Scale	1:100
Drg. No.	17/465.06H
Drg. Size	A1
Date	JULY 2017

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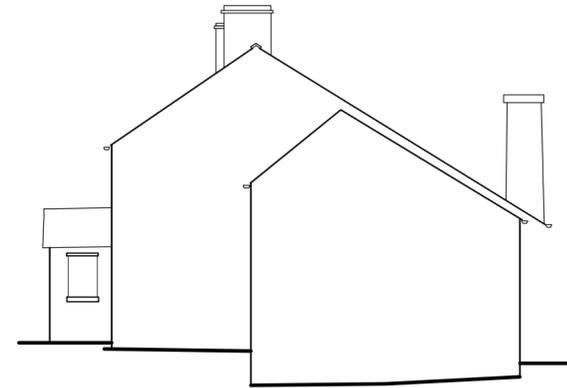
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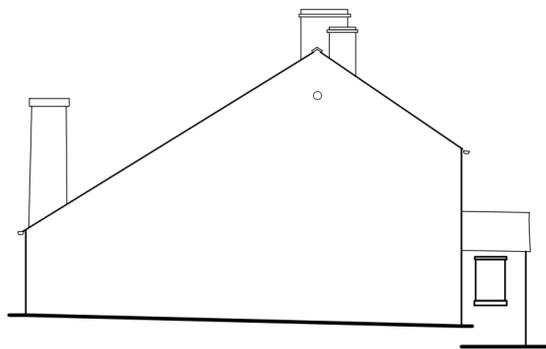
REV.	AMENDMENTS	DATE
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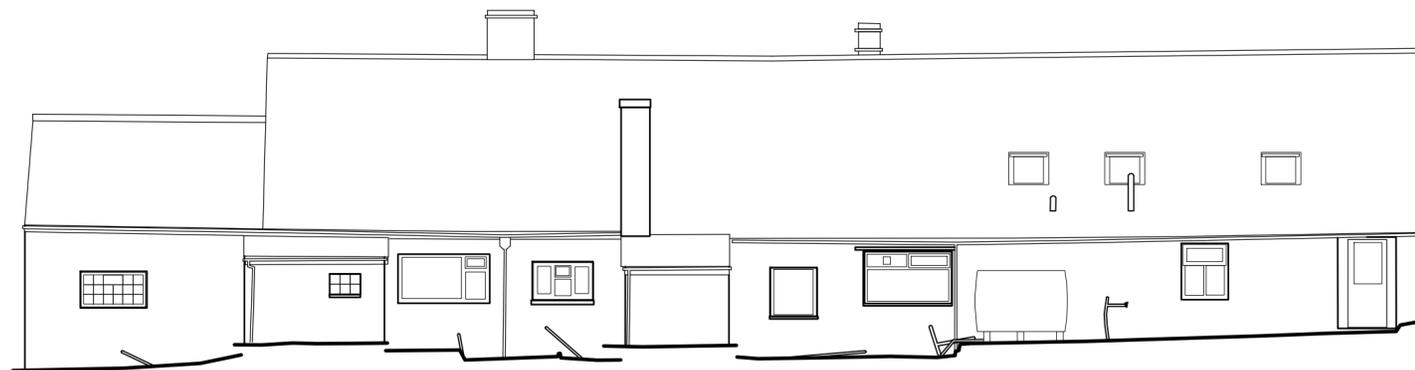
Existing Front Elevation



Existing Gable Elevation to Hawkshaw Lane



Existing Gable Elevation



Existing Rear Elevation

Project	EXTENSIONS AND ALTERATIONS: BRAMLEY FOLD FARM, HAWKSHAW
Drawing	EXISTING ELEVATIONS
Client	MR AND MRS R. ALI
Dwn. By	LO
Scale	1:100
Drg. No.	17/465.02
Drg. Size	A2
Date	SEPTEMBER 2017

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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
A	revised chimney position/rear elevation fenestration	29.09.17
B	chimney removed/ utility door	04.10.17
C	Side Elevation increased	31.10.17
D	Overall volume of proposed reduced	18.01.18
E	Context of existing site shown	05.02.18
F	Flat roof to log store	06.04.18



Proposed Front Elevation



Proposed Gable Elevation to Hawkshaw Lane



Proposed Gable Elevation



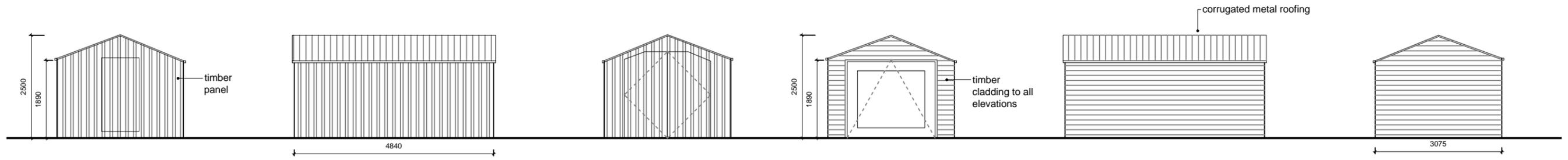
Proposed Rear Elevation

Project	EXTENSIONS AND ALTERATIONS: BRAMLEY FOLD FARM, HAWKSHAW
Drawing	PROPOSED ELEVATIONS
Client	MR AND MRS R. ALI
Dwn. By	LO
Scale	1:100
Drg. No.	17/465.07F
Drg. Size	A1
Date	JULY 2017

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Existing Shed Elevations @1:100

Proposed Shed Elevations @1:100



Existing Shed Site Plan @1:500



Proposed Shed Site Plan @1:500

Project EXTENSIONS AND ALTERATIONS:
BRAMLEY FOLD FARM, HAWKSHAW
Drawing EXISTING AND PROPOSED SHED

Client MR AND MRS R. ALI
Dwn. By LO

Scale As noted
Drg. No. 17/465.08B

Drg. Size A3
Date OCTOBER 2017

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Ward: Bury East - Moorside

Item 02

Applicant: Mrs Raheela Parveen

Location: Land adjacent to 436 Walmersley Road, Bury, BL9 6QE

Proposal: Erection of 6 no. dwellings

Application Ref: 62546/Full

Target Date: 02/05/2018

Recommendation: Minded to Approve

This item was deferred for a site visit following the meeting in April.

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policies RT1/1 (Protection of Recreation Provision in the Urban Area) of the adopted Unitary Development Plan and the NPPF. Should the legal agreement not be signed and completed within a reasonable period, it is requested that the application be determined by the Development Manager.

Description

The site is located adjacent to No. 436 Walmersley Road and consists of a grassed area with semi mature trees at the rear of the site. The trees in the middle of the site were not protected and have been recently removed. There is a pedestrian access between Walmersley Road and Hillside Crescent and this is blocked by a metal barrier to allow pedestrian access but prevent vehicular access.

There are residential properties to the east and south of the site and these properties are accessed via a back street from Hillside Crescent. There are commercial properties to the west and a public house and associated car park to the north.

The proposed development involves the erection of 6 dwellings in a terrace on the rear half of the site. The proposed dwellings would be single storey with living accommodation in the roofspace and would be constructed from red brick and grey roof tiles. The proposed development and car parking would be accessed from the back street from Hillside Crescent, which would be widened and a pedestrian footpath provided in the applicant's ownership.

Relevant Planning History

02039/E - Erection of 6 no. bungalows at land adjacent to 436 Walmersley Road, Bury. Enquiry completed - 26 October 2017.

Publicity

23 neighbouring properties were notified by means of a letter on 9 March 2018.

A petition has been received with 70 signatures from the residents on Hillside Crescent, Walmersley Road, Fairlands Road and Langdale Mews, which has raised the following issues:

- No objections to houses being built on the land, but object to the access route.
- It will cause disturbance and will be negative for the community.
- The access is a walkway used by home owners, the elderly and children on their way to and from school.
- The access is very narrow and it would be a major issue getting building contractors, diggers and deliveries to the site.

- This is the only access for residents, who park in their rear gardens/yards.
- 6 spaces is not enough for the development.
- This land was part of the Council's public realm and it was disposed of without consultation with the local neighbourhood.
- The proposed access is in frequent use by vehicles to and at the rear of Hillside Crescent.
- The proposed access is not of sufficient width or quality to accept increased traffic without widening it or upgrading it.
- Distances between windows are too close and do not meet minimum standards.

10 letters have been received from the occupiers of 10, 12, 14, 16, 23, 25, 31, 43, 55 Hillside Crescent, 24 Northfield Road and 36 Greymont Road, which have raised the following issues:

- The use of the back street will not work. It is already used by people accessing their driveways and by pedestrians.
- Access should be from the main road and the crossing should be moved to provide this.
- 6 parking spaces is woefully inadequate for the proposed development.
- Changing the use of the ginnel from pedestrian to regular 2 way traffic would put pedestrians at risk.
- How will construction traffic access the site as the current access is very narrow and Hillside Crescent is used for residents parking.
- The access is currently used to provide access to the rear of 21 - 31 Hillside Crescent and the cottages on Walmersley Road. It is not a through road.
- How would emergency vehicles access the site? How would waste collections be made?
- If permission is granted, the access will become a short cut for motorists and will be very dangerous.
- The properties are dormer bungalows with rooms in the roofspace.
- Building the houses is not a problem, but the proposed access is unacceptable. Please do not make the road dangerous again for the sale of a company at the expense of local residents.
- The pavement on the ginnel is not wide enough to accommodate a push chair and the road is used currently.
- I would like to know why access cannot be taken from Walmersley Road.
- The crossing could be moved to the park after the Towler pub. People's safety and well being are important.
- There are no downspouts on the proposed plans. Would the water go straight into the ground and create a bog?
- The existing road serves as access to the rear of properties on Walmersley Road and Hillside Crescent.
- The public, including school children walk between Walmersley Road and Hillside Crescent. Will there be a proper pavement?
- How would the new properties be served by emergency vehicles and deliveries?
- There are no downspouts on the proposed plans. Will the water go straight into the ground?
- Will the developers be doing test pits to ensure that there is nothing noxious below the ground?

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

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access improvements, construction traffic management plan, turning facilities 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 foul and

surface water drainage.

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
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/7	Throughroutes and Gateways
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
OL3/1	Protection of Urban Open Space
HT2/4	Car Parking and New Development
HT4	New Development
HT5/1	Access For Those with Special Needs
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 (Residential) - The National Planning Policy Framework 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. There is a particular emphasis, as in previous national planning guidance, to identify 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 with 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.

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 proposed development is located within the urban area and there are residential dwellings surrounding the site. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available and as such, the proposed development would be acceptable in principle. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Principle (Recreation) - Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land should not be built upon, unless:

- an assessment has been undertaken clearly finding the facility to be surplus to requirements; or
- the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy RT1/1 states that development will not be allowed where it would result in the loss of:

- existing and proposed outdoor public or private recreation facilities, including playing fields, sports grounds, parks and gardens, childrens play areas, allotments and golf courses;
- recreation space within settlements located in the Green Belt;
- indoor facilities for which there is a recreational need;
- any other unidentified recreation provision such as playing fields, sports grounds, parks and gardens, children's play areas, allotments and golf courses, including sites created during the period of the plan.

Exceptions to this policy may be permitted where:

- sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- it can be demonstrated that there is an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.

The application site consists of a grassed area with semi mature trees at the rear of the site. Although the site is not allocated as Protected Recreation on the proposals map for the UDP, it has since been assessed as amenity greenspace as part of the Council's Greenspace Audit and Strategy, which was published in 2015. As such, the site is Protected Recreation for the purposes of Paragraph 74 of the NPPF and Policy RT1/1 of the UDP under criterion (d) of 'other identified recreation provision'.

Although the land is allocated as protected recreation, the land is limited in terms of paragraph 74 of the NPPF as it is not capable of being used for sports and sits only within the urban area green space.

The applicant has agreed to pay a commuted sum to compensate for the loss of 0.088 hectares of public open space. The compensatory payment has been calculated at £12,140.46 and is derived from the Council's own costs of providing new and enhancing existing open space. The applicant has agreed to this contribution, which would be secured by a Section 106 agreement. The financial contribution would be used to improve amenity greenspace within the vicinity of the site and would be used for improvements to Limefield Garden and Clarence Park.

It is considered that the loss of the land, being limited in size, providing an opportunity for housing and providing compensation to enhance the land provides a clear planning purpose. Therefore, the proposed development would comply with Policies RT1/1 and the NPPF.

Design and layout - The proposed development would provide 6 dwellings, which would be single storey with a bedroom and bathroom in the roofspace. The proposed dwellings would be constructed from brick with a tile roof. There is a mix of materials in the locality - render, stone, brown brick and red brick and as such, the proposed materials would not be a prominent feature in the locality. The use of headers and cills, front porch and a roof overhang would add visual interest to the elevations and as such, the proposed development would not be a prominent feature in the locality. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

The level of private amenity space for the proposed dwellings would be acceptable. The proposed plans indicate that a bin store would be constructed from brick at the front of the property. The proposed bin store would be large enough to accommodate 4 bins and would be tall enough to screen the bins from view from the streetscene per property. Close timber boarded fencing would be erected on the boundaries, which would match the existing fencing 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.

The proposed development would be 6 metres from the rear of the dwellings to the boundary with No. 41 Hillside Crescent. 7 metres would be required from a first floor habitable room window to a directly facing boundary with any property. There would be a 2 metre high close timber boarded fence on the boundary with No, 41 Hillside Crescent and as such, the openings on the ground floor would not have an adverse impact upon the amenity of the neighbouring properties. The revised plan indicates that there would be no rooflights on the rear elevation and as such, the proposed development would not have an adverse impact upon the amenity of the neighbouring properties.

Trees - A number of semi mature trees were removed from the site prior to the application being submitted and there are some semi mature trees remaining along the boundary with the properties on Hillside Crescent. The proposed site plan indicates that these trees would be retained and conditions requiring tree protection measures and a landscaping plan would be included on any grant of planning consent. Therefore, the proposed development would be in accordance with Policy EN8/2 of the Bury Unitary Development Plan.

Highways issues - During the pre-application consultation, the plans showed vehicular and pedestrian access directly onto Walmersley Road, which could not be supported due to the position of the pelican crossing and the impact in terms of highway safety. The car park to the public house is in a separate ownership and cannot be used for access. As such, the proposed development would be as shown, accessed from the adopted access from Hillside Crescent.

The revised plans indicate a series of improvements would be provided to the proposed access to the site. The existing access would be widened to 4.5 metres from the rear of No. 41 Hillside Crescent and the existing telegraph pole would be relocated. A street lighting column would be provided and a footway of 1.8 metres in width would be provided, which would connect to a footpath adjacent to 436 Walmersley Road. The footway along the frontage with Walmersley Road would be re-instated and the bollards provided to prevent unauthorised access by vehicles. The car parking area for the proposed development would be accessed from Hillside Crescent only and bin collection would be undertaken from Walmersley Road from a central collection point. The Traffic Section has no objections, subject to the inclusion of conditions relating to access improvements, construction traffic management plan, turning facilities and car parking.

The access to the site is currently used by 12 dwellings and as such, the use by an additional 6 units would not make a discernable difference in terms of highway safety. The existing parking issues are remote to the site and relate to the current uses of the site. The access road is an adopted highway and access needs to be provided and maintained regardless of this application. The current issues in relation to parking on the existing estate roads are beyond the scope of this application. However, the proposed development would deliver a series of improvements to the access road, which would be of benefit to the existing users of the access as well as the proposed development. 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 1.5 spaces per 2 bedroom dwelling, which equates to 9 spaces.

The proposed development would provide 6 parking spaces in a row. The site is located on the main road within walking distance of a bus stop and there are shops and services opposite. As such, the level of parking provision would be acceptable in this instance. Therefore, the proposed development would comply with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Planning Obligations

A contribution for loss of recreation would be required of £12,140.46 in accordance with Policy RT1/1 of the Bury Unitary Development Plan and this would be secured through a Section 106 agreement, which the developer has agreed to. Projects have been identified as:

- Improvements to Limefield Garden
- Improvements to landscape areas in Clarence Park.

Response to objectors

- The issues relating to the access (vehicular and pedestrian) and parking have been dealt with in the main report above.
- Condition 12 requires a construction traffic management plan to be submitted before the development commences.
- The issue of how the land was sold is not a material planning consideration and cannot be taken into consideration.
- The revised plans indicate that the access would be improved.
- The Council has to assess the application, which is submitted to it.
- The proposed development would comply with the aspect standards in SPD6.
- Conditions 4 and 5 would deal with contaminated land and would require the developer to undertake a preliminary risk assessment to ascertain what, if any, contaminants are in the ground and remediate them.
- Condition 7 requires the developer to provide a scheme for surface water drainage, which would deal with the water collected from the downspouts on the proposed dwellings.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered 16/96/1, 18/06/1A 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 11 - Conserving and enhancing the natural environment.
5. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. Foul and surface water shall be drained on separate systems.
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
7. 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 10 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

8. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings 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.
9. 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 below:
Policy H2/2 - The Layout of New Residential Development
Policy H2/3 - Extensions and Alterations
10. A landscaping scheme, including details of replacement trees, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. It shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
11. Notwithstanding the details shown indicatively on approved plan reference 16/06/1 Revision A, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to, and approved in writing by the Local Planning Authority:
 - Formation of the proposed pedestrian and vehicular access improvements between Hillside Crescent and Walmersley Road, incorporating the reinstatement of the redundant access onto Walmersley Road to adjacent footway levels, provision of a scheme of bollards of a type/number to be agreed, reconstruction of the pedestrian route on both sides of the proposed site access point, provision of pedestrian dropped crossings, relocation/replacement of the affected pedestrian guard railing, and telegraph pole in positions to be agreed, provision of a street lighting column of a type and in a position to be agreed, revised kerb line arrangements at the rear boundary of No. 41 Hillside Crescent, revised fence line adjacent to proposed pedestrian crossing point/bin store to ensure adequate intervisibility between pedestrians and vehicles, and all associated highway and highway drainage remedial works required as a result of the proposed development and statutory undertakers connections to the proposed dwellings, all to a scope and specification to be agreed;
 - Revised boundary treatment/westerly car park kerblines on the Walmersley Road site frontage in the vicinity of the pelican crossing controller to be retained to reflect the land ownership boundary and provide sufficient rubbings strips around cabinet to ensure that it can be adequately accessed by Transport for Greater Manchester.

The details subsequently approved shall be implemented prior to the dwellings hereby approved being occupied.

Reason. The details have not been provided and to secure the satisfactory development of the site in terms of highway safety, ensure the intervisibility of the users of the site and the adjacent highway 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

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

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

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

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

13. The turning facilities indicated on approved plan reference 16/06/1 Revision A shall be provided before the dwelling is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to 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.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62546

ADDRESS: Land adj to 436 Walmersley Road
Bury

Planning, Environmental and Regulatory Services

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62546

Photo 1



62546

Photo 2



62546

Photo 3



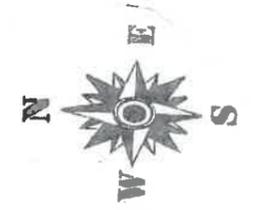
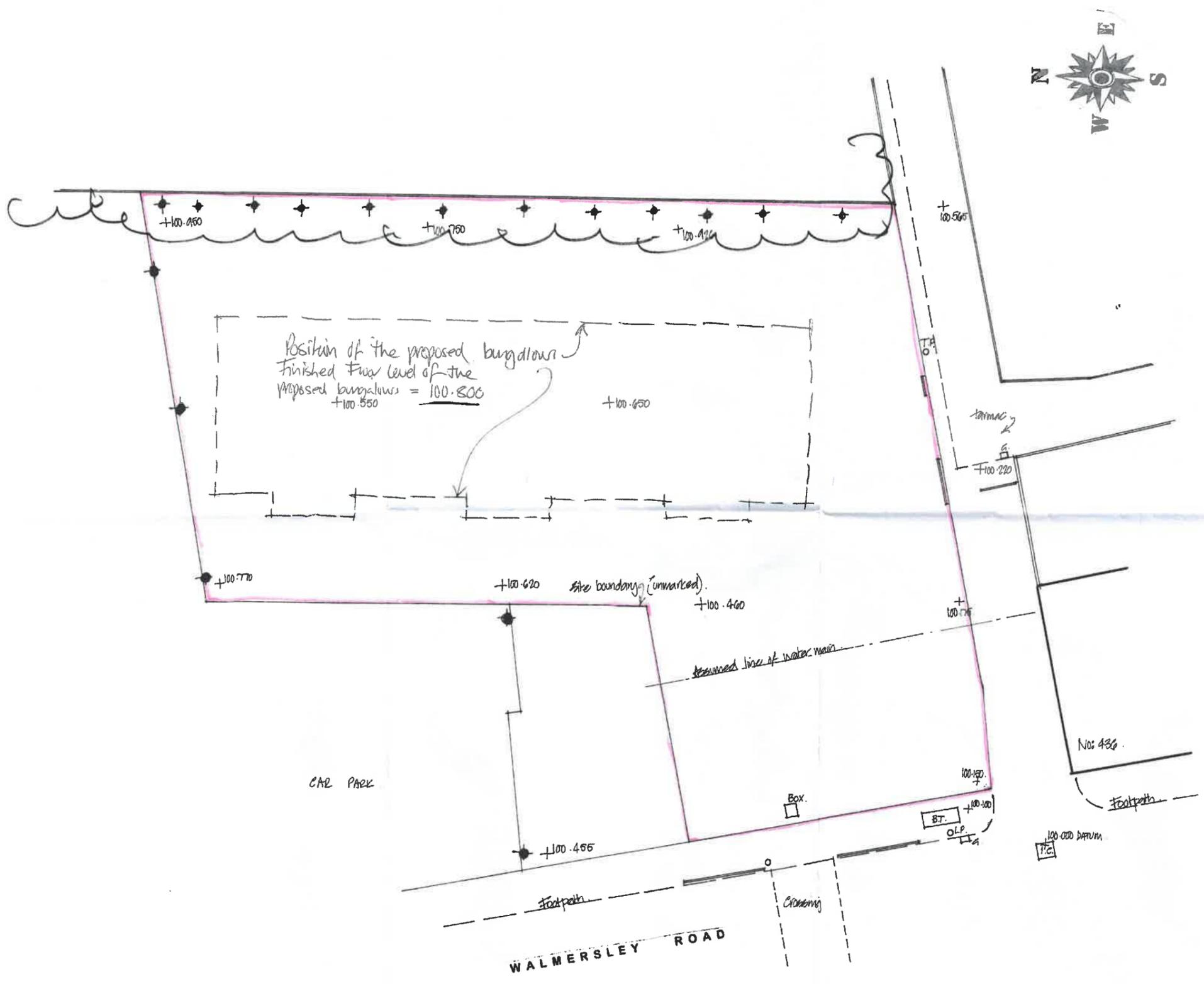
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Photo 4

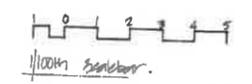


AERIAL PHOTOGRAPHY (2016)
APPLICATION NO. 62546





Location Plan scale: 1/1250th



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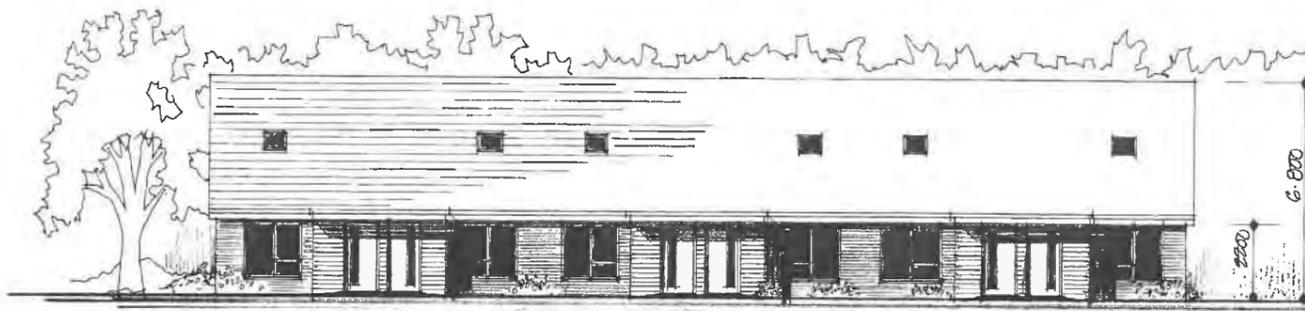
DAVID LIVERSIDGE
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 259 Rosendale Road, Burnley, Lancs, BB11 5BZ
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 email: davidliversidge@msn.com

Existing Site Plan

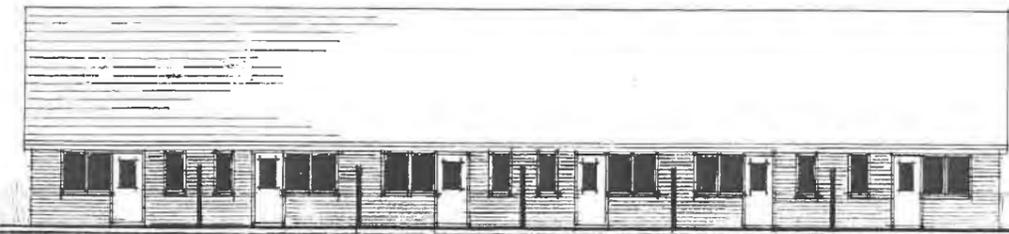
Land adjacent to No. 436 Walmesley Road,
 Bury, BL9 6QE
 for Mr. W. Khan and Mr. S. Alam

Scale: 1/100th Drawing No:
 Date: August 2017 16/96/1

Planning Application

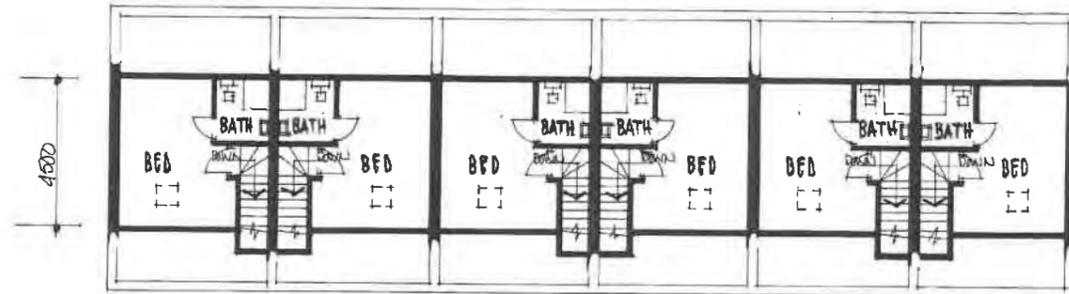


Front Elevation

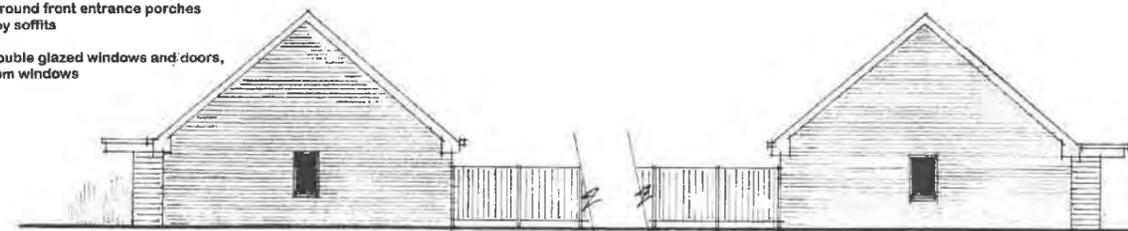


Rear Elevation

- Dark Grey roofing tiles, matching ridge
- Double glazed Velux type rooflights
- Pvc rainwater goods, fascias and soffits
- Facing brickwork all round
- Cedar weatherboarding around front entrance porches and to the entrance canopy soffits
- Dark grey coloured pvc double glazed windows and doors, obscure glaze the bathroom windows

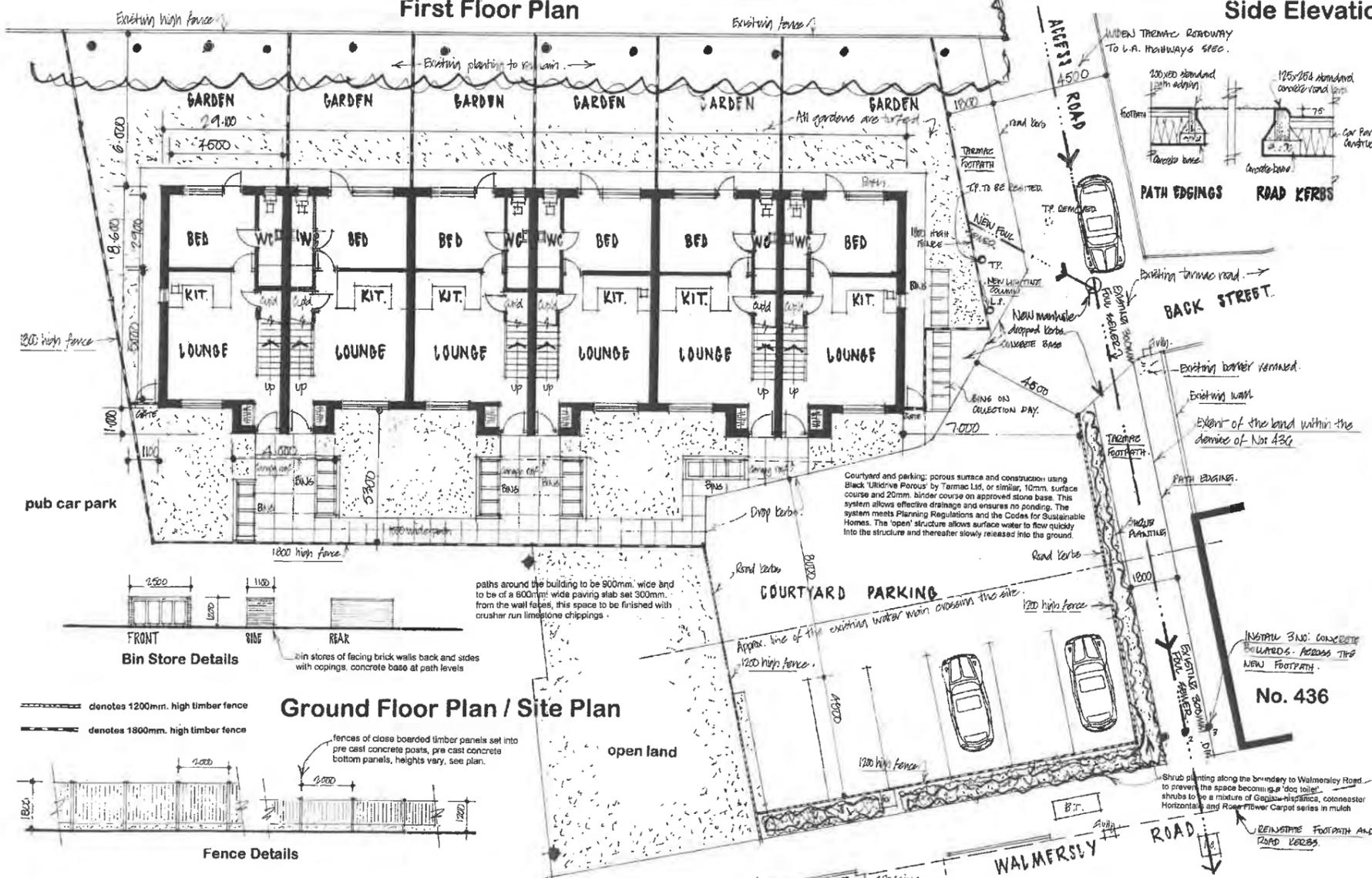


First Floor Plan

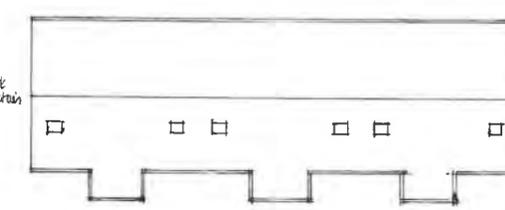


Side Elevation

Side Elevation



Ground Floor Plan / Site Plan



Roof Plan scale: 1/200th

Surface water roof drainage taken to trapped gullies and then to flower beds and soakways.
Foul water drainages taken to the existing Foul drainage system and into Walmersley Road and all to be approved by the Local Authority Building Inspectors.



Location Plan scale: 1/1250th

This drawing is prepared for Town Planning purposes only.



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Proposed Bungalows

Land adjacent to 436 Walmersley Road
Bury, BL9 6QE
for Mr. W. Khan and Mr. S. Alam

Scale: 1/100th @ A1

Drawing No:

Date: Jan. 2018

18/06/1A

REV. 'A' - REAR FOOTPATHS OMITTED. ACCESS AMENDED FOR HIGHWAYS REQUIREMENTS. BIN COLLECTION POINT SHOWN. 05/11/18

Ward: Bury East - Redvales

Item 03

Applicant: Mr S Ahmed

Location: 1 Parkhills Road, Bury, BL9 9AU

Proposal: Change of use from shop unit (Class A1) to cafe/ice cream parlour (Class A3) (Ground floor only)

Application Ref: 62554/Full

Target Date: 24/05/2018

Recommendation: Approve with Conditions

Description

The application relates to a two storey rendered property at the end of the row of terraced properties fronting Walker Street, although the property itself fronts Parkhills Road. The property is within the existing Local Shopping Centre as historically it has been in various commercial uses before it was converted to its recent residential use. In 2013 approval was granted to convert the premises to two shops. As work is still ongoing, the premises has remained vacant at ground floor level. The applicant lives in the residential accommodation above.

To the east, across Back Brierley Street is a dwelling (No.3 Parkhills Road) and to the west, across Walker Street, is a car sales showroom. Across Parkhills Road are commercial premises forming the Local Shopping Centre within which the site is located. There are four A3/A5 takeaways/cafes within the row of commercial properties across Parkhills Road.

There is a residents only parking scheme in operation along Walker Street and immediately in front of the property on Parkhills Road. There is public parking on the opposite side of Parkhills Road, in front of the row of shops. There are single yellow lines along Back Brierley Street.

The application proposes to change the use of one of the shops to cafe/ice cream parlour (55sqm) which falls into the A3 use class. The cafe would be open to 9pm with 1-2 staff. The nature of the ice cream parlour with no significant cooking taking place means that there would be no need for a flue/extractor. A fenced bin store would be located on the east/ Back Brierley Street elevation.

Relevant Planning History

56061 - Change of use of ground floor from residential (Class C3) to 2 no. shop units (Class A1); Single storey extension and access ramp at front; Alterations to windows/doors to side elevations - Approved 18/04/2013

59952 - Change of use of ground floor from residential (Class C3) to 2 no. shop units (Class A1); single storey extension and access ramp at front; Alterations to windows/doors to side elevations - Approved 19/05/2016

60679 - Variation of condition no. 2 (approved plans) for application 59952 for amendment to shop front design - Approved 22/11/2016

61814 - Change of use from 2 no. shops (Class A1) to restaurant/cafe (Class A3); Single storey side extension - Refused 22/09/2017

Publicity

The following 15 neighbours were notified by letter dated 3/04/18.

Nos.3, 8 - 22 Parkhills Road, 58 and 60 Brierley Street, 2 and 4 Walker Street and Parkhills Car Centre.

Objections received from residents at 21 Brierley Street and 2 Walker Street and from a resident from Ramsbottom who, it assumed, has a shop in the centre. Concerns are summarised below:

- Increased parking problems along Parkhills Road.
- Pedestrian safety would be reduced.
- It will have a detrimental effect on local residents in Walker Street and Brierley Street.
- Don't need another food outlet starting on the other side of Parkhills Road.

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

Consultations

Traffic Section - No objection received.

Environmental Health - No objection.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/8	Shop Fronts
S1/4	Local Shopping Centres
S2/1	All New Retail Proposals: Assessment Criteria
EC4/1	Small Businesses
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
S2/6	Food and Drink
HT5/1	Access For Those with Special Needs
EN7/2	Noise Pollution

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which

could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies - UDP Policies S1/4 Local Shopping Centres and S2/1 All New Retail Proposals seek to maintain and enhance existing shopping centres by encouraging provision of appropriate retail facilities.

S2/1 in particular sets out criteria by which any development should be assessed. Such criteria include design and scale, traffic generation, access, noise, opening hours, parking and amenity of neighbours.

Use - The site lies within the Parkhills Road Local Shopping Centre and commercial A1 uses have been approved and implemented at the property. As such the principle of a cafe/ice cream parlour is considered acceptable in terms of UDP Policies S1/4 Local Shopping Centres and S2/1 All New Retail Proposals.

Design and appearance - There are no external alterations proposed although the existing solid roller shutters that have been installed would be required to be replaced with more suitable open, 'brick bond' shutters. The ramp and the rendered finish to the walls, approved under a previous scheme, remain to be completed to building control standards but would be acceptable and would not appear inappropriate within the streetscape.

In terms of design and appearance the proposal is acceptable and complies with UDP Policies EN1/2 Townscape and Built Design, EN1/8 Shopfronts and S2/1 All New Retail proposals.

Residential amenity - The site is within the Local Shopping Centre and fronts onto what is the commercial area of Parkhills Road. There are residential properties to the rear although they would not be seriously affected by the proposal as customers would enter and exit from the entrance on Parkhills Road and there are no flue or ventilation equipment needed. A condition would be attached to any approval requiring noise attenuation measures to be put in place along the party walls and floor/ceiling that would comply with building regulations (Approved Document E). A further condition would restrict opening times to 9pm which is considered appropriate in this case. Given the nature and scale of the business and conditions attached to any approval, it is not considered that it would pose any serious issues with regard to residential amenity. The proposed change of use of the retail unit would be acceptable and comply with UDP Policies EC4/1 Small Businesses, S2/6 Food and Drink and EN7/2 Noise Pollution.

Access - The existing access ramp and steps, when completed to building control standards, would allow customers access from Parkhills Road. This would be acceptable and comply with UDP Policy HT5/1 Access for those with Special Needs.

Traffic - Given its location within an existing shopping centre with on-street parking and close to public transport, dedicated off-street parking would not be required. There is no significant difference in impact on highway terms between the approved A1 use and the proposed A3 use with the same floor area.

Given the scale of development and the access arrangements, it is not considered there are any serious pedestrian safety issues.

Servicing - The bin store at the side, onto Back Brierley street is acceptable and similar to the existing, previously approved arrangements. The servicing of the property does not raise any serious amenity concerns and complies with UDP Policy S2/6 Food and Drink.

Objections - With regard to the concerns that there are enough food outlets in the area, the proposed business is not a conventional takeaway but an ice-cream parlour of which this is the only one in the centre. It is possible that it could also be used as a cafe but given the modest scale of the business this would not have a serious or detrimental impact on the character of the centre. The other points of concern raised by objectors have been dealt with in the report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 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 18/507.02B and 03 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 use hereby permitted shall not be open to customers outside the following times: 0800 to 2100hrs
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies S2/6 – Food and Drink and EN7/2 Noise Pollution.
4. Prior to the use hereby approved commencing, details of a noise attenuation scheme for of the party walls, in accordance with Building Regulations Approved Document E (or similar method), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full.
Reason. To reduce nuisance from noise to the occupiers of the adjoining dwelling pursuant to the NPPF and UDP Policy EN7/2 Noise Pollution.

5. The A3 use hereby approved shall be for the ground floor of the building only, as indicated in drawing No.18/507.02B.

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

62554

Photo 1



Photo 2

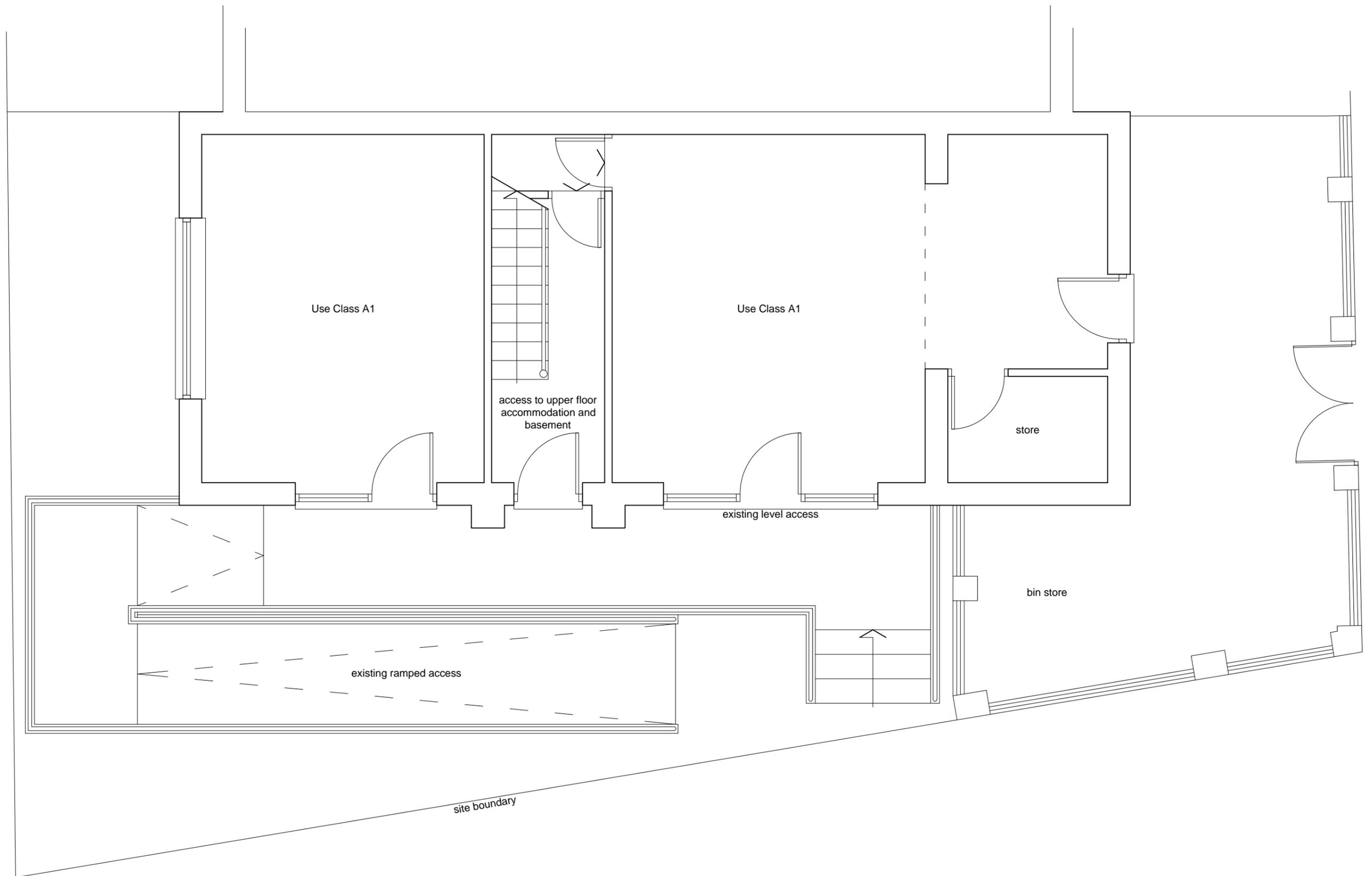


Photo 3



Photo 4





Project 1 PARKHILLS ROAD, BURY
 Drawing CoU: EXISTING FLOOR LAYOUT

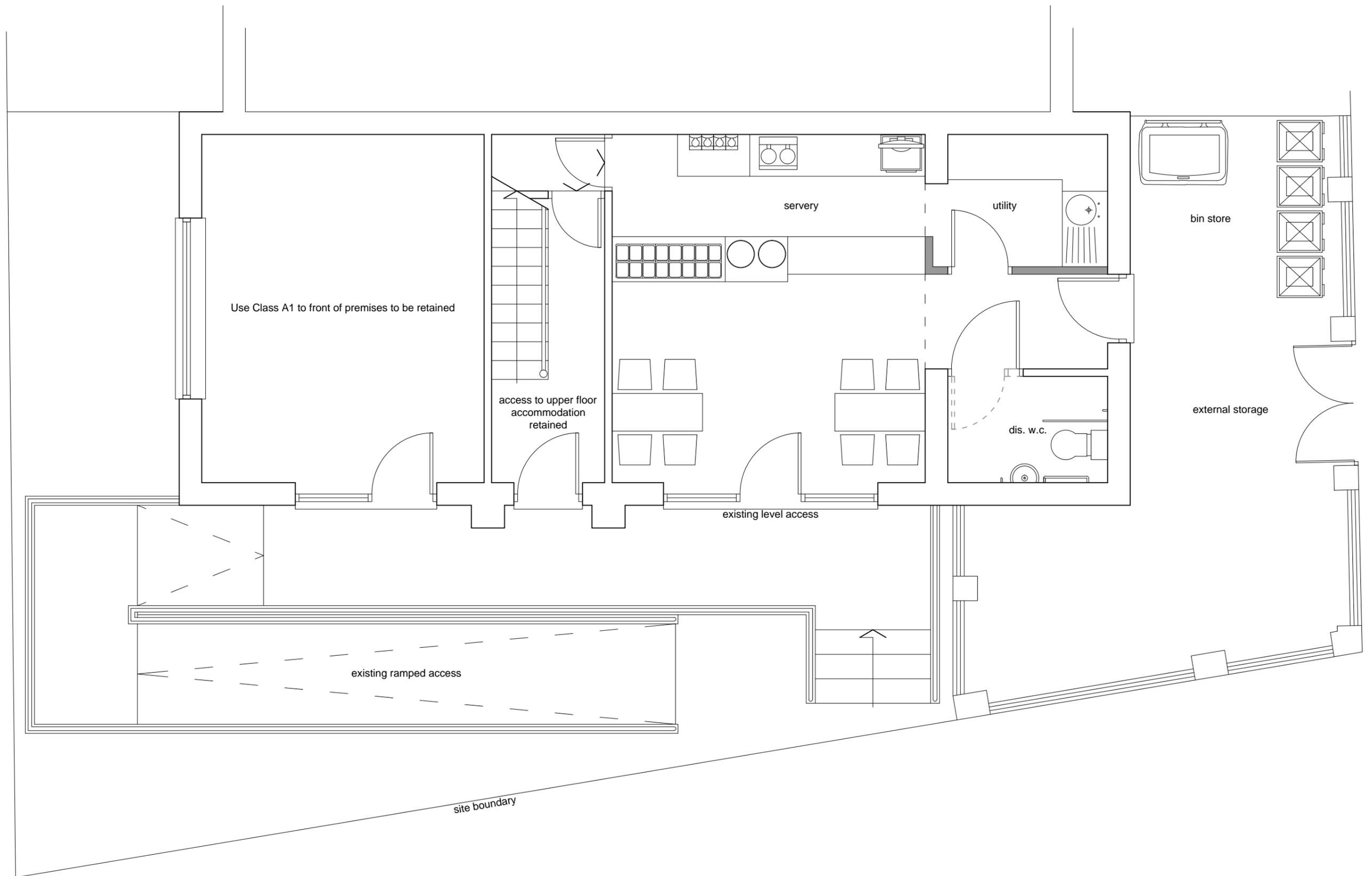
Client Mr S. AHMED
 Dwn. By CMc

Scale 1:50
 Drg. No. 18/507.03

Drg. Size A3
 Date MARCH 2018

JOHN HOLT ARCHITECTS LTD.

3 MANCHESTER ROAD BURY LANCASHIRE BL9 0DR
 TELEPHONE 0161 764 8314 E-MAIL mail@holtarchitects.co.uk
 DO NOT SCALE DRAWING



Project 1 PARKHILLS ROAD, BURY
 Drawing CoU: PROPOSED FLOOR LAYOUT

Client Mr S. AHMED
 Dwn. By CMc

Scale 1:50
 Drg. No. 18/507.02 B

Drg. Size A3
 Date MARCH 2018

JOHN HOLT ARCHITECTS LTD.
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Ward: Prestwich - Sedgley

Item 04

Applicant: Mr G Kahn

Location: 45 Bury Old Road, Prestwich, Manchester, M25 0EY

Proposal: Extensions and change of use to existing dwelling to form a post graduate study centre (Class D1); Formation of new vehicular access from Kings Road

Application Ref: 62557/Full

Target Date: 02/05/2018

Recommendation: Approve with Conditions

Description

The site comprises a two storey semi-detached dwellinghouse on the corner of Bury New Road and Kings Road. The existing access onto the driveway in the north east corner of the site. The site is bounded to the south side, to the rear and to the east, across Bury New Road by houses. To the north, across Kings Road is a row of shops forming the Neighbourhood Centre.

The Kollel Heichal Hatorah is an institute for Post Graduate Rabbinical Study established some 15 years ago. It has developed into a centre of excellence in attracting students from around the world. To date it has functioned in rented accommodation within the area (synagogue on the corner of Bury New Road and Sedgley Park Road) but now has an opportunity to purchase its own premises. Currently there are about 31 students attending the Kollel with 2-3 staff.

The application is a revised scheme following a refusal in August last year. The reason for refusal was as follows:

The proposed change of use of the extended semi-detached property to a post graduate study centre by reason of the scale, noise and disturbance together with associated activities arising from the use would have a seriously detrimental impact upon the residential amenity of the adjoining residential property and those to the rear of the site. As such the proposal would conflict with UDP Policies H2/3, SPD6, H3/1, EN1/2, EN7/2, CF1/1 and CF2.

The revised proposal still proposes the change of use of the house to a Jewish study centre, known as a Kollel. Whilst the proposed access and parking arrangements would be similar to the previous scheme, including closing the existing access on the corner, there are changes proposed within the new scheme.

The revised scheme involves:

- Extending the building to the side and rear in the form of a part two storey/part single storey extension.
- Removal of the previously proposed residential unit at first floor level.
- Rearrangement of the previous layout to include a study hall on the ground floor and library and office above.
- Importantly, further information has also been submitted with regard to the nature of the use, noise impact on neighbours.
- A travel Plan has also been submitted, detailing measures to encourage sustainable forms of transport relating to the proposal and students involved.

The extension would project out 5m from the side/north elevation and run back 13m from the front elevation and wrap around the rear with a 4.5m project beyond the existing rear elevation. The two storey extension would have a hipped roof carried over onto the existing

roof. The single storey side extension would have a flat roof with a parapet wall and coping. All the extensions would be finished in red brick and tile to match the existing building.

The existing access on the corner of Kings Road and Bury Old Road would be closed off and a pedestrian access formed in its place with the footway and kerbs reinstated. A new access point onto Kings Road would be formed at the rear with space for parking two vehicles with a turning facility and a cycle store. The applicant states that the parking spaces would be for visitors/disabled as the majority of the students would live within walking or cycling distance. About 8 students, who live in Broughton/Salford area would arrive in a small mini-bus which would be parked up at a nearby synagogue and not on the site or on the road.

The extended ground floor would comprise a main study area (approx 70sqm), new side entrance, WC and small seminar room. At first floor level there would be a library and two small offices for the principle and general administration. The proposed use of the would fall within the D1 (Non-Residential Institution) Use Class.

The proposed hours of opening are set out in the application form as follows:
0930 - 1930 Monday to Friday and Sundays and Bank Holidays
0900 - 1300 Saturday

Relevant Planning History

01927/E - Conversion of semi detached dwelling to ground floor study hall and first floor flat - Enquiry completed 13/12/2016
60323 - Extension to existing dwelling to form ground floor self contained flat for 3 persons and first floors to be used as post - graduate study centre - Refused 24/08/2016
61022 - Extension and change of use to existing dwelling to form a mixed use comprising first floor self contained flat (Class C3) with post graduate study centre on ground floor (Class D1); Formation of new vehicular access from Kings Road. - Refused 28/03/2017

Publicity

The following 55 neighbours were notified by letter dated 12/03/18. Nos.121, 122, 123, 126, 128, 130 Kings Road, 2 East Meade, 2 - 12(even) Delcot Close, 31, 32, 33, 34, 35, 36, 37, 39, 41, 43, 46, 47, 48, 49, 50, 51, 52, 53, 55, Bury Old Road, 1, 2, 3 Castle Hill Road, 125-141(odd) Albert Avenue, 1 and 3 Danesway,

Three objections have been received and are summarised below:

- Increased parking problems due to numbers of students/teachers attending the centre. The problem will spill over onto the adjacent shopping centre, making the limited 'customer' parking totally extinct.
- We oppose the application, unless the council also implements a far more rigorous and monitored parking scheme for our road.

The objectors have been informed of the Planning Control Committee.

Consultations

Traffic Section - No objection.

Environmental Health - No objection subject to conditions relating to noise mitigation measures.

Waste Management - No objection.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design
H2/3 Extensions and Alterations
CF2 Education Land and Buildings
HT2/4 Car Parking and New Development
SPD11 Parking Standards in Bury
SPD6 Supplementary Planning Document 6: Alterations & Extensions
NPPF National Planning Policy Framework

CF1/1	Location of New Community Facilities
EN7/2	Noise Pollution
H3/1	Assessing Non-Conforming Uses

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

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

a) the external appearance and design of the proposal in relation to its height, scale, density and layout;

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

CF1/1 Location of New Community Facilities. Proposals for new and improved community facilities will be considered with regard to the following factors:

- a) impact on residential amenity and the local environment;
- b) traffic generation and car parking provision;
- c) the scale and size of the development;
- d) where applicable, access to shops and other services;
- e) if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- f) accessibility by public and private transport;
- g) the needs and requirements of the disabled;

Policy CF2 Education Land and Buildings. The Council will, where appropriate, consider favourably proposals for the provision, improvement and dual use of educational facilities.

H3/1 Assessing Non-Conforming Uses. The Council will assess proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. Factors which will be taken into account when assessing such proposals will include noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation.

EN7/2 Noise Pollution. In seeking to limit noise pollution the Council will not permit:

- a) development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;
- b) development close to a permanent source of noise.

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

Need. The proposed development would be located in the heart of the Jewish community that the proposed development would serve. It appears that the post graduate studies it offers is a popular and successful venture that has grown over the last 15 years and is now in need of its own premises.

The issues of visual and residential amenity, parking and access issues are extremely important in any assessment and will be addressed later in the report. However, in terms of the principle of the development, the use of the building as a relatively small scale study centre may be acceptable and in accordance with Policy CF1/1 of the Bury Unitary Development Plan.

Visual amenity. The two storey extension, in design and massing terms, is considered to be in keeping with the existing house and with the single storey extension set in a minimum 2m from the side boundary with Kings Road and partly screened by the existing boundary hedge, it would not appear unduly prominent within the streetscape.

The new steel gates and railings would be in a traditional vertical emphasis and be powder coated black.

The proposal, in terms of size and appearance, would not have a seriously detrimental impact on the streetscape and would generally comply with UDP Policy EN1/2 Townscape and Built Design.

Residential amenity - This area of Bury Old Road is busy and relatively noisy, however undoubtedly there would be increased activity in and around the site throughout the day. From the information provided, the activities within the study centre would not be noisy or cause undue disturbance to the attached neighbour - these mainly comprise reading texts and teaching.

In response to concerns about potential noise transfer into the adjoining house, reflected in the previous reason for refusal, the applicant has submitted more detailed information on the proposed study schedule and activities taking place within the centre and an acoustic survey.

The Acoustic Survey, produced by Braiden Acoustics Ltd states that, based on the numbers of students involved, the existing party wall between the property and the attached house at No.43 Bury Old Road is sufficient to reduce sound transmission to levels to 28db which would be below the 35db limit. This is based on any gaps in the party wall being filled and the wall having a minimum of 13mm coat of plaster.

Notwithstanding this, given the noise sensitive residential use within the attached property, it is considered appropriate to attach a condition requiring the party walls of the property to be treated to reduce noise transfer in accordance with current building regulations standards. This would mitigate against any occasional increase in noise above the norm.

The hours of opening, between 9.30am and 7.30pm on most days is not particularly unneighbourly and should not cause serious harm to amenity. The proposal is to open on a Sunday, being a normal day within the Jewish faith. The hours of opening would be restricted by an appropriate condition of any approval.

It is noted that the study use falls with the wider D1 Non-residential use class which also includes public halls, places of worship, creches etc. To prevent the space being used for these more noisier functions, it would be reasonable to attach a condition removing the 'permitted development' rights that would normally allow changes within the same use class and restrict the ground floor use to that of 'educational/study' use only. As such the proposal, on balance, complies with the NPPF and UDP Policies EN7/2 Noise Pollution and H3/1 Assessing Non-Conforming Uses and CF2 Education.

The extensions are set away from the shared boundary with the attached neighbour and as such the 45 degree rule, normally applied to extensions does not come into effect. There are no serious residential amenity issues arising from the extensions which would comply with UDP Policy and guidance.

Parking and Access - The Council's parking standards, set out in SPD 11 expands upon parking policies within the UDP. The guidance note indicates the maximum standards only for staff parking, which would be 1 space per 2 full time staff. There are minimum standards for students using bicycles and motorbikes - 1 per 10 students and 1 per 600 students respectively.

In the past, concerns have been raised about traffic generation and parking as there are ongoing parking issues in the immediate area. With the proposal only providing two parking spaces and some cycle parking the applicant, with an awareness of concerns, has submitted a Travel Plan, produced by Curtins. The Travel Plan recognises the parking issues in the area but indicates that the site is highly accessible by sustainable modes of transport. It also sets out a number of initiatives that would encourage sustainable travel to the site and reduce car born traffic - these include providing information packs to encourage use of public transport, walking and cycling routes and car sharing/group travel. Coordinated programmes that encourage positive participation would be implemented and monitored. It is considered appropriate to attach a condition requiring the measures detailed in the Travel Plan, to be implemented in full.

It is noted that the applicant has an informal agreement that, when necessary, the mini-bus,

bringing those students from further afield, would park on the car park at the Jewish Cultural Centre on the corner of Bury Old Road and Park Road, just over 300m away to the south east.

Given the nature of the proposal, the make-up of the students and the sustainable location, together with the measures proposed within the Travel Plan, the proposal is, on balance considered acceptable.

Objections - The concerns of the objectors are dealt with in the above report.

Conditions - In addition to the conditions requiring parking and turning to be marked out and existing access to be closed off to vehicular traffic, the measures within the Travel Plan would need to be implemented. Other conditions would require party wall noise attenuation measures, restricted opening times and the limitation of the use of the property to 'educational use'.

On balance, the proposal, given the Travel Plan and noise mitigation measures being implemented, is considered acceptable and complies with the policies listed.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

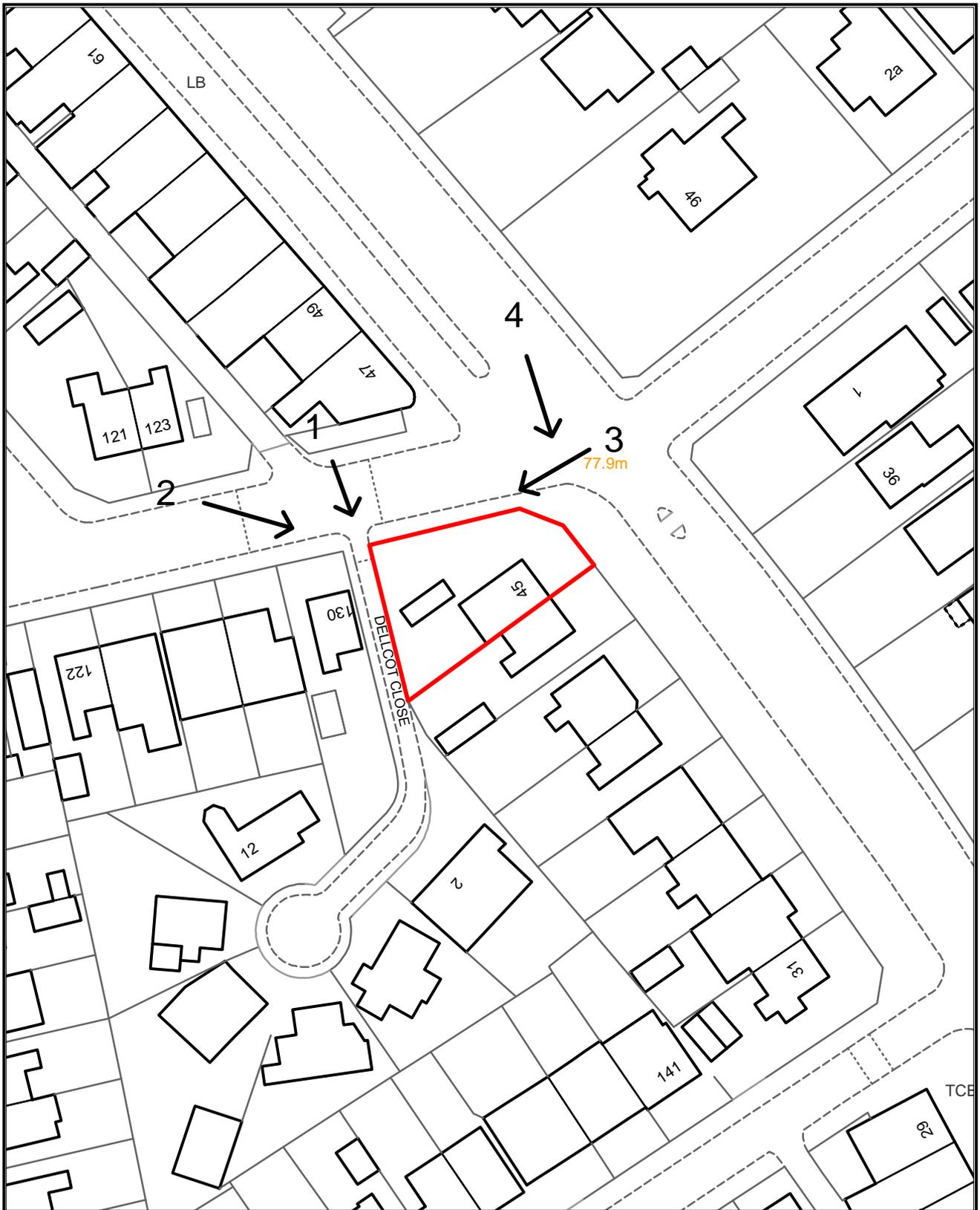
Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to location plan and drawings numbered location plan M2258/01, 02, 03, 04, 10/B, 11/C, 12/B, 13/C and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

4. The sound insulation of the party walls shall be improved in accordance with Building Regulations Approved Document E (2015), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the study centre hereby approved commencing and thereafter maintained.
Reason. Details have not be provided and to reduce nuisance from noise to the occupiers of the adjoining dwelling pursuant to NPPF and UDP Policy EN7/2 Noise Pollution.
5. The of property shall be used for educational study purposes only and not for community worship or any other use within the D1 use class.
Reason. In the interests of residential amenity pursuant to UDP Policy EN7/2 Noise Pollution.
6. The study centre hereby approved shall not be used outside the following times:
0900hrs to 1930hrs daily
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EN7/2 Noise Pollution, H3/1 Assessing Non-Conforming Uses.
7. In relation to the use hereby approved, the measures set out in the Travel Plan to promote more sustainable travel to and from the site by staff and students/visitors and reduce the reliance on private vehicle use, shall be implemented in full and thereafter maintained whilst the study centre is in operation.
Reason. In order to encourage sustainable travel pursuant to the NPPF and UDP Policy HT4 New Development.
8. The development hereby approved shall not be brought into use unless and until the vehicular access alterations indicated on approved plan reference M2258 10 Revision B, incorporating the formation of the proposed footway crossing off Kings Road and reinstatement of the redundant footway crossing to adjacent footway levels at the junction with Bury Old Road, have been implemented to an agreed specification 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, in the interests of highway safety pursuant to UDP Policy HT2 Highway Network.
9. The turning facilities within the proposed car parking area indicated on approved plan reference M2258 11 Revision C shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
10. The car and cycle parking indicated on approved plan reference M2258 11 Revision C shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
11. The proposed boundary railings and gates shall be powder coated black.
Reason. In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62557

**ADDRESS: 45 Bury Old Road
Prestwich**

Planning, Environmental and Regulatory Services

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62557

Photo 1



Photo 2



Photo 3



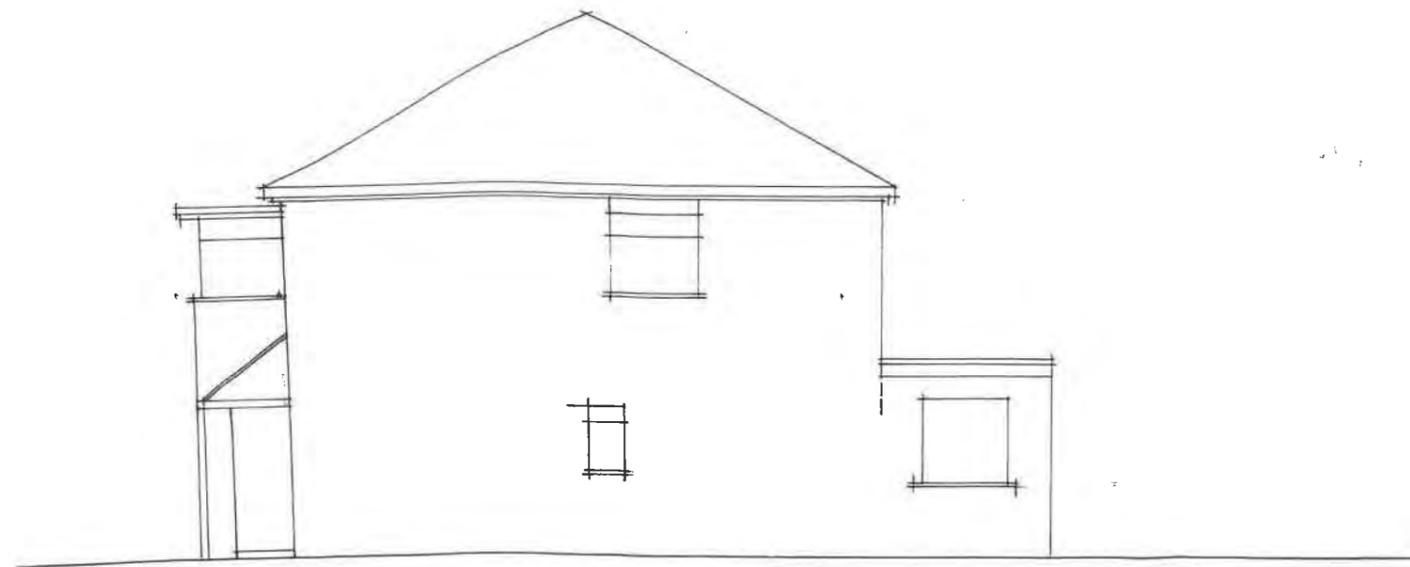
Photo 4





WEST ELEVATION

EAST ELEVATION



NORTH ELEVATION

Scale:



Client

Kollel Heichal Hatorah, Manchester

Project

**Proposed Change of Use & Extension
45 Bury Old Road, Prestwich**

Drawing Title

Existing Elevations

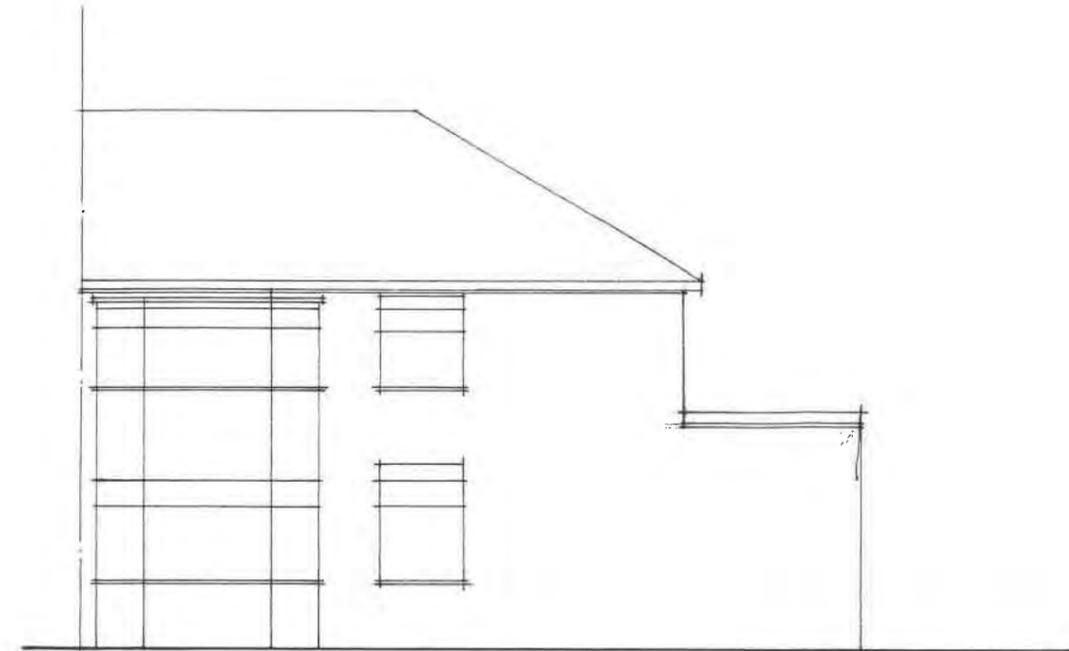
Scale	Date	Drawing Number	Revision
1:100	June '16	M2258_04	

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WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

A3 Format @ 1:100 Scale

C	Feb '18	Redrawn
Revision	Date	Description

1. Contractor is responsible for all setting out and must check dimensions on site before work is put in hand.
2. Written dimensions only to be taken. This drawing must not be scaled.
3. Architect to be immediately notified of suspected omissions or discrepancies.

Client

Kollel Heichal Hatorah, Manchester

Project
Proposed Change of Use & Extension
45 Bury Old Road, Prestwich

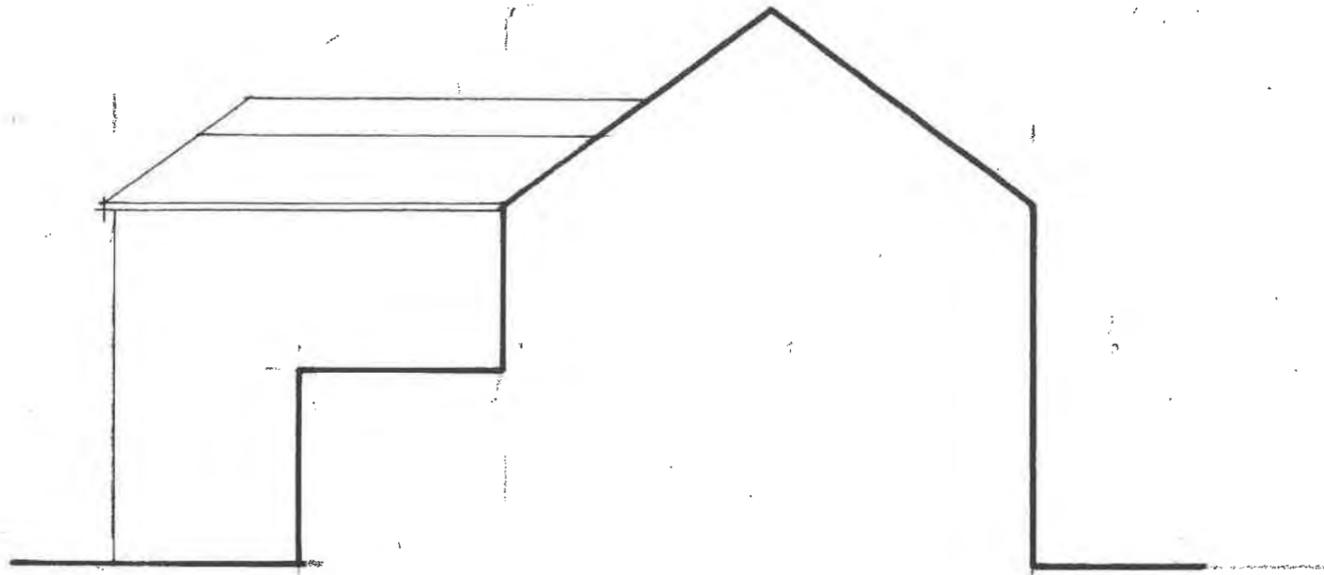
Drawing Title

Proposed Elevations

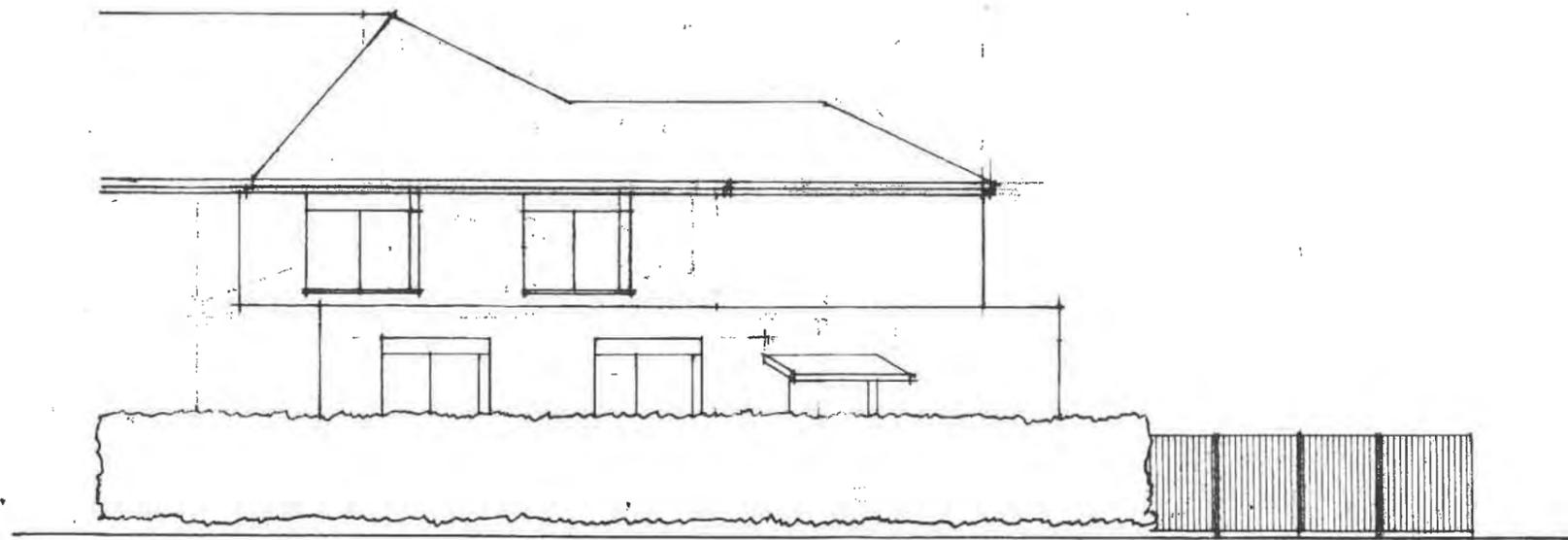
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1:100	Feb '18	M2258 13	C

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SOUTH ELEVATION



KINGS ROAD ELEVATION



A3 Format @ 1:100 Scale

Revision	Date	Description
C	MAY '18	SOUTH ELEVATION ADDED KINGS ROAD ELEVATION AMENDED
B	Feb '18	Redrawn

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Project

**Proposed Change of Use & Extension
45 Bury Old Road, Prestwich**

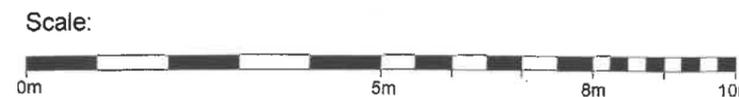
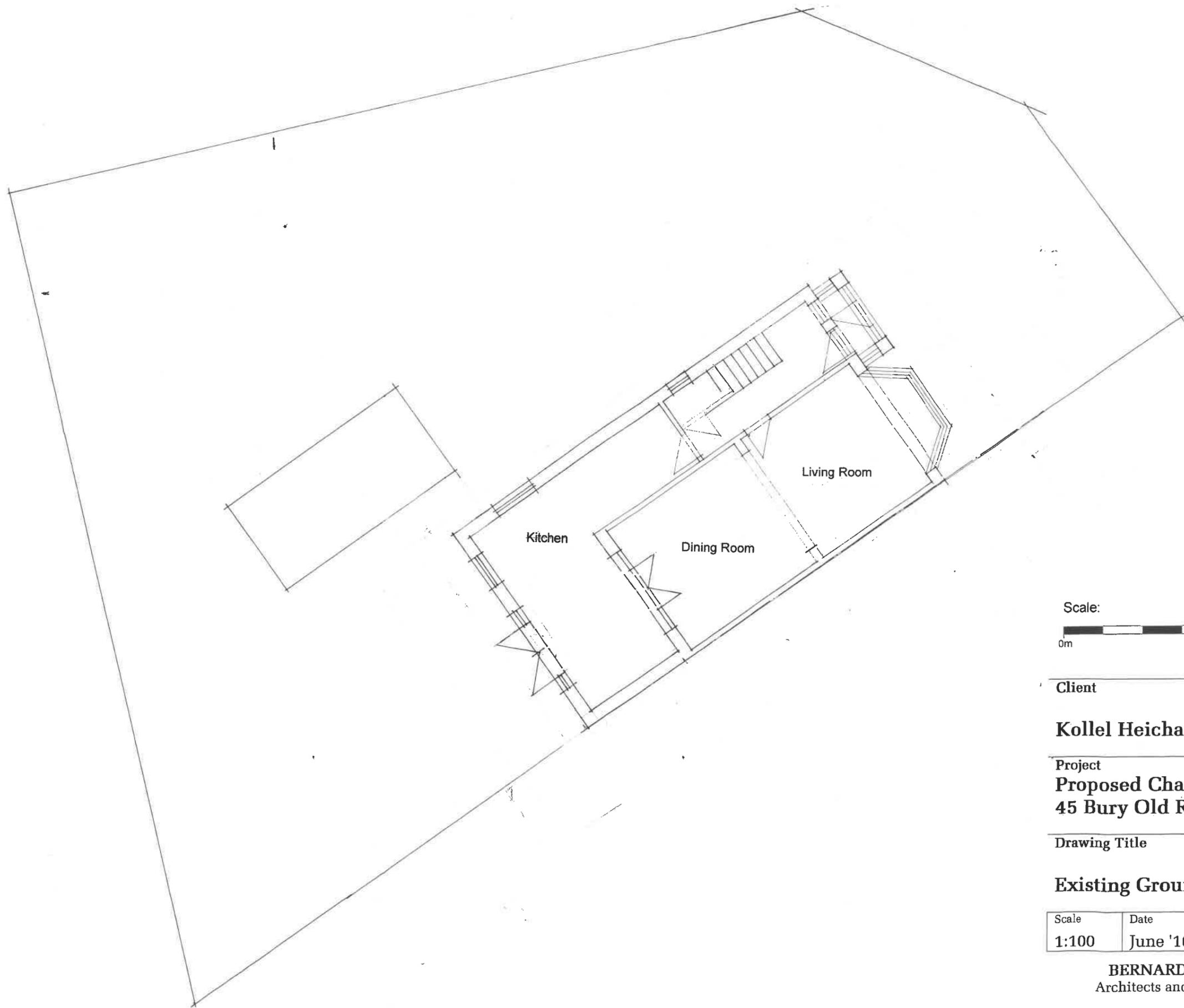
Drawing Title

Proposed Elevation to Kings Road

Scale	Date	Drawing Number	Revision
1:100	Feb '18	M2258 14	BC

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Client

Kollel Heichal Hatorah, Manchester

Project
Proposed Change of Use & Extension
45 Bury Old Road, Prestwich

Drawing Title

Existing Ground Floor Plan

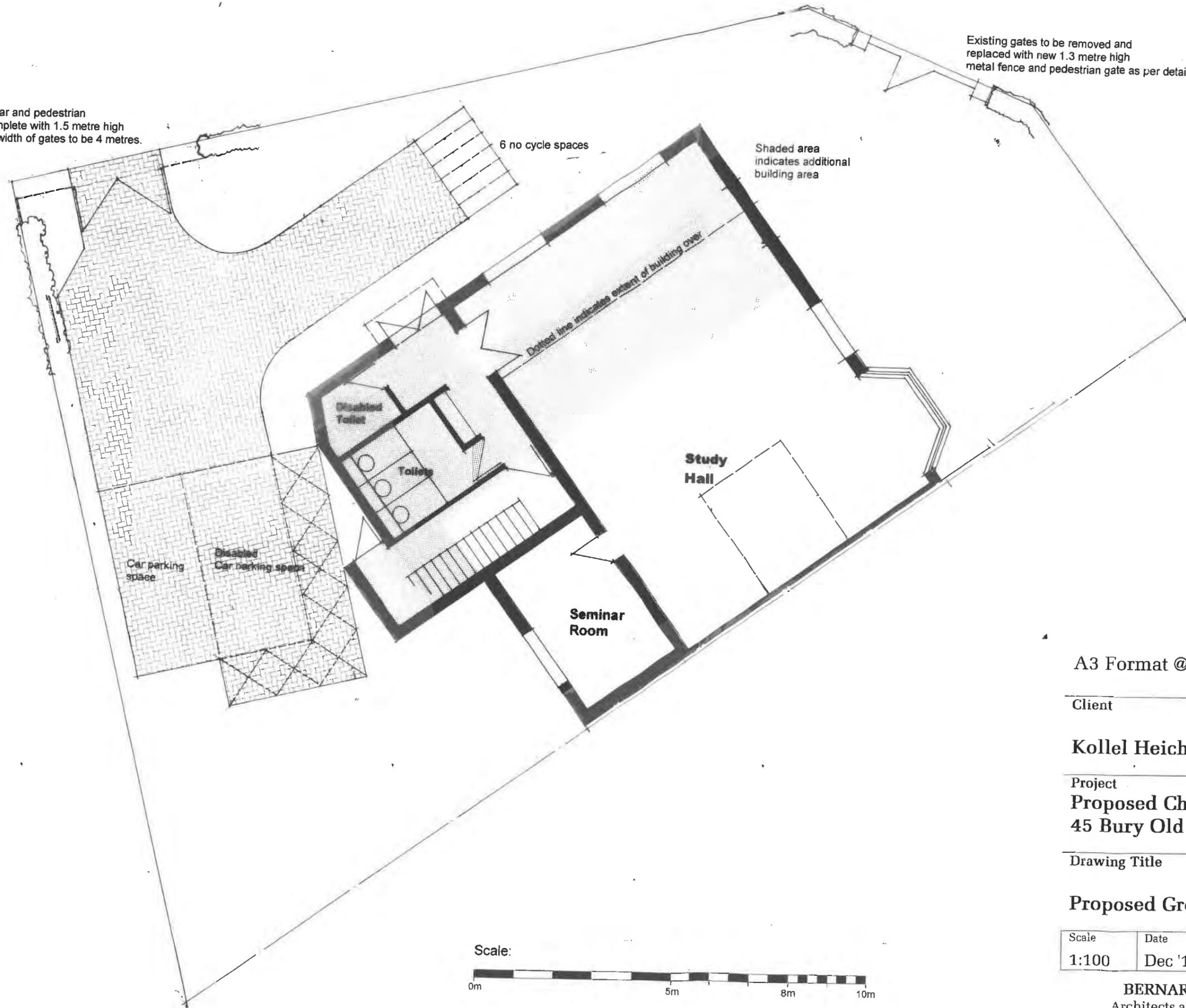
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1:100	June '16	M2258 02	

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Form new vehicular and pedestrian access to site complete with 1.5 metre high gates and fence; width of gates to be 4 metres.

Existing gates to be removed and replaced with new 1.3 metre high metal fence and pedestrian gate as per detail.



A3 Format @ 1:100 Scale

Client

Kollel Heichal Hatorah, Manchester

Project

Proposed Change of Use & Extension
45 Bury Old Road, Prestwich

Drawing Title

Proposed Ground Floor Plan

Scale	Date	Drawing Number	Revision
1:100	Dec '16	M2258 11	ABC

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Client

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Project
Proposed Change of Use & Extension
45 Bury Old Road, Prestwich

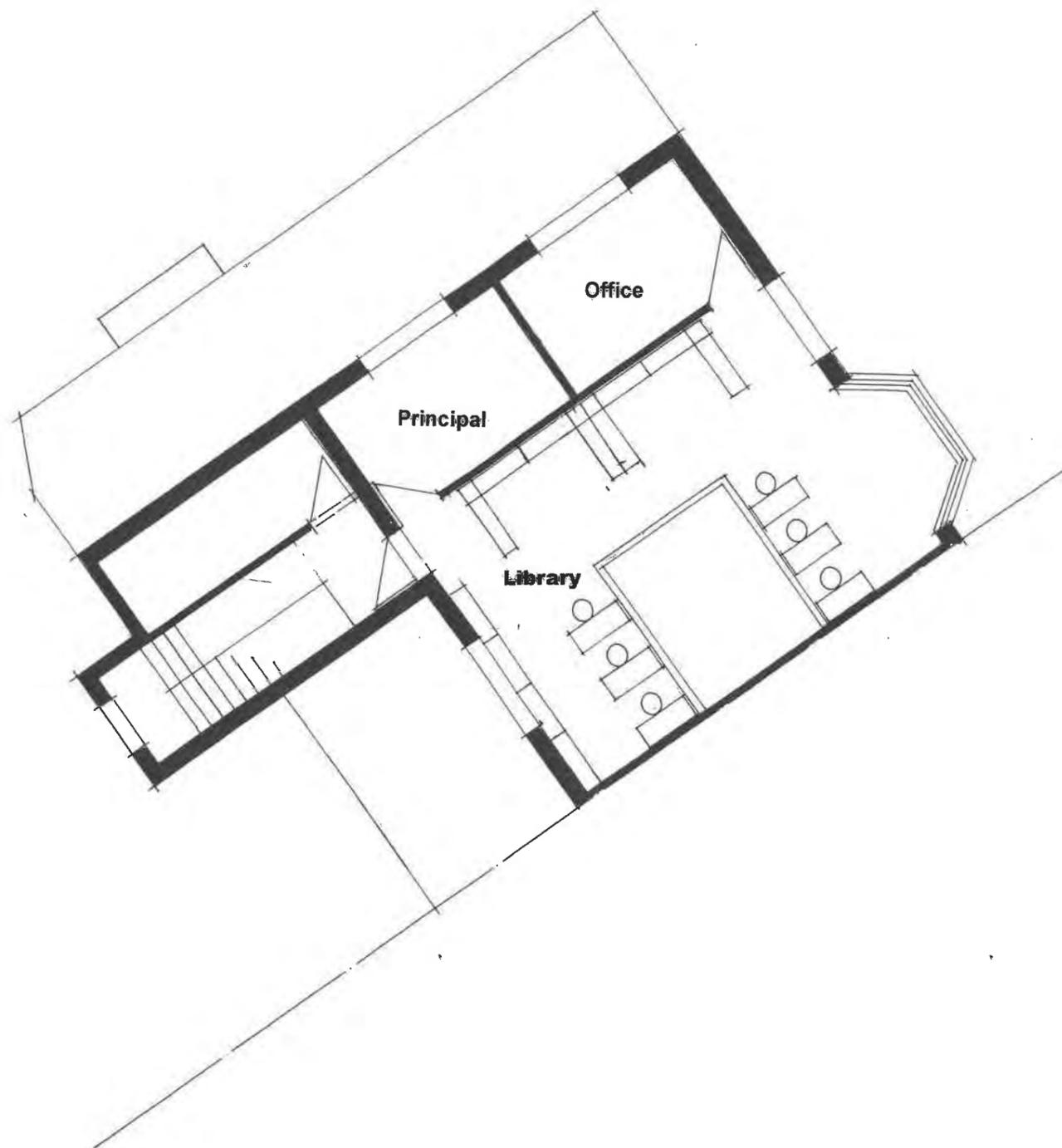
Drawing Title

Existing First Floor Plan

Scale	Date	Drawing Number	Revision
1:100	June '16	M2258 03	

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Client

Kollel Heichal Hatorah, Manchester

Project

**Proposed Change of Use & Extension
45 Bury Old Road, Prestwich**

Drawing Title

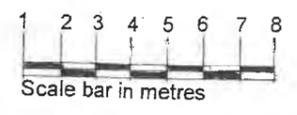
Proposed First Floor Plan

Scale	Date	Drawing Number	Revision
1:100	Feb '18	M2258 12	B

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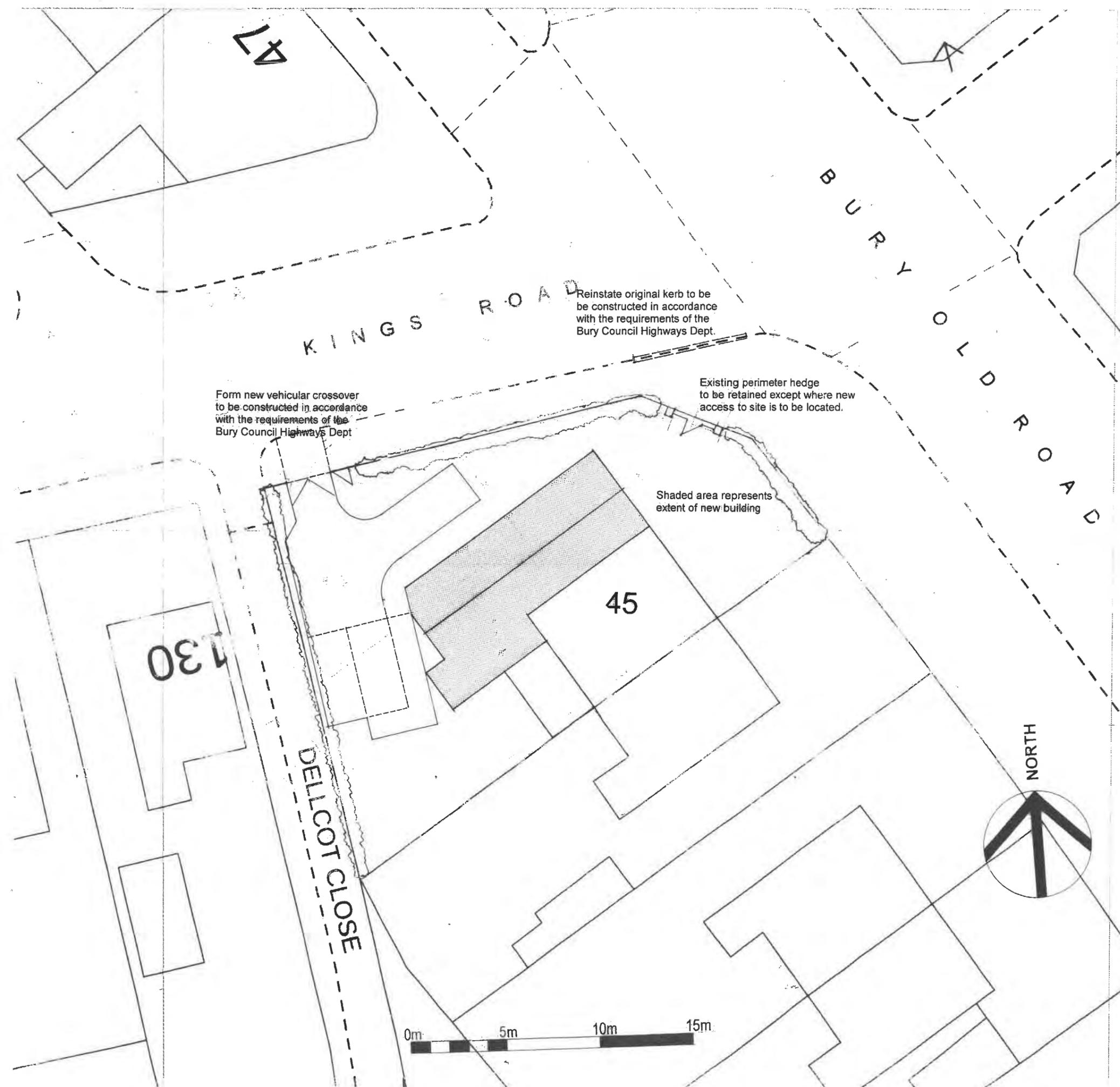




Client			
Kollel Heichal Hatorah, Manchester			
Project			
Proposed Change of Use & Extension 45 Bury Old Road, Prestwich			
Drawing Title			
Existing Site Plan			
Scale	Date	Drawing Number	Revision
1:200	June '16	M2258 01	

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A3 Format @ 1:200 Scale

B
Revision

Feb '18
Date

Redrawn
Description

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Client

Kollel Heichal Hatorah, Manchester

Project

**Proposed Change of Use & Extension
45 Bury Old Road, Prestwich**

Drawing Title

Proposed Site Plan

Scale	Date	Drawing Number	Revision
1:200	Feb '18	M2258 10	B

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Ward: Bury East - Redvales

Item 05

Applicant: Mr Mazhar Aslam

Location: Land adjacent to 411 Manchester Road, Bury, BL9 9RY & 10 Fletcher Fold Road, Bury, BL9 9RX

Proposal: Change of use of land (Goshen Lane) adjacent 411 Manchester Road and 10 Fletcher Fold Road to garden; New boundary fences, walls and railings

Application Ref: 62565/Full

Target Date: 06/06/2018

Recommendation: Approve with Conditions

Description

The application is a resubmission of a previous, now lapsed application (58427), approved in 2015 and relates to a narrow tract of land between 411 and 417 Manchester Road that runs back to Fletcher Fold Road. The site measures 5.6m (approx) wide and 95m (approx) long, from Manchester Road to Fletcher Fold Road. The land is unsurfaced with a line of Hawthorne trees running along its southern boundary. The northern boundary comprises for the most part, a 1.8m timber waney lap fence. Halfway down the track is a single garage with a separate access onto it. The area is predominantly residential character with houses to the north (the applicant's house) and south on the Manchester Road end. On the the Fletcher Fold Road end the applicant owns the house, on the north side and currently being extended to the side. The car park to the now vacant Millwood School is situated on the south side of the track.

The land is not Council owned nor is it adopted highway and ownership is unknown. As such the applicant has submitted Certificate D with the planning application and posted the relevant notice in the Bury Times and London Gazzete, allowing other interested parties to come forward if they have a land interest.

Historically the site forms part of Goshen Lane as this has not been formally been closed as a highway. Evidence suggests that the track is still used by pedestrians on a fairly regular basis, and from representations received from local residents/objectors, it is also used occasionally by vehicles. However regular vehicular access now runs from that part of Goshen Lane along the southern side of 9 Fletcher Fold Road via Fletcher Fold Road and Tennyson Avenue to join Manchester Road at a point 40m further north (adjacent to 405 Manchester Road). The Manchester Road end of the site still appears as a crossing point as the road radius is still in place without the normal footway.

It is proposed to change the use a 3m wide strip the land to garden ground for properties 411 Manchester Road and 10 Fletcher Fold Road and maintain the remainder as a 2m wide footway between Manchester Road and Fletcher Fold Road. The extended gardens would be bounded along the north side of the footway by a new 1.8m timber waney lap fence. A new brick wall and railings would run around the front corner of 411 Manchester Road and there would be a 1.2m fence along the extended front boundary of 10 Fletcher Fold Road.

The footway would be surfaced in crusher run stone and as it is unadopted, maintained by the applicant.

Relevant Planning History

58427 - Change of use of land to garden ground, new boundary fences, walls and railings - approved 21/04/15.

Publicity

The following 24 neighbours were notified by letters dated 13/03/18 and 14/04/18.

Objections received from residents at 409 and 486 Manchester Road and 6 Fletcher Fold Road. Objections are summarised below:

- The plans are not clear and confusing.
- Poor lighting will encourage anti-social behaviour rather than being a convenient pathway.
- There should be lighting at either end of the footway and one in the middle.
- Trees should not be removed as they provide a safe habitat for wildlife, in particular the wide variety of birds in the area.
- Until relatively recently Goshen Lane has been regularly used by local people (by foot and vehicles) and it was never 'unsightly' as the then adjacent residents along with other locals ensured that it was always tidy. Stopping-up' the road will reduce the benefits to the local community
- The applicant has not 'consulted' with the local community in person to placate any concerns.
- The proposal represents the loss of an historic feature as Goshen Lane has been a public right of way since the 18th Century. Possibility linking the Earl of Derby's residence to his original works opposite on Manchester Road.
- Who will maintain access?

The objectors have been notified of the Planning Control Committee.

Consultations

Traffic Management - No objection..

Public Rights of Way Officer - No objection.

British Telecom - No objection.

Greater Manchester Ecology Unit - No objection.

Cadent Gas Ltd - No objection received.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN1/5 Crime Prevention

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

HT6/1 Pedestrian and Cyclist Movement

HT6/2 Pedestrian/Vehicular Conflict

HT2 Highway Network

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due

regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Use - The current lawful use of the site is still as a private, unadopted highway, being part of the historic Goshen Lane, albeit one that is only occasionally used by vehicles. Notwithstanding the issues relating to the fact that the land is deemed a highway where members of public have the right to pass and repass, the principle of changing the use of land to garden is not unacceptable but should be assessed on the scheme's individual merits.

It is important to note that approval was given for a similar scheme in 2015 and there have been no significant change in circumstances since this decision.

Access and highways - The principle of maintaining the site as a highway for vehicles entering onto or existing from Manchester Road, which is one of the busiest roads in the Borough, is not ideal in terms of highway safety and actually restricting vehicular traffic at this point would be welcomed. However, the principle of maintaining a pedestrian link between Manchester Road and Fletcher Fold Road is desirable from the perspective of maintaining permeability within the area. As such consultations have taken place with the Council's Public Rights of Way Officer and it would be acceptable that a 2m wide footway is maintained for the whole length of the site for this purpose. For this to occur, the Hawthorn trees growing along the southern boundary would need to be pruned and maintained in an appropriate condition to allow access along the track.

To ensure that the footway is created and maintained, it would be appropriate to attach two specific conditions. One that requires its formation before the other land is enclosed as

garden ground and another that requires the applicant to submit a maintenance plan for the upkeep of the footway. On this basis, the proposals would be compliant with UDP Policies HT6/1 and HT6/2 regarding pedestrian and vehicular movement.

Telephone Pole - There is an existing telephone pole on the south side, towards Fletcher Fold Road end of the site. The issues surrounding the location and access to this by statutory operators are private matters.

Visual amenity - Whilst the site, with its Hawthorn trees and mix of low growing plants along its length, has a rather rough and unkempt appearance, without litter it is not unsightly. However it is not considered that the land itself contributes in a particularly positive or significant way to the overall character and visual amenity of the area. By enclosing a 3m wide strip of the land into the gardens of adjoining properties and creating the footway, the visual amenity of the locality would not be seriously affected.

It is noted that the owner of the land is not known. Up until recently the trees have been trimmed back and the land has been kept clear of litter/rubbish by the Council on an ad hoc basis but as the land is private, this is not part of the Council's statutory duties. A consequence of enclosing the land and creating the footway would mean that the land would be maintained by the applicant as the developer, which is not unreasonable.

Residential amenity - There are no serious residential amenity issues arising from the proposal. One of the objections suggests that removing some of the planting would increase noise nuisance from the Millwood Site. However this is not considered a valid reason to refuse planning permission and Millwood School, currently vacant and trees and planting doesn't readily suppress noise.

Ecology - Greater Manchester Ecological Unit have assessed the application. The main ecological constraint associated with the site is nesting bird potential. It appears from the plan that the development will result in the loss of some small tree and shrub planting along the northern boundary and disturbance of the mature hawthorn hedge along the southern boundary. Whilst there is no serious objection a condition should be attached to any approval that prevents any work to trees, hedges or shrubs between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

There is also a risk of invasive species such as Japanese knotweed and Himalayan balsam being present. In this case an appropriate informative should be attached to the decision notice. The proposal is therefore considered compliant with UDP Policy EN6 Conservation of the Natural Environment and EN7 Pollution Control.

Objections - The issues raised by the objectors, where they are material planning matters, have been addressed in the above report. There have been a number of legal issues raised over ownership and rights to stop up and enclose the land which is still designated as a highway, however these are not strictly planning matters but would be addressed by other areas of law.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

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 Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

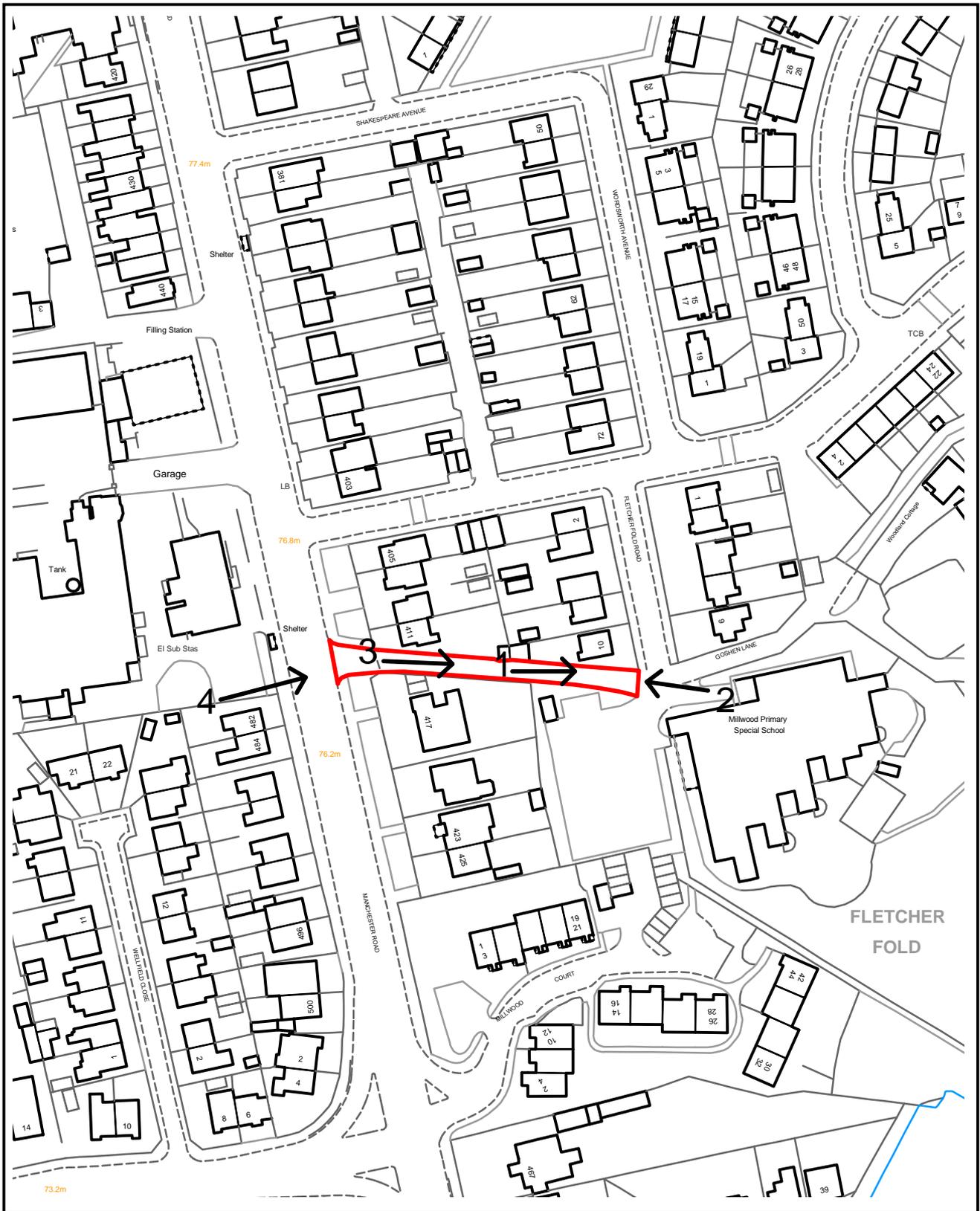
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Existing Site Plans 1A and 4B, Proposed Site Plans 2B, 5A and 6A, Front Boundary Treatment to Manchester Road 15/100/03 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 to be used in all boundary treatment and surfaces 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. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
4. No development shall commence unless and until full details of the following have been submitted to and approved by the Local Planning Authority:
 - A schedule of works, including a detailed timetable for the implementation of the proposed footway between Manchester Road and Fletcher Fold Road. The footpath shall be made available for use thereafter.
 - A scheme for the management and maintenance of the proposed footpath, incorporating the retained hawthorn hedge and other trees/planting, between Manchester Road and Fletcher Fold Road, indicated on the approved plans. The footpath and planting shall be maintained in accordance with the approved details thereafter.
 - Detailed specifications for, and implementation of, the proposed works on the adopted highway shown on the approved Drawing 6A.

The details subsequently approved shall be implemented before the use hereby approved commences.

Reason. Details are not provided in the application and to ensure good highway design, maintain adequate pedestrian facilities between Manchester Road and Fletcher Fold Road/Goshen Lane in the interests of pedestrian safety and maintain the integrity of the adopted highway in the interests of highway safety pursuant to UDP Policies H4 New Development, HT6/1 Pedestrian and Cyclist Movement, H6/2 Pedestrian/ Vehicular Conflict.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62565

ADDRESS: Land adj 411 Manchester Road &
10 Fletcher Fold Road, Bury

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

62565

Photo 1



Photo 2

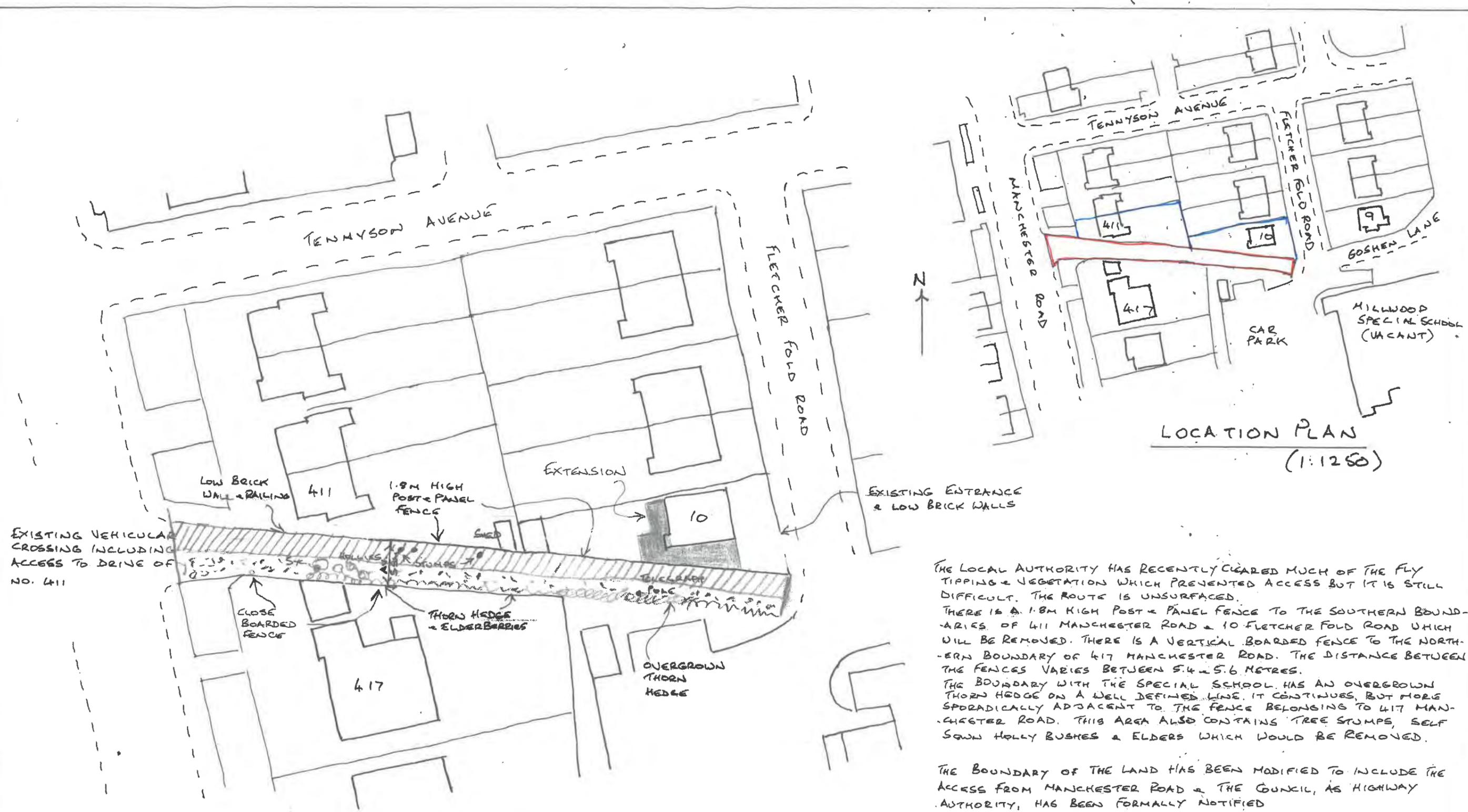


Photo 3



Photo 4





1/4" EXISTING PLAN (1:500)

LOCATION PLAN (1:1250)

THE LOCAL AUTHORITY HAS RECENTLY CLEARED MUCH OF THE FLY TIPPING & VEGETATION WHICH PREVENTED ACCESS BUT IT IS STILL DIFFICULT. THE ROUTE IS UNSURFACED. THERE IS A 1.8M HIGH POST & PANEL FENCE TO THE SOUTHERN BOUNDARIES OF 411 MANCHESTER ROAD & 10 FLETCHER FOLD ROAD WHICH WILL BE REMOVED. THERE IS A VERTICAL BOARDED FENCE TO THE NORTHERN BOUNDARY OF 417 MANCHESTER ROAD. THE DISTANCE BETWEEN THE FENCES VARIES BETWEEN 5.4 & 5.6 METRES. THE BOUNDARY WITH THE SPECIAL SCHOOL HAS AN OVERGROWN THORN HEDGE ON A WELL DEFINED LINE. IT CONTINUES, BUT MORE SPORADICALLY ADJACENT TO THE FENCE BELONGING TO 417 MANCHESTER ROAD. THIS AREA ALSO CONTAINS TREE STUMPS, SELF SOWN HOLLY BUSHES & ELDERS WHICH WOULD BE REMOVED.

THE BOUNDARY OF THE LAND HAS BEEN MODIFIED TO INCLUDE THE ACCESS FROM MANCHESTER ROAD & THE COUNCIL, AS HIGHWAY AUTHORITY, HAS BEEN FORMALLY NOTIFIED

- * AREA TO BE STOPPED UP HATCHED. FOOTPATH STIPPLED
- RED EDGED BOUNDARY ADDED
- LENGTH OF HIGHWAY TO BE STOPPED UP 83M WIDTH (INCLUDING FOOTPATH) 6M

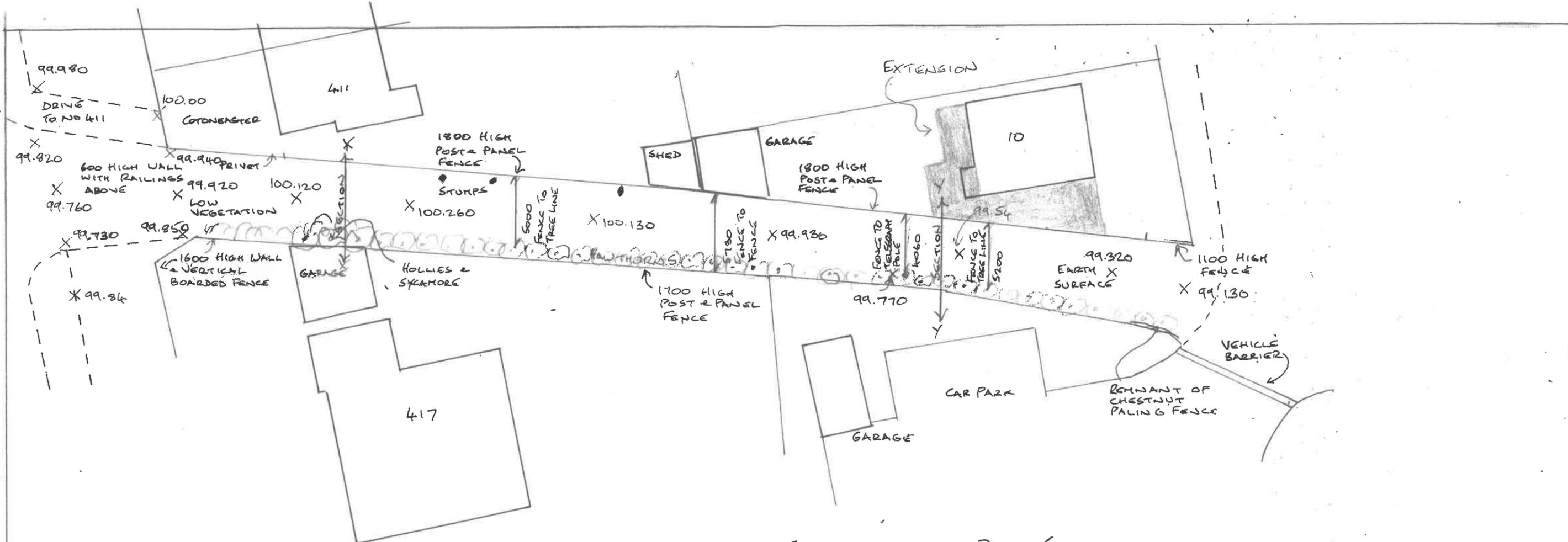
DRAWING @ A3

- 04/04/2018 - EXTENSION TO NO. 10 ADDED
- * 19/07/2016 - STOPPING UP DETAIL ADDED
- 26/02/2015

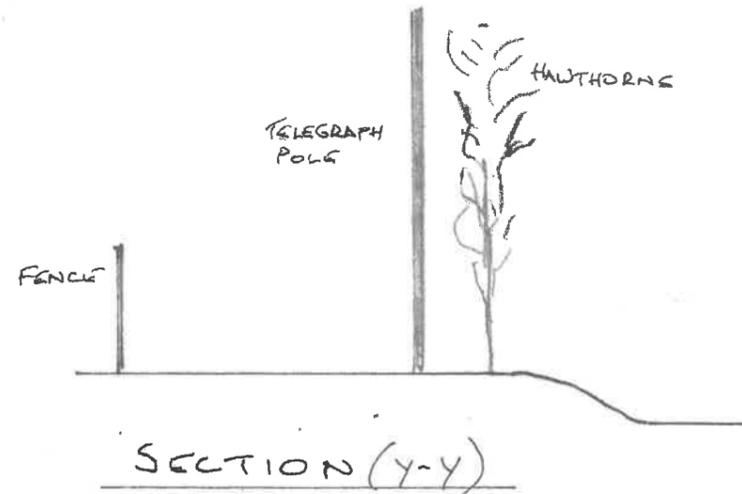
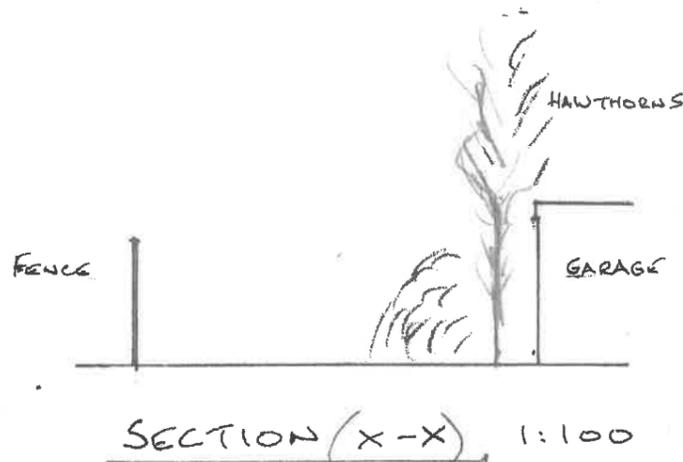
15/100/01K

CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN

411 MANCHESTER ROAD, BURY BL9 9RY
 10 FLETCHER FOLD ROAD, BURY BL9 9RX



EXISTING SITE PLAN (N.T.S.)

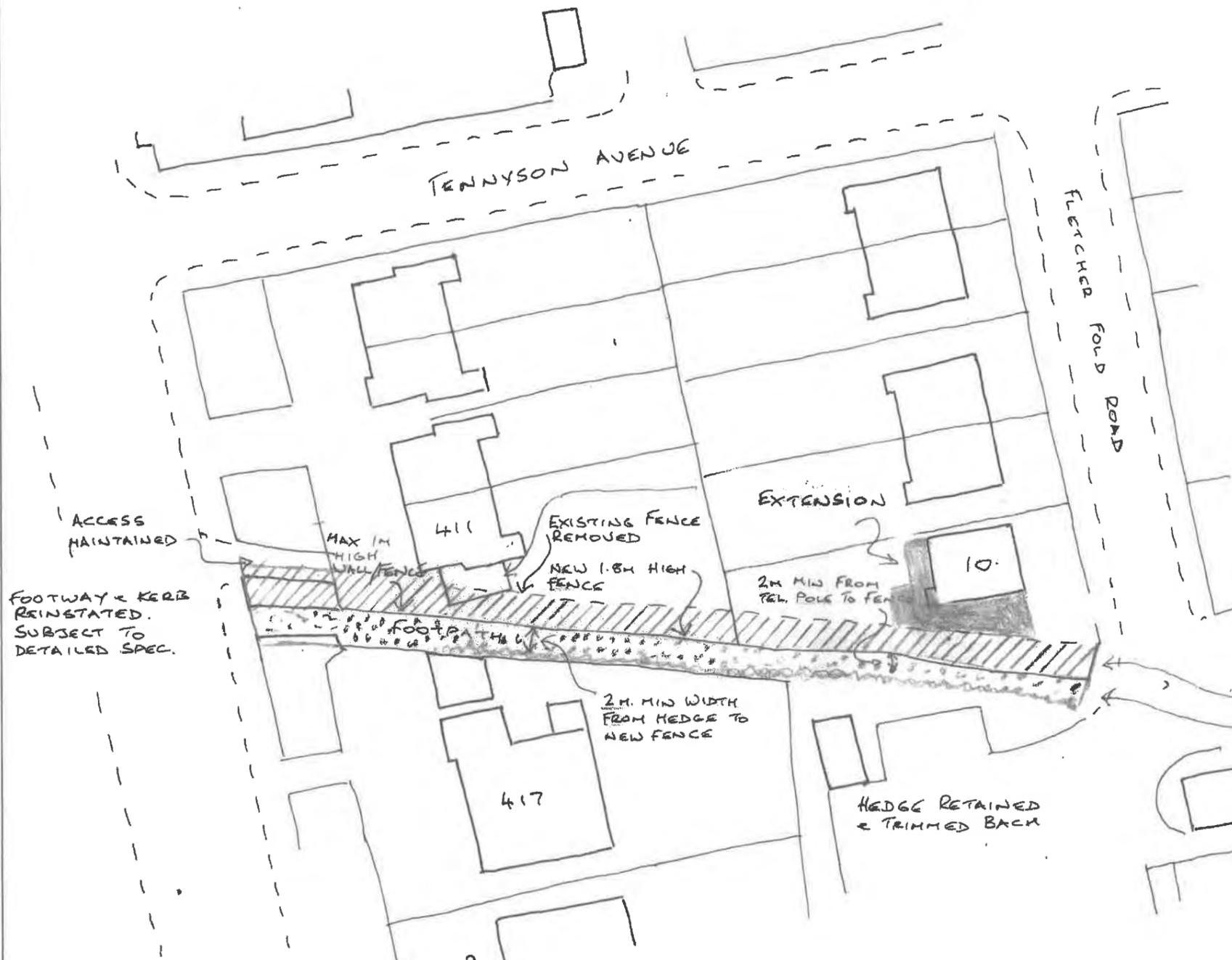


EXISTING SITE PLAN

04/04/2018 EXTENSION TO NO. 10 ADDED
 24/08/2015 LEVELS ADDED
 31/03/2015

15/100/04AB

CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN
 411 MANCHESTER ROAD, BURY BL9 9RY
 10 FLETCHER FOLD ROAD, BURY BL9 9RX



2A PROPOSED PLAN (1:500)

DRAWING @ A3

IMPLEMENTATION OF THE PROPOSAL WOULD BENEFIT THE APPLICANTS & THE COMMUNITY. AN UNSIGHTLY & UNUSED STRIP OF LAND WOULD BE TRANSFORMED WITH A SAFE AND USEABLE FOOTPATH LINKING FLETCHER FOLD ROAD AND MANCHESTER ROAD.

EXISTING TREE STUMPS, HOLLY BUSHES & ELDERBERRIES WOULD BE REMOVED. THE THORN HEDGE WOULD BE TRIMMED BACK.

A NEW 1.8M HIGH POST & PANEL FENCE WOULD BE ERECTED IN A POSITION TO ALLOW A FOOTPATH WITH A MINIMUM WIDTH OF 2M. THE LINE OF THE FENCE WOULD TAKE ACCOUNT OF THE TELEGRAPH POLE WHICH IS IN FRONT OF THE HEDGE.

THE FOOTPATH WOULD BE SURFACED IN CRUSHER RUN STONE.

THE WALL OR FENCE IN FRONT OF NO. 411 MANCHESTER ROAD WOULD BE A MAXIMUM OF 1.0M HIGH.

THE AREA ON THE FRONTAGE TO MANCHESTER ROAD IS NOW INCLUDED WITHIN THE APPLICATION BOUNDARY. THE FOOTWAY WOULD BE RELAID & A KERB CONSTRUCTED. VEHICULAR ACCESS TO THE DRIVEWAY OF 411 MANCHESTER ROAD. A DETAILED SPECIFICATION IS REQUIRED. CONDITIONAL APPROVAL IS ACCEPTABLE.

THE DEVELOPMENT CANNOT BE CARRIED OUT UNLESS HIGHWAY CLOSURE IS ACHIEVED IN ADDITION TO PLANNING PERMISSION.

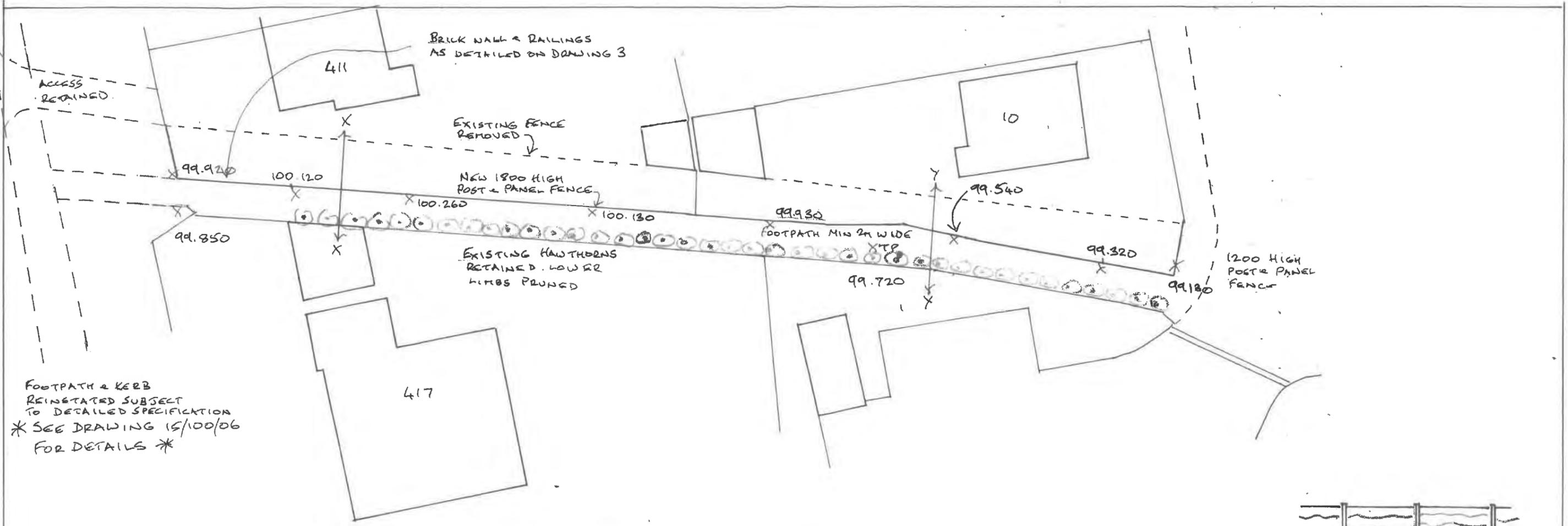
THE FOOTPATH WOULD BE MAINTAINED BY THE APPLICANTS, INCLUDING PRUNING OF THE TREES AS REQUIRED.

AREA TO BE STOPPED UP HATCHED
FOOTPATH STIPPLED

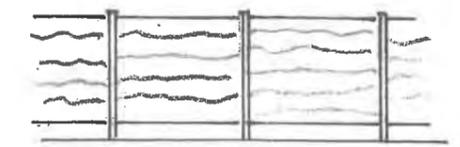
04/04/2018 - EXTENSION TO NO. 10 ADDED
19/07/2016 - STOPPING UP DETAIL ADDED
26/02/2015

15/100/02A B

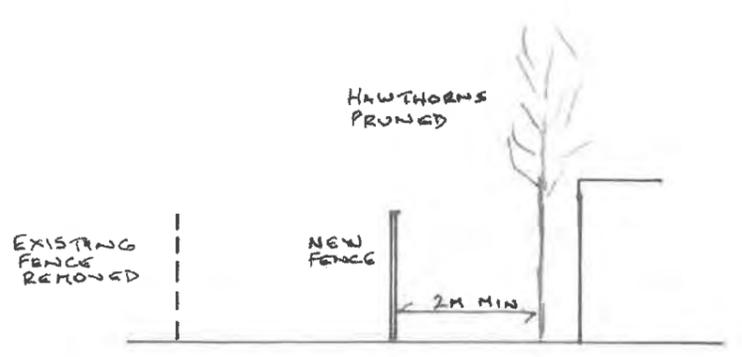
CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN
411 MANCHESTER ROAD, BURY BL9 9RY
10 FLETCHER FOLD ROAD, BURY BL9 9RX



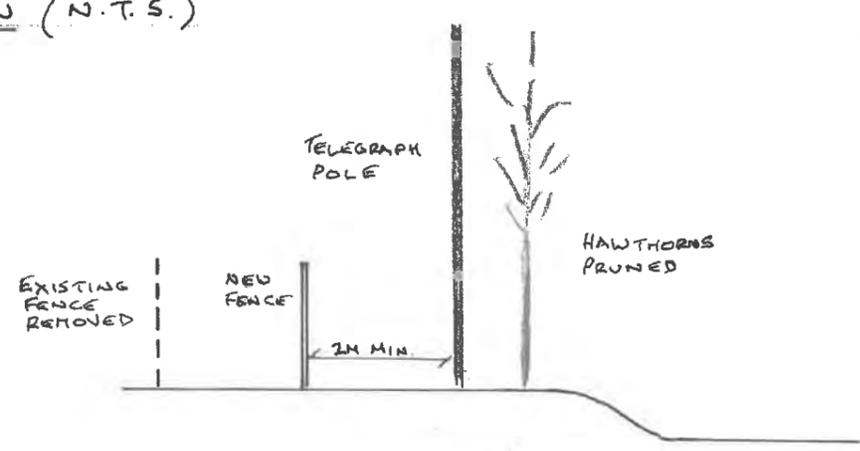
PROPOSED SITE PLAN (N.T.S.)



FENCE DETAIL (1:100)



SECTION (X-X) (1:100)



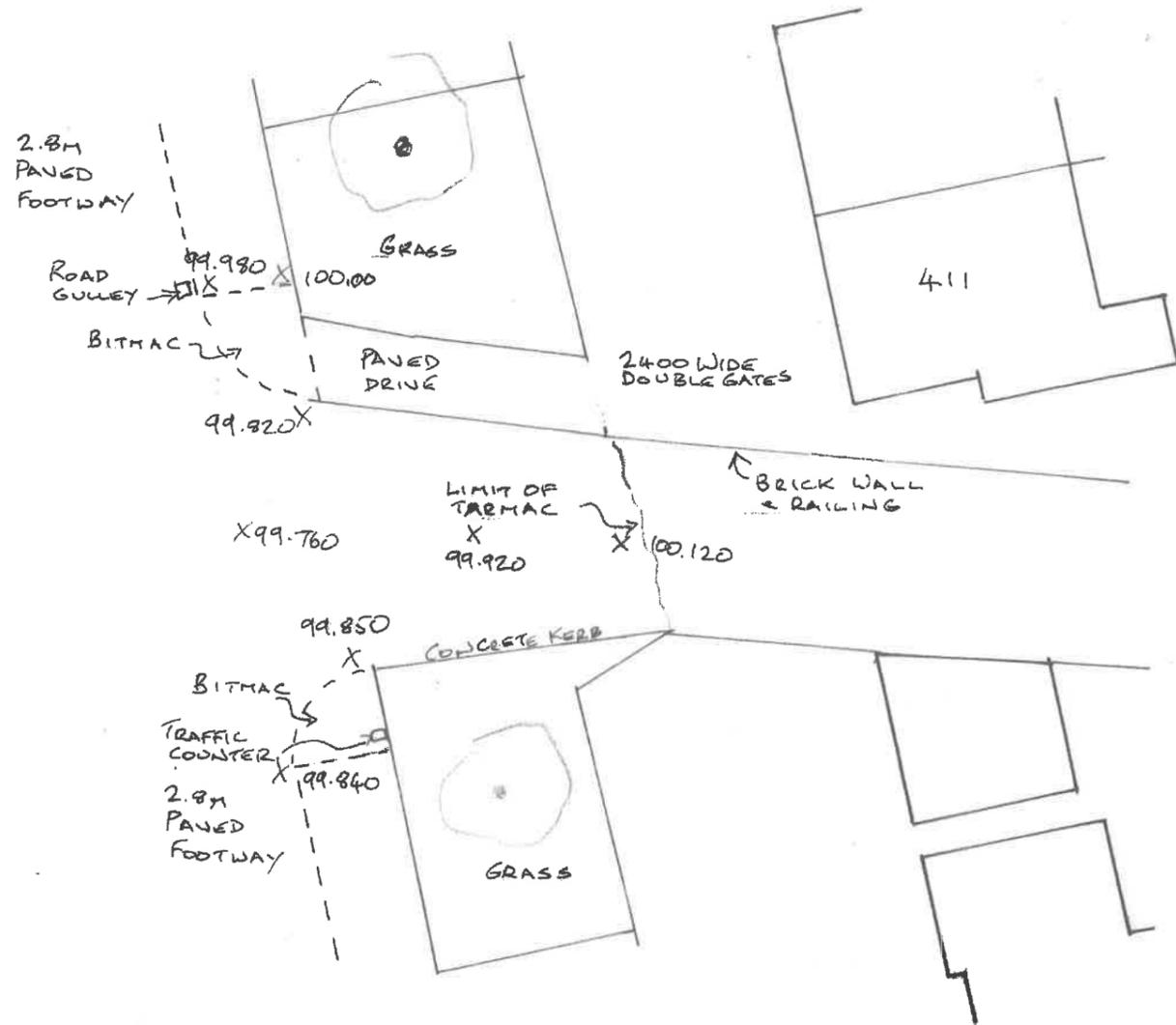
SECTION (Y-Y)

SA PROPOSED SITE PLAN

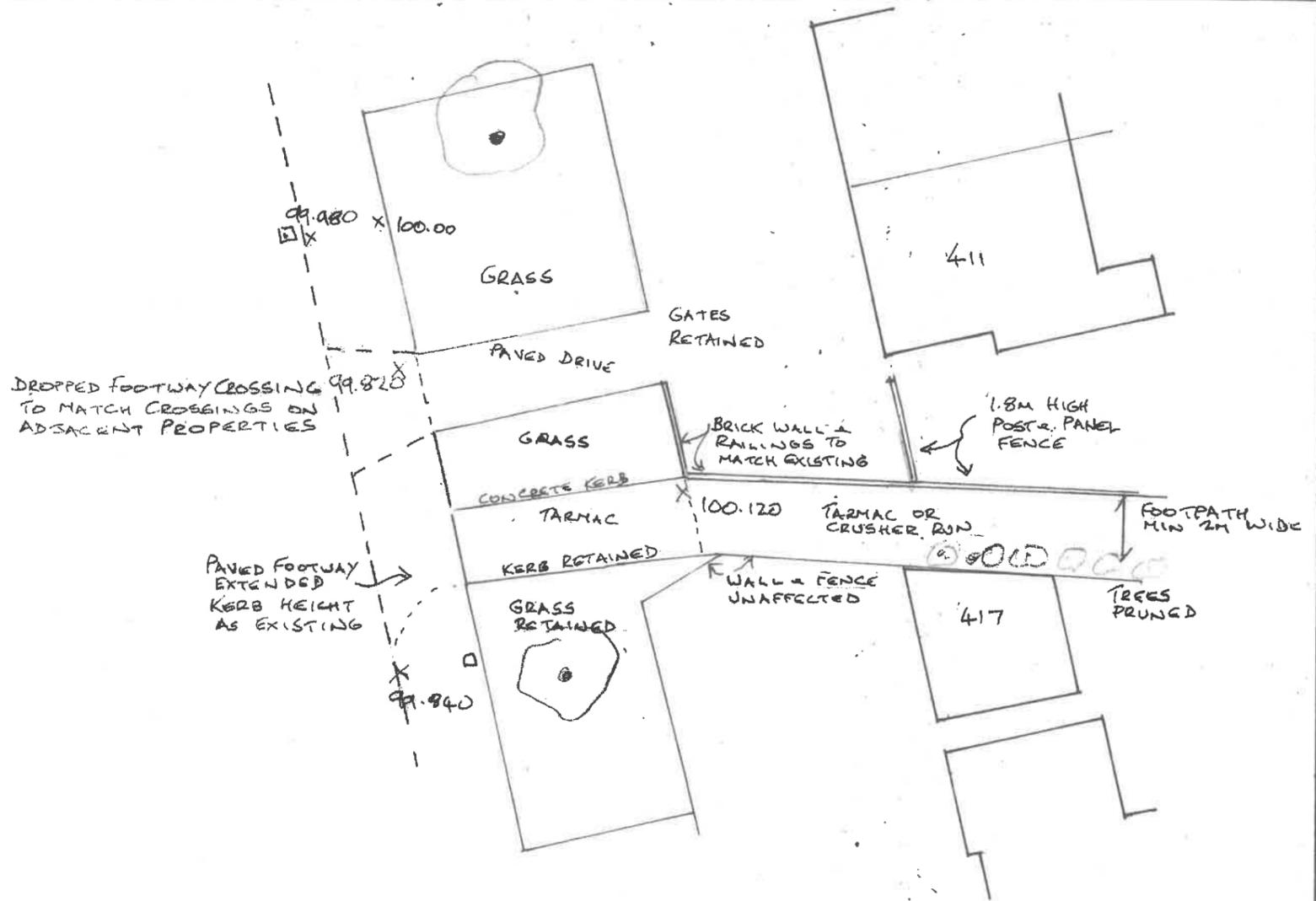
24/08/2015 LEVELS ADDED
31/03/2015

15/100/0.5A

CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN
411 MANCHESTER ROAD, BURY BL9 9RY
10 FLETCHER FOLD ROAD, BURY BL9 9RX



EXISTING PLAN



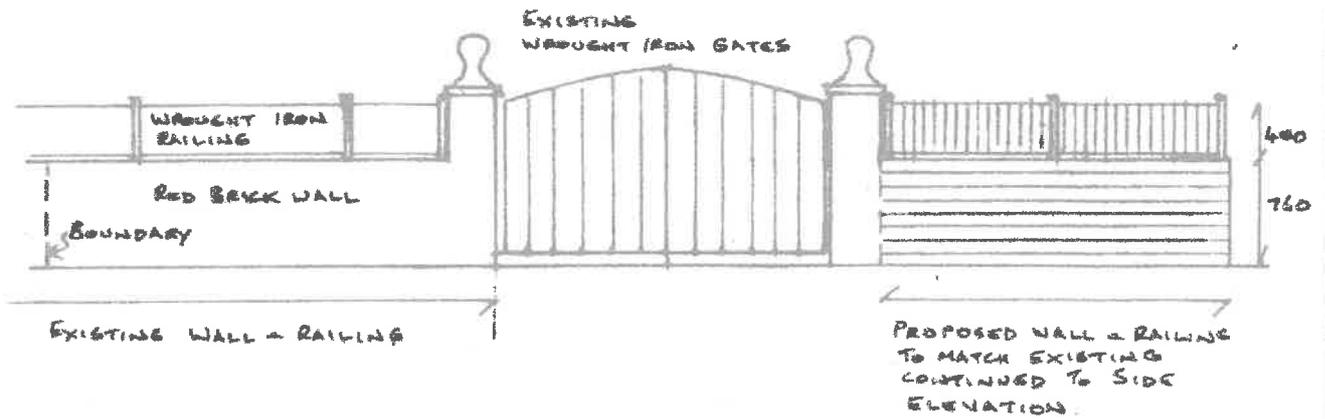
PROPOSED PLAN

6A DETAILS OF FOOTWAY TREATMENT

FOOTWAY CROSSING TO EXISTING DWELLING SPECIFIED 12/10/15
 15/100/06A 24/08/15

CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN
 411 MANCHESTER ROAD, BURY BL9 9RY
 10 FLETCHER FOLD ROAD, BURY BL9 9RX

SCALE 1:200 @ A3



FRONT BOUNDARY TREATMENT TO MANCHESTER RD.

05/03/2015

SCALE 1:50 @ A4

15/100/03

CHANGE OF USE OF VACANT LAND TO DOMESTIC GARDEN

411 MANCHESTER ROAD, BURY BL9 9RY

10 FLETCHER FOLD ROAD, BURY BL9 9RX

Ward: Bury East - Redvales

Item 06

Applicant: Orangewood Homes Ltd

Location: 1 Inman Street, Bury, BL9 0TP

Proposal: Change of use from single dwelling to 6 bed House of Multiple Occupation (HMO) with conversion of garage at rear to living accommodation and erection of pitched roof

Application Ref: 62615/Full

Target Date: 21/05/2018

Recommendation: Approve with Conditions

Description

The application relates to a two storey end terraced red brick dwelling on a residential street. At the rear there is a small yard and a single garage opening onto Olivant Street to the side.

The area is residential in character and the site is surrounded by residential properties. There is a residents only parking scheme in operation in the immediate area.

The proposal involves:

- Change of use of the dwelling and garage to a 6-bed house in multiple occupation (HMO). There would be no on-site parking proposed.
- External alterations include adding a new pitched roof over the single storey outrigger/garage at the rear and converting the garage into living accommodation.

Following a number of objections relating to the proposal, the applicant has provided additional information with regards to the nature of the HMO.

The proposal requires planning permission because of the alterations and extensions to the roof over the outrigger and the conversion of the garage at the rear.

Relevant Planning History

None relevant.

Publicity

The following 14 neighbours were notified by letter dated 27/03/18. Nos.138-144(even) Manchester Road, No.12 Olivant Street, Nos.3-9(odd) Inman Street, Haslam Brow and Haslam Bank House, Tandenbeck Ltd, Manchester Old Road.

18 individual objections have been received from residents at Nos.3, 5, 7, 8, 10, 13, 14, 29 and 31 Inman Street, Nos 52, 142 and 144 Manchester Road, 43 and 49 Manchester Old Road. Nos.2-4 Parliament Place, 10 and 16 Arden Close, and 8 Waterloo Court.

A 29 name petition was also received.

Objections are summarised below:

- A HMO is unsuitable in the area. It will ruin the character of the street.
- The HMO would lead to increased noise and disturbance.
- It would lead to an increase in anti-social activities.
- Children's safety would be put at risk.
- Parking is already a problem in the area and a further 6 residents in the HMO would make the problems worse.

- Loss of the existing garage would increase parking problems further.

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

Consultations

Traffic Section - No objection subject to conditions.

Greater Manchester Police - No objection received.

Adult Services - No objection received.

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

H2/3 Extensions and Alterations

H2/4 Conversions

H1/2 Further Housing Development

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - The change of use from a dwelling to a 6 bed HMO is acceptable in principle as without the alteration to the roof, it would be 'permitted development' under the current planning regulations.

H2/4 - Conversions. Applications for the conversion of buildings into two or more self contained units, or the conversion of a building into a house of multiple occupation, will be considered with regard to the following factors:

- a) the effect on the amenity of neighbouring property through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- b) the general character of the area and the existing concentration of flats;
- c) the amenity of occupants;
- d) the effect on the street scene of any changes to the external appearance of the building;
- e) car parking and servicing requirements including bin storage/collection.

SPD 13 - Conversion of Buildings to Houses in Multiple Occupation supports UDP Policy H2/4 and gives specific advice on HMO's.

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 area and adjacent to residential uses. As such, 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. The site contains an existing dwelling and as such would be previously developed land. 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.

Design and layout - 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.

The proposed HMO would utilise the same entrance, with no new doors or windows added to the frontage along Inman Street, and the house would appear ostensibly as a single house. The proposed alterations and extensions to the roof over the outrigger at the rear are relatively modest and comprise removing the existing mono-pitched roof with a maximum height of 3.5m over the utility room and flat roof (H2.5m) over the garage/store and replacing with an L-shaped, mono-pitched roof with a maximum height of 3.7m. The garage door would be bricked up and a window installed in its place.

Assessed in terms of its appearance upon the streetscape, the proposal is considered to be acceptable in that it would not impact upon the external appearance of the building or the general character of the area as the building would still have the appearance of a dwelling. Therefore, the proposed development would not be a prominent feature in the streetscene

and would be in accordance with Policies EN1/2 and H2/4 of the Bury Unitary Development Plan.

Impact upon Residential Amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case. There would be no significant overlooking from new windows in the proposed elevations beyond the existing situation. The proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would be in accordance with the aspect standards in SPD6.

Noise - With current building regulations and a planning condition that would require appropriate noise insulation to the party wall if necessary, the impact of noise and disturbance on adjoining neighbours is not so problematic and would not warrant a reason for refusal. As such, the proposed development would not have an adverse impact upon residential amenity in terms of noise and would be in accordance with Policies H2/4 and EN7/2 of the Bury Unitary Development Plan.

Highway and Parking - The immediate area around the site is covered by a residents permit scheme. Should any future residents within the proposed HMO require a parking permit for on-street parking, they would be considered under the same criteria as with any other residents.

The site has relatively good public transport links with a main bus route along Manchester Road at the end of Olivant Street, to the east. In addition, a cycle store would be provided next to the bin store.

There is 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 issues will be a major consideration 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.

The traffic section, whilst recognising that there may be a significantly greater parking requirement with 6 adults residing in the property, is required to take account of the 'permitted development' fall back situation under the current use classes order. This permitted development, which is a material planning consideration, means that the house could be converted to a 6 bed HMO without the need for a formal planning approval. In assessing the proposal on the basis that a 6 bed HMO would be 'permitted development', the proposal which includes alterations to the roof over the outrigger at the rear, would be difficult to resist on highway grounds.

The proposal is therefore considered to be acceptable and would be in accordance with 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.

Response to objectors - During the planning application process, the applicant was provided with the opportunity to address residents/objectors concerns as follows:

- Tenants would be working professionals and references would be required.
- Tenants showing anti-social behaviour would be evicted.
- No children would be allowed and there would be 'no-sharing' rooms.
- The HMO would have a right to have resident parking as with any other resident.
- There are good public transport links nearby.
- Cycle stands would be provided in the rear yard.
- Single residents of the HMO, without children may actually reduce congestion.
- The existing garage is not used for parking a car but for storage.
- The use of the building as a HMO would not be out of character.

- A mix of tenants in an area is beneficial.
- The condition of the property is poor and the proposal would improve the appearance within the street.
- The property has been visited by a HMO officer and would meet all the licensing requirements.
- The extension is in keeping with other properties in the area.

The planning issues raised by objectors have been addressed in the main report.

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 Paragraphs 186-187 of the National Planning Policy Framework.

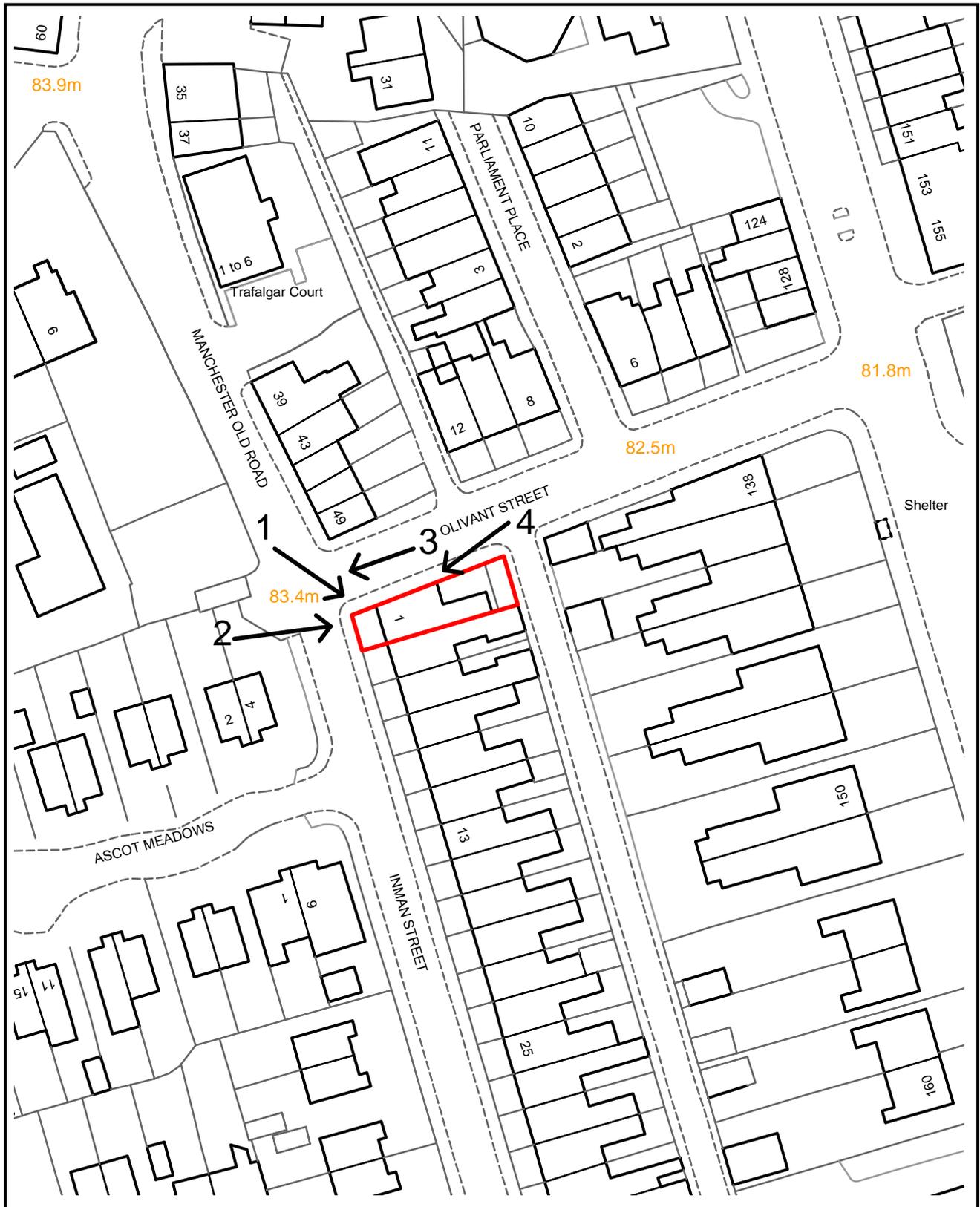
Recommendation: Approve with Conditions

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 11S/205/PL, 200/PL, 201/PL, 202/PL, 203/PL, 204/PL 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 62615

**ADDRESS: 1 Inman Street
Bury**

Planning, Environmental and Regulatory Services

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62615

Photo 1



Photo 2

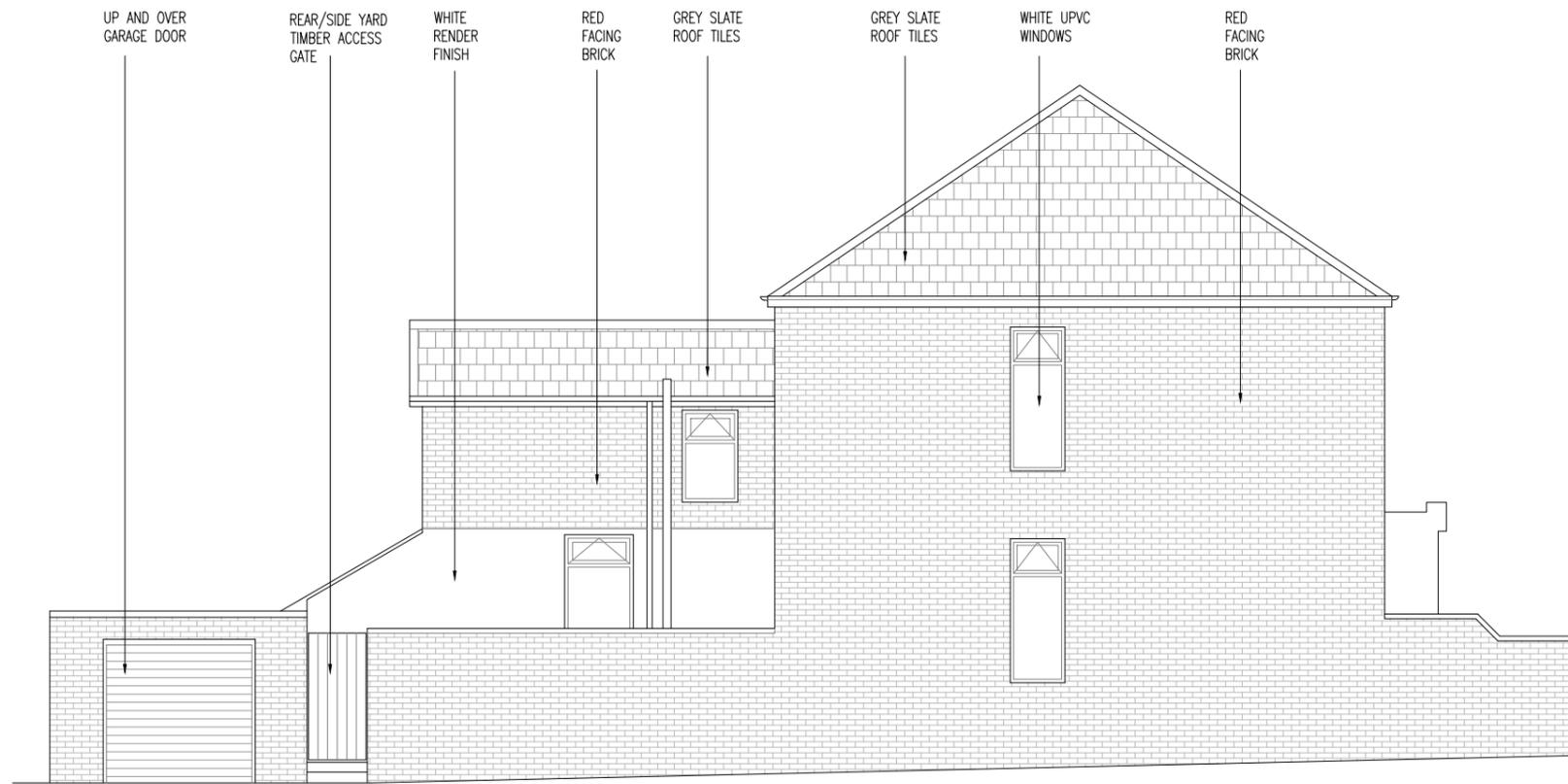


Photo 3



Photo 4

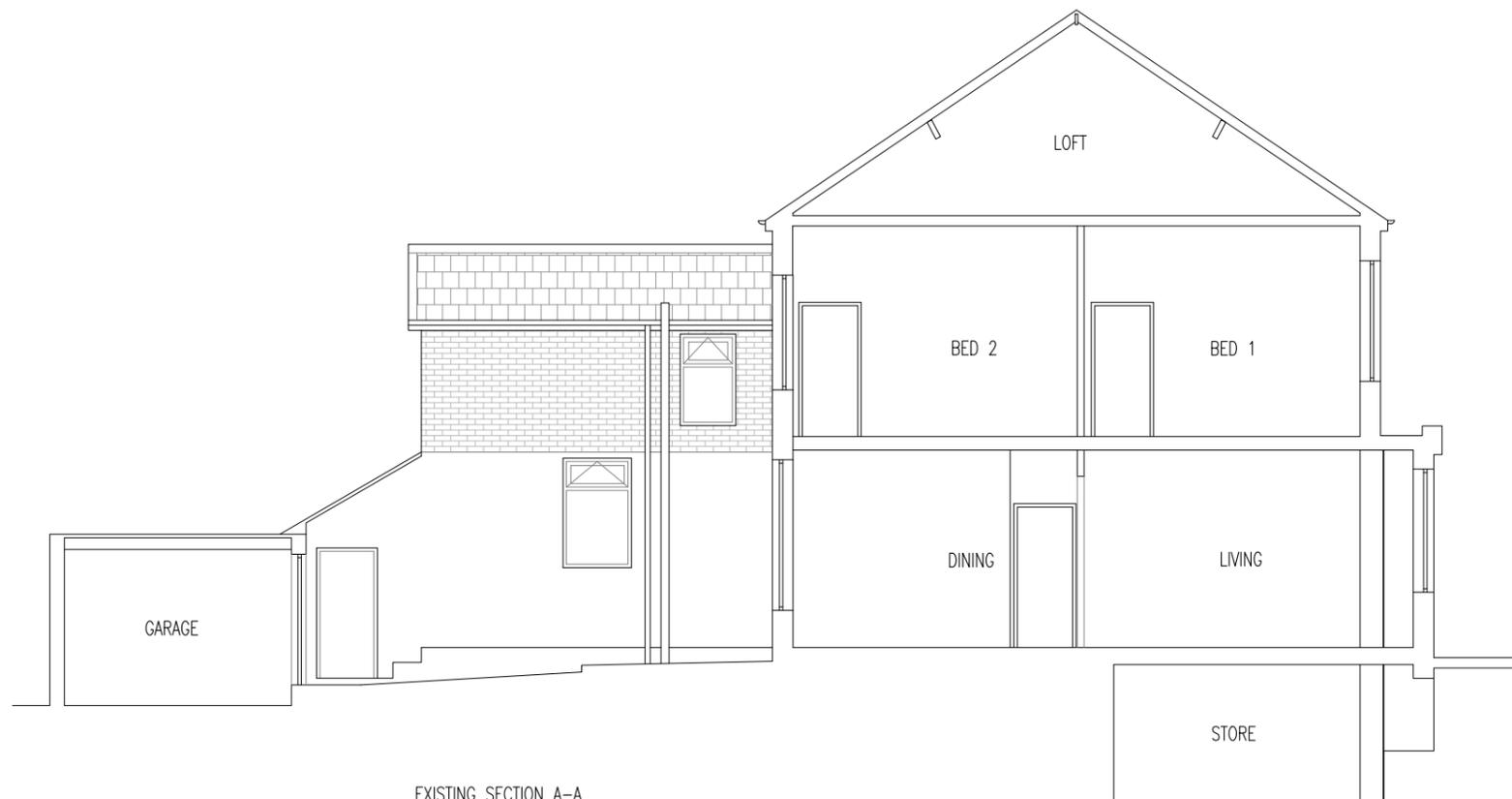




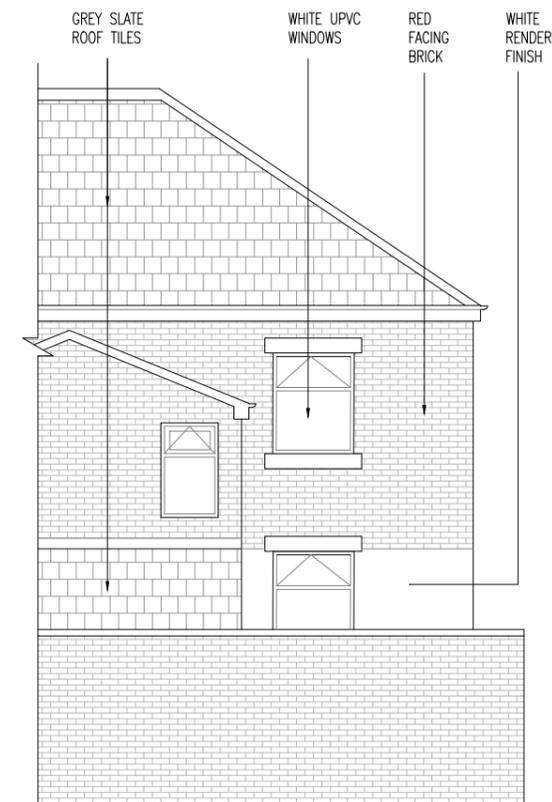
EXISTING SIDE ELEVATION
1:100 @ A3



EXISTING FRONT ELEVATION
1:100 @ A3



EXISTING SECTION A-A
1:100 @ A3



EXISTING REAR ELEVATION
1:100 @ A3

Rev	Amendments	Date	Ints

Mark Gordon
Design + Associates

Project
REFURBISHMENT & ALTERATIONS
TO 1 INMAN STREET
BURY, BL9 0TP

Drawing Title
EXISTING ELEVATIONS
& SECTION A-A

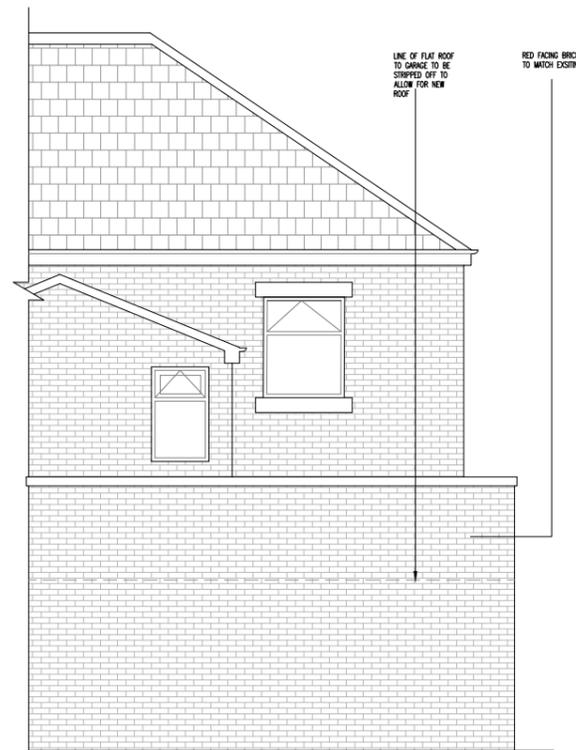
Drawn MG	Checked —
Date MAR 2018	Scale@A3 1 : 100
Drawing No. 1IS/201/PL	Rev.



PROPOSED SIDE ELEVATION
1:100 @ A3

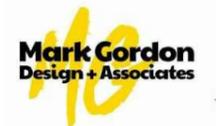


PROPOSED FRONT ELEVATION
1:100 @ A3



PROPOSED REAR ELEVATION
1:100 @ A3

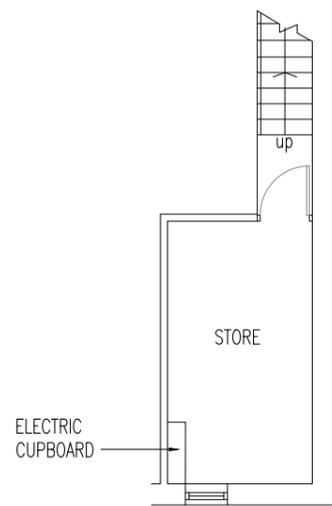
Rev	Amendments	Date	Ints



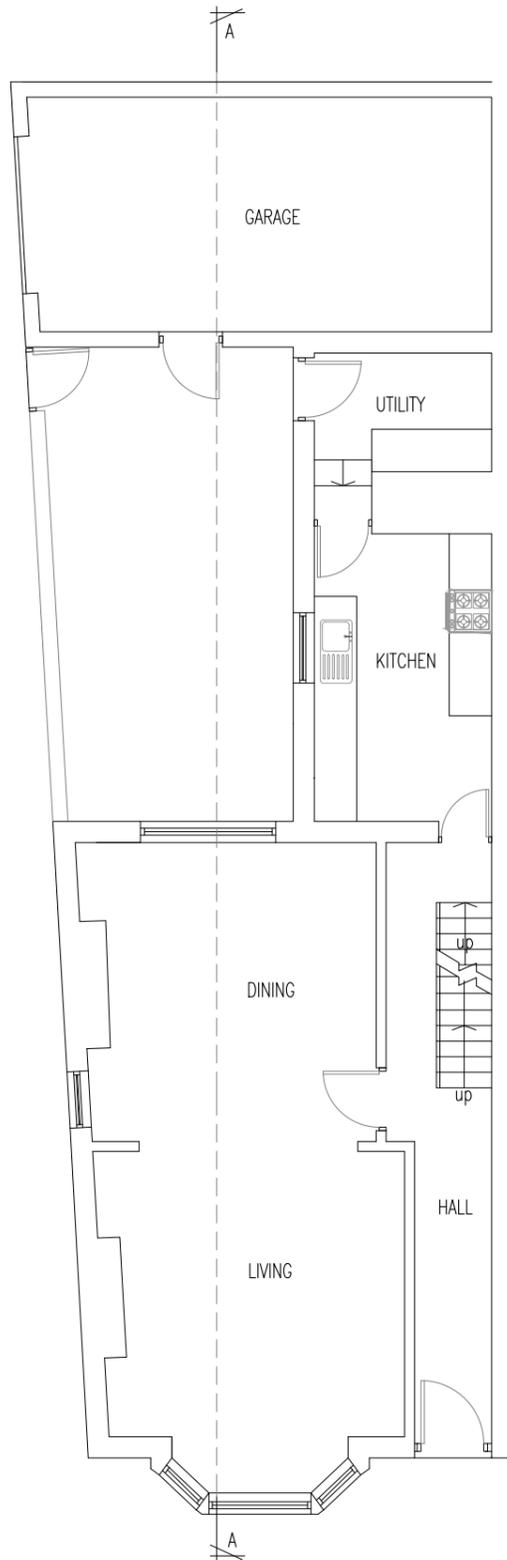
Project
REFURBISHMENT & ALTERATIONS
TO 1 INMAN STREET
BURY, BL9 0TP

Drawing Title
PROPOSED ELEVATIONS

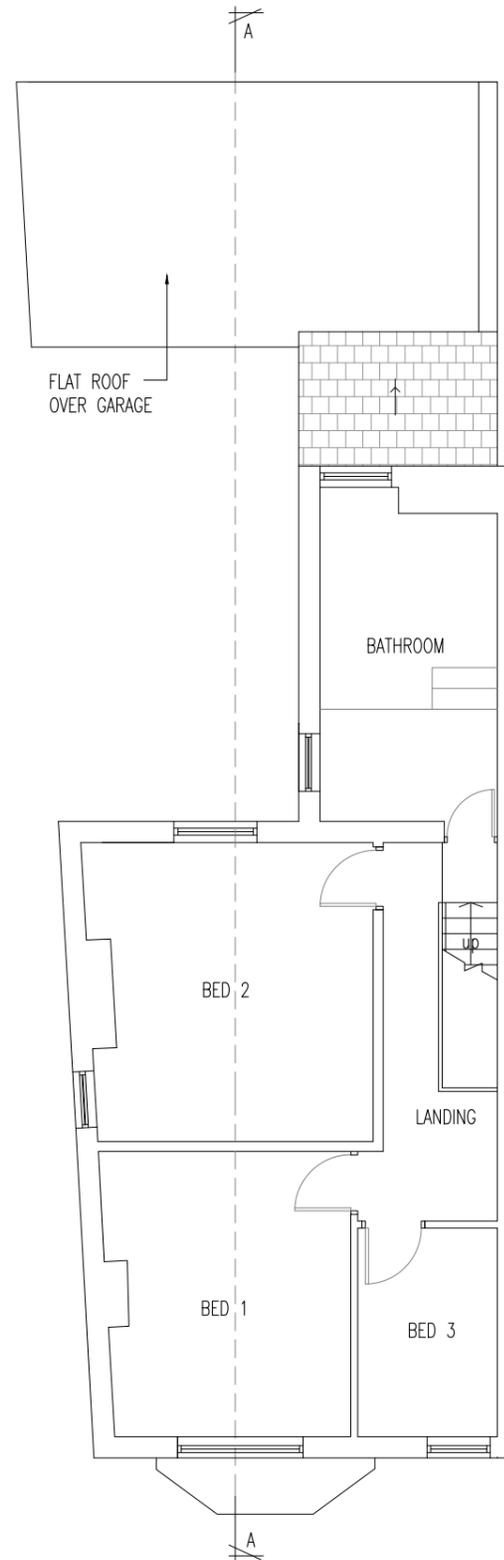
Drawn MG	Checked _
Date MAR 2018	Scale@A3 1 : 100
Drawing No. 1IS/204/PL	Rev.



EXISTING BASEMENT FLOOR LAYOUT
1:100 @ A3



EXISTING GROUND FLOOR LAYOUT
1:100 @ A3



EXISTING FIRST FLOOR LAYOUT
1:100 @ A3

Rev	Amendments	Date	Ints



Project
REFURBISHMENT & ALTERATIONS
TO 1 INMAN STREET
BURY, BL9 0TP

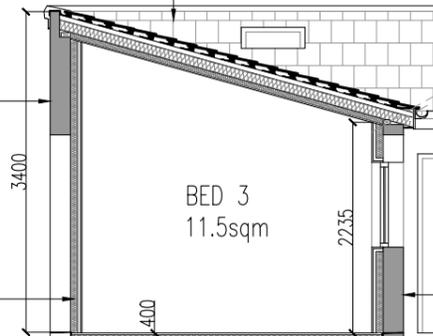
Drawing Title
EXISTING PLAN LAYOUTS

Drawn MG	Checked _
Date MAR 2018	Scale@A3 1 : 100
Drawing No. 11S/200/PL	Rev.

ROOF CONSTRUCTION:
 ROOF FINISH TO BE MARLEY ETERNIT FIBRE CEMENT 15' ROOF TILES (OR APPROVED CLIENTS CHOICE)
 ALL FIXED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS ON 50x25MM TREATED BATTENS ON TYVEK BREATHABLE SARKING (ROOF NOT VENTILATED), ON 150x47MM C24 RAFTERS @ 400MM C/S, LATERAL SUPPORT GIVEN TO ROOF CONSTRUCTION USING 30x5MM GALVANISED MILD STEEL VERTICAL STRAPPING AT LEAST 1000MM IN LENGTH ANCHORED TO WALL, WALL PLATE AND RAFTER, AND STRAPPING AT LEAST 1200MM FIXED TO THE GABLE END WALL AND RAFTERS ALL AT INTERVALS NOT EXCEEDING 2M C/S.
 RAFTERS FIXED TO 100x50MM WALL BATTEN. RAFTERS TO BE FIXED USING PROPRIETARY (BAT OR SIMILAR) GALV. STEEL CLIPS ON 100 X75MM TREATED WALL PLATES BED IN SAND / CEMENT MORTAR AND STRAPPED DOWN AT MAX 1800C/C WITH 900x30x5MM GALV. STEEL "L" STRIPS. INSULATE BETWEEN RAFTERS WITH KINGSPAN KOOLTHERM K7 ROOF BOARD PARTIAL FILL INSULATION BETWEEN RAFTERS, TO ALLOW FOR MIN 50MM VENTILATION GAP BETWEEN INSULATION AND RAFTERS, THEN KINGSPAN KOOLTHERM K118 INSULATED PLASTERBOARD, 52.5MM THICK TO U/S OF RAFTERS TO ACHIEVE A U-VALUE OF 0.18W/M²K.
 ROOF SPACE TO BE VENTED TO PROVIDE THE EQUIVALENT OF 10MM CONTINUOUS GAP TO THE LENGTH OF THE EAVES.
 NOTE: RAFTERS TO BE DOUBLED UP EITHER SIDE OF NEW VELUX ROOFLIGHT.
 NOTE: ROOF PITCH TO BE MIN. 15'

LINE OF EXISTING ROOF TO BE STRIPPED OFF TO ALLOW FOR NEW ROOF

NEW MASONRY WALL WITH RED FACING BRICK BUILT ON TOP OF EXISTING WALL, UP TO NEW MONOPITCH ROOF LEVEL

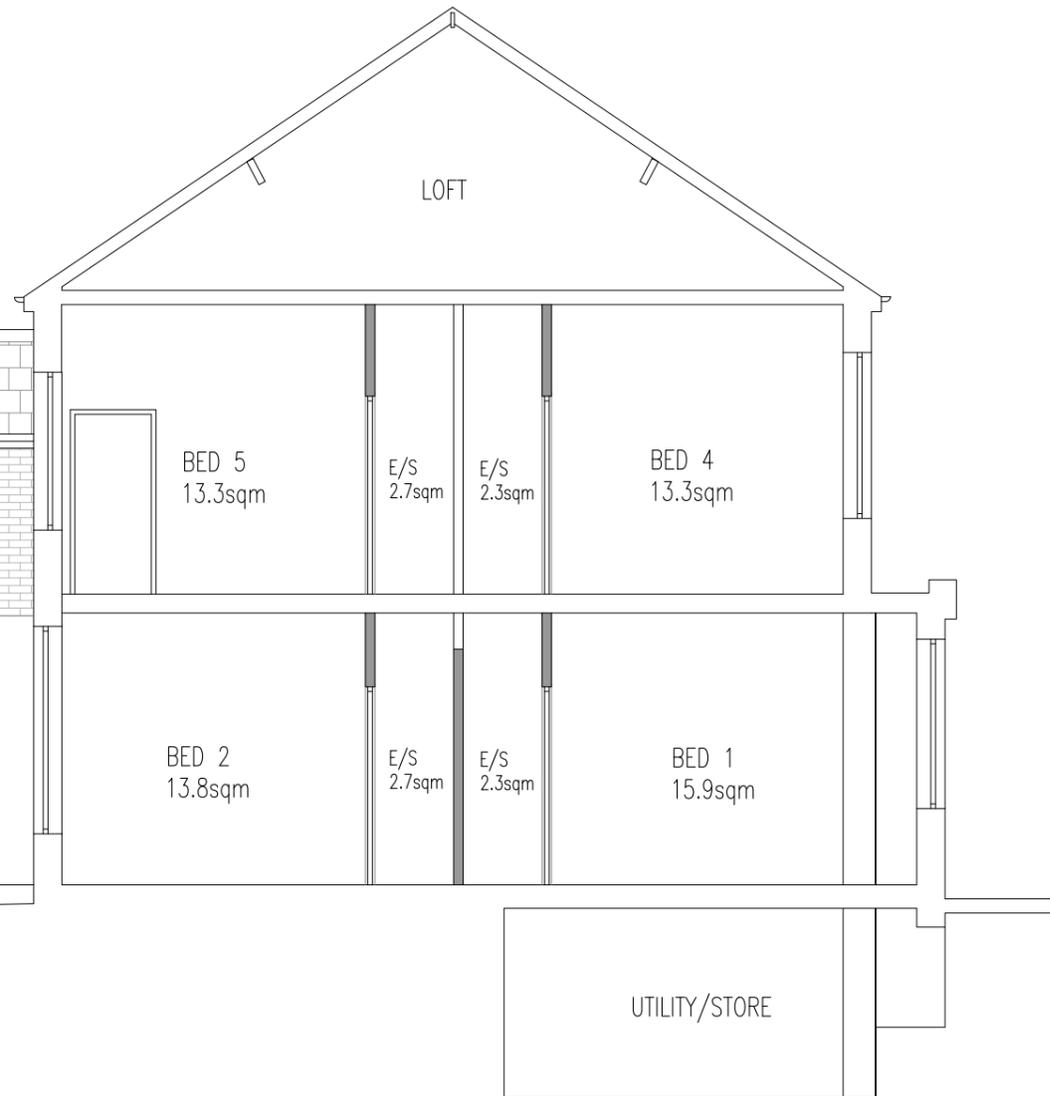


EXISTING BLOCKWORK WALL TO RECEIVE A 75MM INTERNAL TIMBER STUD FRAME WITH 75mm MINERAL WOOL INSULATION BETWEEN STUDS, FRAME FACED WITH 32mm KINGSPAN K118 INSULATED PLASTERBOARD WITH SKIM FINISH TO ACHIEVE A U-VALUE OF 0.26w/m²k AND TO ACHIEVE A 43db AIRBORNE SOUND REDUCTION VALUE

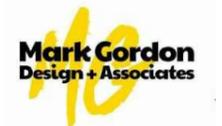
FINISH (AT CLIENTS REQUEST) LAID ON 19MM FLOORING GRADE CHIPBOARD ON 150x63MM @ 400 C/S C16 GRADE 'TANALISED' TIMBER ON GALVANISED SHOES. CELOTEX XRS 140MM INSULATION BETWEEN RAFTERS TO ACHIEVE U-VALUE OF 0.18 W/M²K. 200MM VENTILATION VOID BELOW WITH 1200G BLACK VISQUEEN LAID OVER EXISTING SLAB. (VISQUEEN TO HAVE MIN 300MM LAPS AND TAPED JOINTS USING 50MM WIDE TAPE) 50MM PC CONCRETE PAVERS LAID OVER PERIMETER OF VISQUEEN AS BALLAST AROUND PERIMETER.

NEW WINDOW OPENING FORMED WITH EXISTING DOOR OPENING. MASONRY 215mm WALL BUILT UP TO SILL LEVEL BUILT UP OVER THE TOP OF EXISTING WALL BELOW.

PROPOSED SECTION A-A
 1:75 @ A3



Rev	Amendments	Date	Ints



Project
 REFURBISHMENT & ALTERATIONS
 TO 1 INMAN STREET
 BURY, BL9 0TP

Drawing Title
 PROPOSED SECTION A-A

Drawn MG	Checked —
Date MAR 2018	Scale@A3 1 : 75
Drawing No. 1IS/203/PL	Rev.

Ward: Prestwich - Holyrood

Item 07

Applicant: Jennie Platt Ltd

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

Proposal: Change of use from residential care home (C2) to 11 bed house of multiple occupation

Application Ref: 62634/Full

Target Date: 21/05/2018

Recommendation: Approve with Conditions

Description

The application relates to a large 2 storey detached property which is located at the end of a road and in an area characterised by residential dwellings. Adjacent to the east is No 6 Glebelands Road, to the west on the corner of Poppythorn Lane and Glebelands Road is Poppythorn Court apartments which share the vehicular access with the site. Opposite are a row of terrace properties. The site is located within the Poppythorn Conservation Area.

The vehicular access down the side of the premises leads to a large graveled area at the rear used for parking and a shared garden area and patio. Internally, there are 11 bedrooms and 6 bathrooms over the two floors, with communal kitchen and sizeable living area at the ground floor.

The application premises had a previous use as a residential care/rehabilitation home (Class C2), accommodating up to 11 people. Staff members visited the site during the daytime and the service was run by a registered charity. It is understood that the property is now part occupied and functioning as an House of Multiple Occupation (HMO) for up to 6 people which can be lawfully carried out and without the need for planning permission.

The application seeks a change of use to an HMO for up to 11 people. There would be no internal changes made to the property or the external layout apart from the formalisation of the parking area at the rear to provide 6 spaces. There is an area at basement level for the storage of 6 cycle spaces.

Relevant Planning History

50461 - Single storey extension at rear - Approve with Conditions 26/11/2008

52762 - Partial demolition of single storey outbuilding and erection of new single storey extension to link to main house - Approve with Conditions 15/09/2010

53720 - Variation of condition no. 2 of planning permission 52762 - Approved drawings to allow alterations to single storey extensions at rear - Approve with Conditions 20/04/2011

Publicity

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

Site notice posted 20/4/2018.

Press advert in the Bury Times 12/4/2018.

5 letters of objection received from properties at Nos 5,7 (2 letters),11 Glebelands Road, 26 Poppythorn Lane, one e-mail no address supplied

- There are already people living in the house and it is not understood why we have now been informed when the change has already happened;
- The bins are not put out and have become overflowing and unsightly;

- Live in a conservation area and not good enough and the owner or applicant should be made aware of bin collection schedules;
- There is only sufficient parking for 5 cars so I question where the other 6 cars will be parked on an already overcrowded road which has parking problems and would ruin the area;
- The property is already part let;
- One current occupant owns a minibus which is parked on the street causing parking issues in the area, when there is an area to the rear of the property which can be used for parking;
- Noise and disturbance - Crowding 11 people into one property threatens the peace of the local area;
- Conservation Areas - adverse effect on the character and appearance of the Conservation Area and heritage assets within it;
- Property values - Detrimental effect on property prices in the area;
- A more appropriate use may be 4 or 5 apartments;
- The owner of a mini van who resides there now parks the vehicle in a non designated space in the car park alongside our boundary - can only imagine the parking problems caused when a minimum of 11 people reside there;
- The introduction of a transient, basically furnished, densely occupied use for this property is totally out of keeping with settled owner occupied residential nature of the area;
- The care home had few car users, accommodated by parking to the rear and full time staff to manage the property - 11 units would likely bring in people with their own vehicles;
- The property is already partially let, and therefore in breach of the current use;
- The development looks to squeeze as much money as possible while giving no consideration to local impact;
- HMO's are traditionally used as hostel accommodation or for clients who cannot sustain an independent tenancy, and are generally a transient client group , contributing little to the community;
- The HMO is not appropriate in an established residential area comprised predominantly of owner occupied properties and is more suited to a noisier, busier, inner city neighbourhood;
- Does the owner require a HMO license? Do they have experience of managing such tenants?
- Appears to maximise profit.

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

Consultations

Traffic Section - No objection subject to condition.

Borough Engineer - Drainage Section - No response received. None required

Waste Management - No response received. None required

United Utilities (Water and waste) - No response received. None required

Urban Renewal - The developer is aware of the requirements in relation to licensing

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
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
EN2/2	Conservation Area Control
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies - UDP Policy H1/2 - Further Housing Development states that regard with be given to the following factors when assessing proposals for housing development:

- the need to direct development towards the urban area;
- the availability of infrastructure;
- the need to avoid the release of open land;
- the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses.

UDP Policy H2/4 - Conversions states that applications for the conversion of a building into

a house of multiple occupation will have regard to:

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

Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation provides additional advice and guidance to ensure that they do not detract from the character of the surrounding area and amenities of local occupiers and to improve the quality and design of proposals for the provision of HMO's for the benefit of prospective residents.

Section 66 of the Planning (Listed Building and Conservation areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

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

Chapter 12 of the NPPF - Conserving and enhancing the historic environment - In determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

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

Principle - The site is located within an urban area which is residential in character and is close to Prestwich Town Centre and within 300m walking distance from the nearest metrolink station and 400m from the amenities and facilities in the town. As a residential use, the proposed development would therefore not conflict with the surrounding land uses and would be located in a sustainable area with good access to public transport and services. The premises would also be capable of conversion without alterations.

The premises were previously used as a residential care service, accommodating up to 11 people (granted by the consent to extend the property at ground floor, planning reference 52762) with carer's visiting the site during the day. The proposed development would not intensify the use of the building in terms of accommodation or numbers of people who could live there.

As such, the proposal is considered to be acceptable in land use terms and sustainable living and would comply with UDP Policies H1/2 and H2/4 and the principles of the NPPF.

Conservation Area issues - The proposed use would not be dissimilar in character to its previous use as a care facility, accommodation comprising self contained bedroom units with communal living areas and facilities.

It is therefore considered that the proposed use would not in itself have an impact on the character of the conservation area. The application stresses that there will be no alteration to the exterior of the building and/or the layout/detail of the site.

Windows appear to have historically been altered to upvc white frames.

The area proposed for parking is graveled and there are no proposals to change the surfacing. The plans show that 6 spaces would be demarcated by hardwood stakes, a sensitive solution to marking out the spaces and which is considered to have minimal impact on the character of the Conservation Area.

As such, it is considered that the proposed development would be a viable and sustainable use and would not have a detrimental impact on the character of the Conservation Area and the proposals would preserve the special character of the area, and comply with UDP Policies EN2/1 and EN2/2 and the principles of the NPPF.

Layout - There would be very little change to the layout of the property. Internally, the division and layout of the bedrooms and bathrooms would remain as existing and there would be no internal walls or partitions constructed.

In terms of the external areas, there would be very little change to the layout other than the formalisation of the parking area for 6 cars at the rear.

There is a path which leads to the front entrance of the property, and the driveway off Glebelands Road which is shared with Poppythorn Court (and in part ownership of the applicant) would be utilised to access the parking and rear garden.

There would be no alterations to the physical fabric of the house.

Minimal alterations would enable the property to be brought into an acceptable standard for residential occupancy as an HMO and as such the proposed layout is considered to be comply with UDP Policies EN1/2 and H2/4.

Impact on residential amenity - The property is located at the end of a street and a row of residential dwellings. It is substantial in size and has already operated for a number of years as a care home run by a charity and providing accommodation for 11 occupiers. Associated with this use was the element of care, provided by care workers who visited the site on a daily basis, which in itself generated daily trips.

It is considered that in continuing to provide residential accommodation for up to 11 separate adult occupiers, there would not be a significant increase to noise or disturbance which could be generated by the previous use, or similarly being used as a private residential house for a large family.

The layout would remain the same, with the same outdoor amenity space provided as currently exists. Whilst there would be a formalised parking area to the rear, this would be located 7m from the boundary with No 6 Glebelands between which is also an existing timber panelled fence which screens much of the garden and parking area from view.

The access into the site between No. 4 Glebelands and Poppythorn Court would remain as existing and there are no proposals to carry out any physical alterations to the site, the grounds or the building itself.

As such it is considered that the proposed development would not generate significant levels of activity beyond activities which could be generated by its use as a care home or family home, and would be in compliance with UDP Policies H2/1, H2/2 and H2/4.

Impact on amenity of future occupiers - The applicant would be required to obtain a HMO license from the Local Planning Authority and would need to demonstrate that certain criteria would be fulfilled and applied to the property, and that the HMO would be reasonably suitable for occupation by the number of tenants proposed to at least the minimum prescribed standards of amenity and facilities.

All rooms would be for single occupation and would be required to comply with Bury's HMO

Licensing Conditions. There would be a separate kitchen and generous communal living areas from which there would be access to the garden area and bin store facility with a cycle store located in the basement. The facilities and amenity areas are considered to be commensurate with the number of occupiers and would fulfill required standards and regulations.

Occupiers would also be aware of the level of parking which would be available and by way of managing the site, it is the applicant's intention to allocate the 6 spaces to certain occupiers. Whilst this cannot be controlled or enforced by a reasonable planning condition, it would seem a sensible and approach for the applicant to take to manage the level of parking on site.

As such, it is considered that the amenity of future occupiers would not be compromised by the proposed development and as such would comply with UDP Policy H2/4.

Parking - There are no specific car parking standards for an HMO in the guidance SPD11 - Parking Standards in Bury, although SPD 13 - Conversion of Buildings to Houses in Multiple Occupation states that when assessing proposals, regard should be given to the provision of adequate levels of car parking to meet future requirements of occupants and where possible provide off-street parking facilities.

However, it is recognised that it is difficult to set actual car parking standards for an HMO as this will often depend on the location of the property. Applications are therefore assessed on a site-for-site basis and on individual merits.

The development proposes to provide 6 in-curtilage parking spaces.

It is generally acknowledged that an HMO use tends to have a lower level of parking usage than for a single residential dwelling and that occupiers are less likely to be car owners. The site is located close to Prestwich Town Centre, 300m from the nearest tram station and links to bus services, as well close to the amenity facilities which are provided within the town centre.

There is also the fall back position that a residential dwelling could operate as an HMO for up to and including 6 people without the need for planning permission and therefore parking, whether provided or not would be out of the control of the LPA. This application seeks occupation for 11 residents, 5 above that needing permission. As 6 parking spaces are proposed, the parking provision would meet the demands the additional number of occupiers (over and above that needing permission) would generate.

The premises also has a large basement for use as a cycle storage area for at least 6 cycles.

National Planning Policy in the NPPF advocates the principles of sustainable development, including the encouragement and reliance on public transport and the move away from private car use. Given the nearby town centre location, proximity of transportation services and facilities nearby and that HMO occupancy tends to rely less on car use, the development is considered to be acceptable.

The Highway's Section have raised no objection to the proposals and subject to conditions including appropriate demarcation of the 6 parking spaces, the development is considered to be acceptable and be in line with the principles of the NPPF and UDP Policies H2/4 - Conversions and HT2/4 - Car Parking and New Development.

Response to objectors

- It is alleged that there are already people living there. Up to 6 people can live as a shared household without the need for planning permission;
- The bins would be located at the rear of the property as shown on the site layout plan 002 revision A;

- Impact on property values and profit generation are not a material planning considerations;
- The other objections raised with regard to parking, character of the use and conservation area have been covered in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

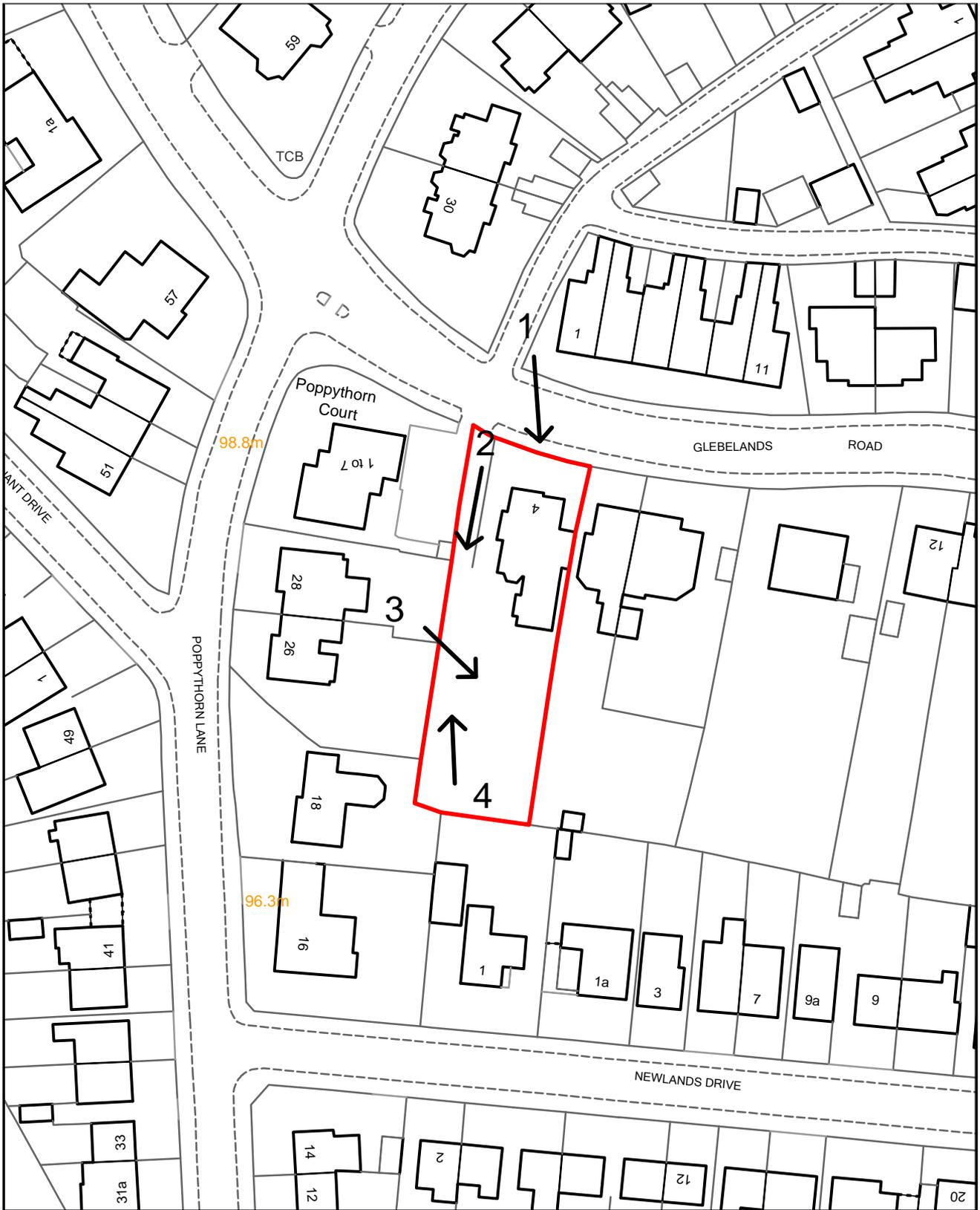
Recommendation: Approve with Conditions

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered - Site location plan 00; Site plan 001; Site Block plan 002 Revision B; Ground floor plan 003; First floor plan 004; Second floor plan 005; Basement plan 006 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 proposed car parking and turning facilities shall be surfaced and demarcated as indicated on approved plan reference 002 Revision B and made available for use prior to 1st occupation of the use hereby approved commencing 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 policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. The bin storage facilities indicated on approved plan reference 002 Revision B shall be made available prior to the 1st occupation of the development hereby approved and thereafter maintained.
Reason. In the interests of residential and visual amenity pursuant to Bury Unitary development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions, EN1/2 - Townscape and Built Design and EN2/2 - Conservation Area Control.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62634

**ADDRESS: 4 Glebelands Road
Prestwich**

Planning, Environmental and Regulatory Services

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62634

Photo 1



Photo 2

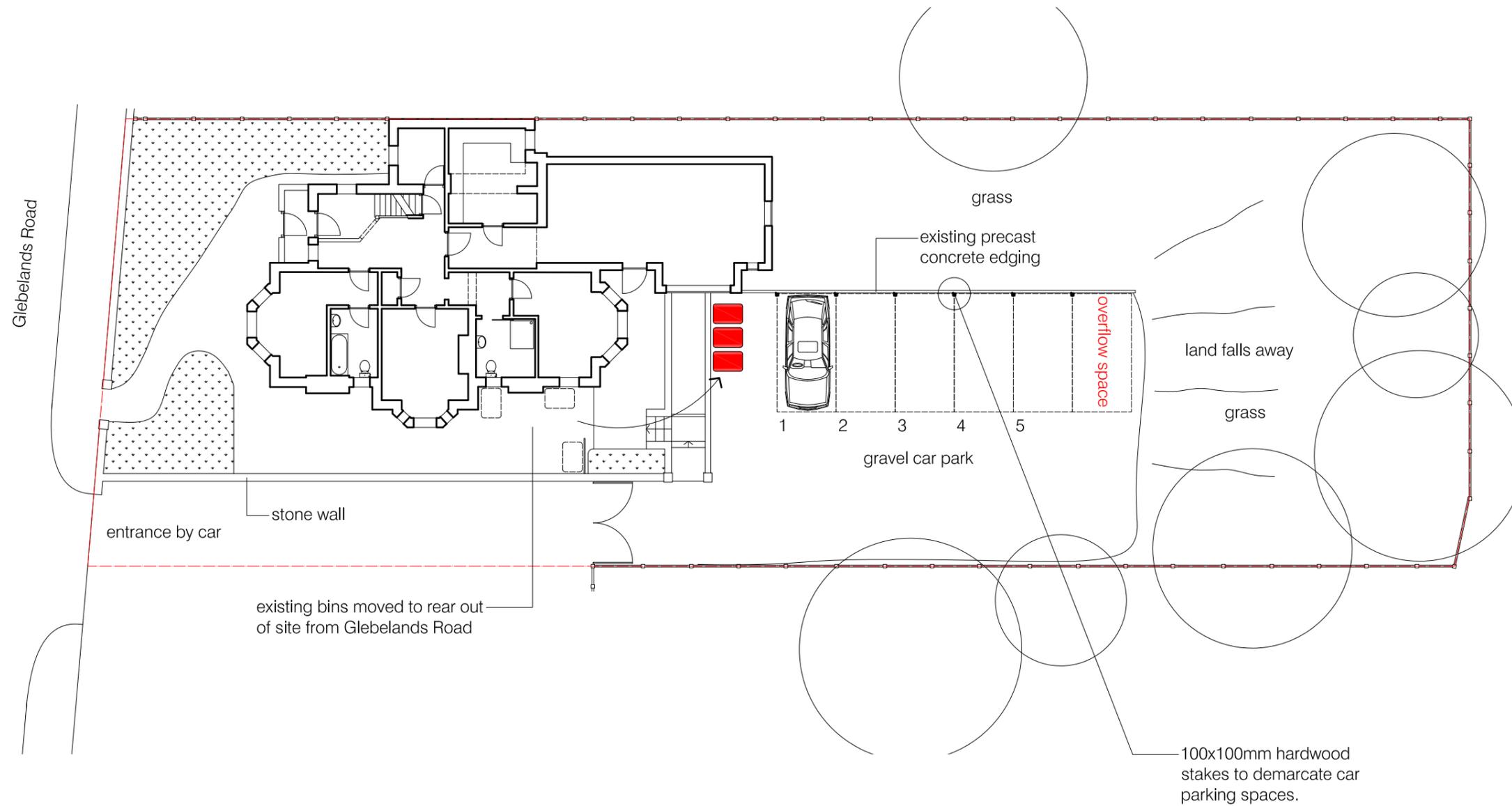


Photo 3



Photo 4





Site Block Plan 1:200 @ A3

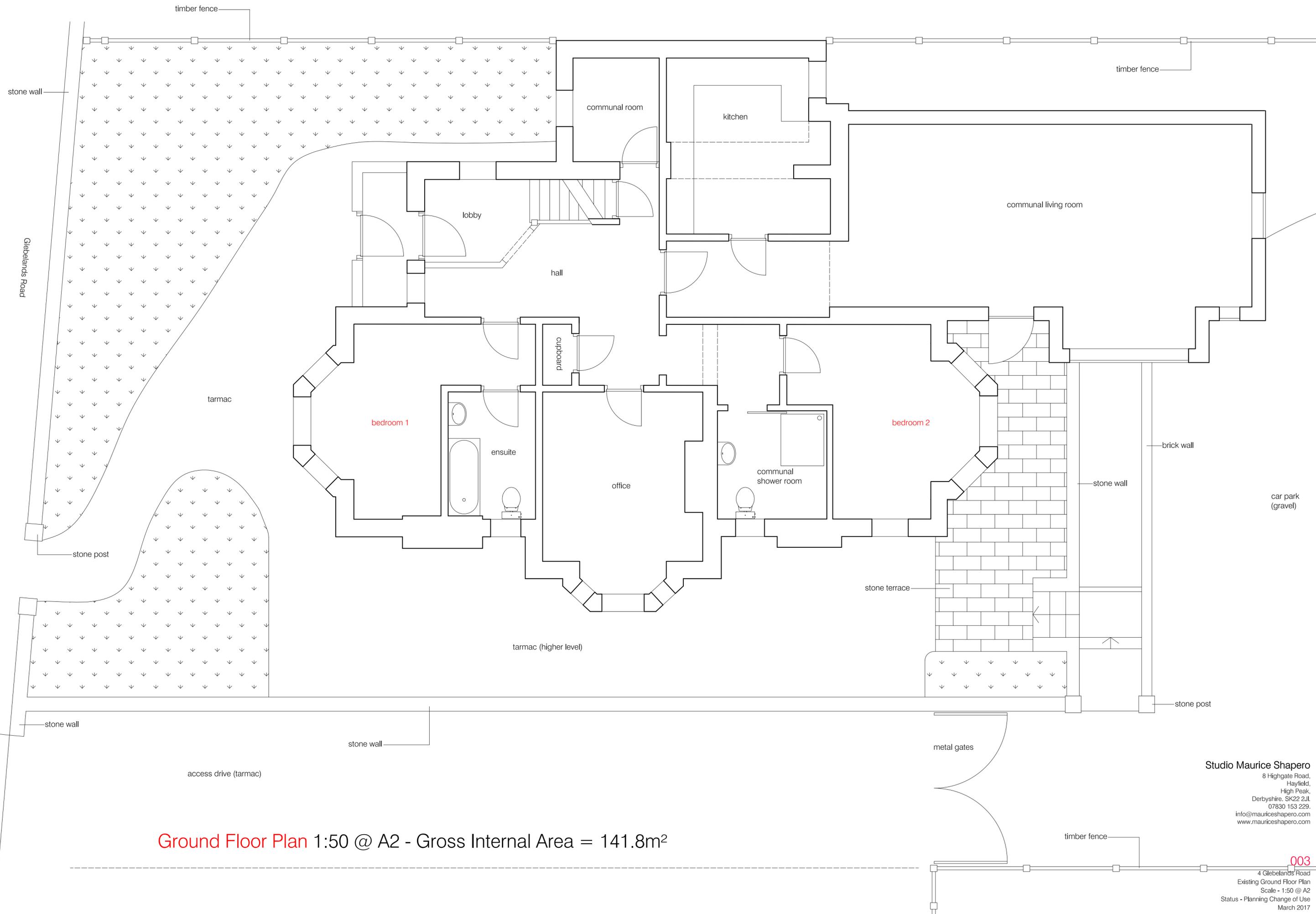
Studio Maurice Shapero

8 Highgate Road,
Hayfield,
High Peak,
Derbyshire. SK22 2JL.
07830 153 229.
info@mauriceshapero.com
www.mauriceshapero.com

Rev B - 9 May 18 - Car park demarcation added.
Rev A - 23 April 18 - bins moved to rear. Overflow space added

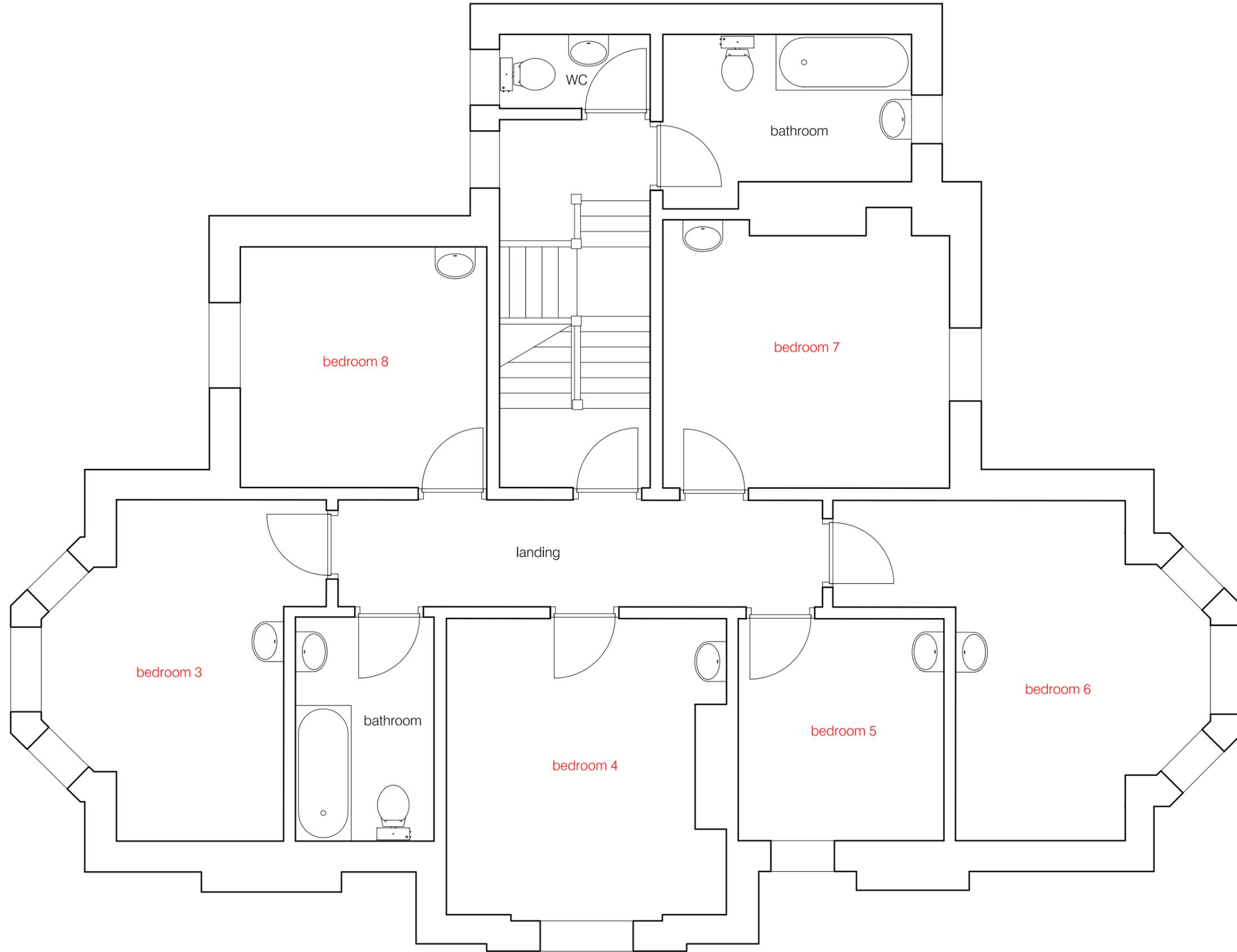
002 Revision B

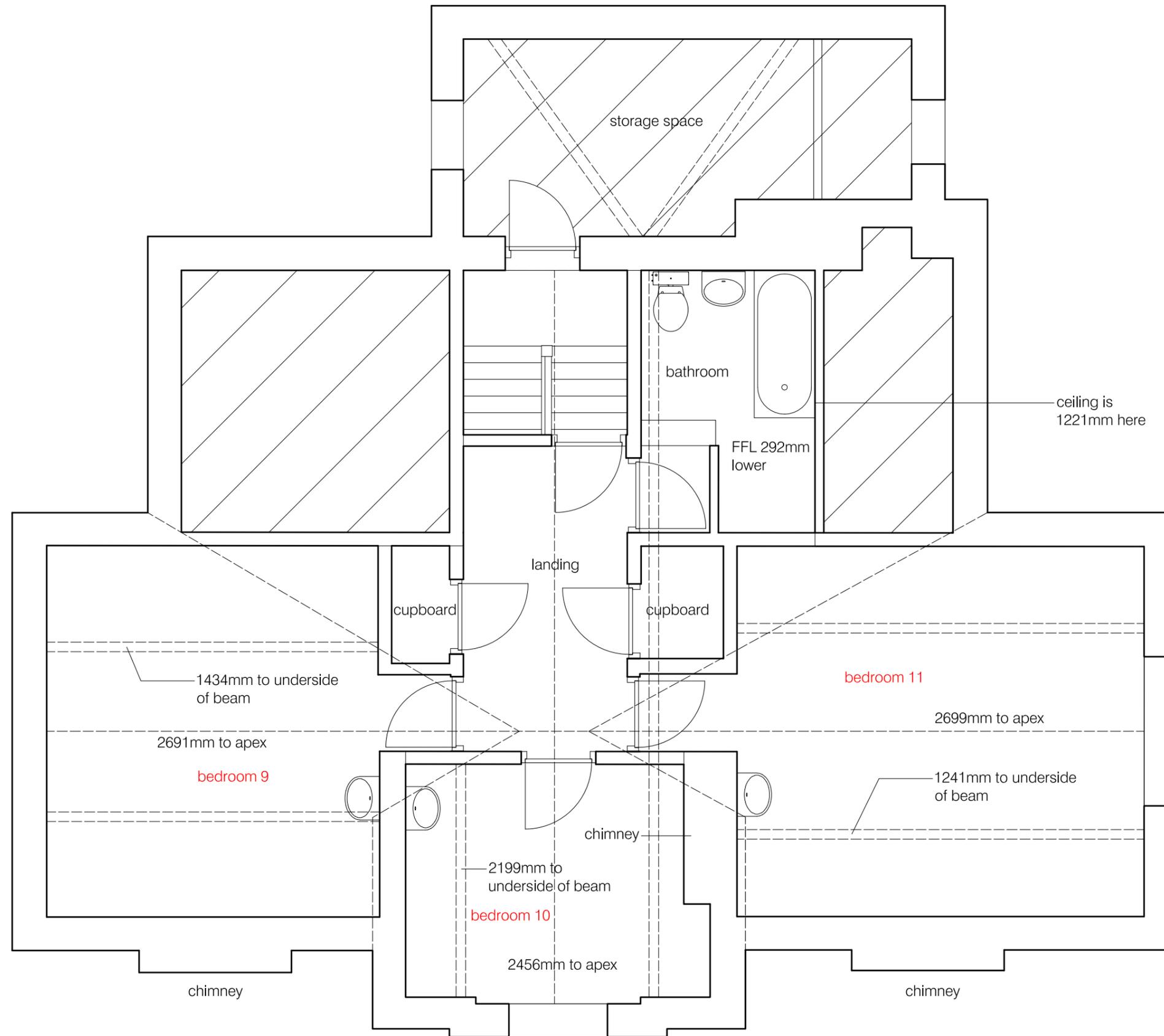
4 Glebelands Road
Site Block Plan
Scale - 1:200 @ A3
Status - Planning Change of Use
May 2018



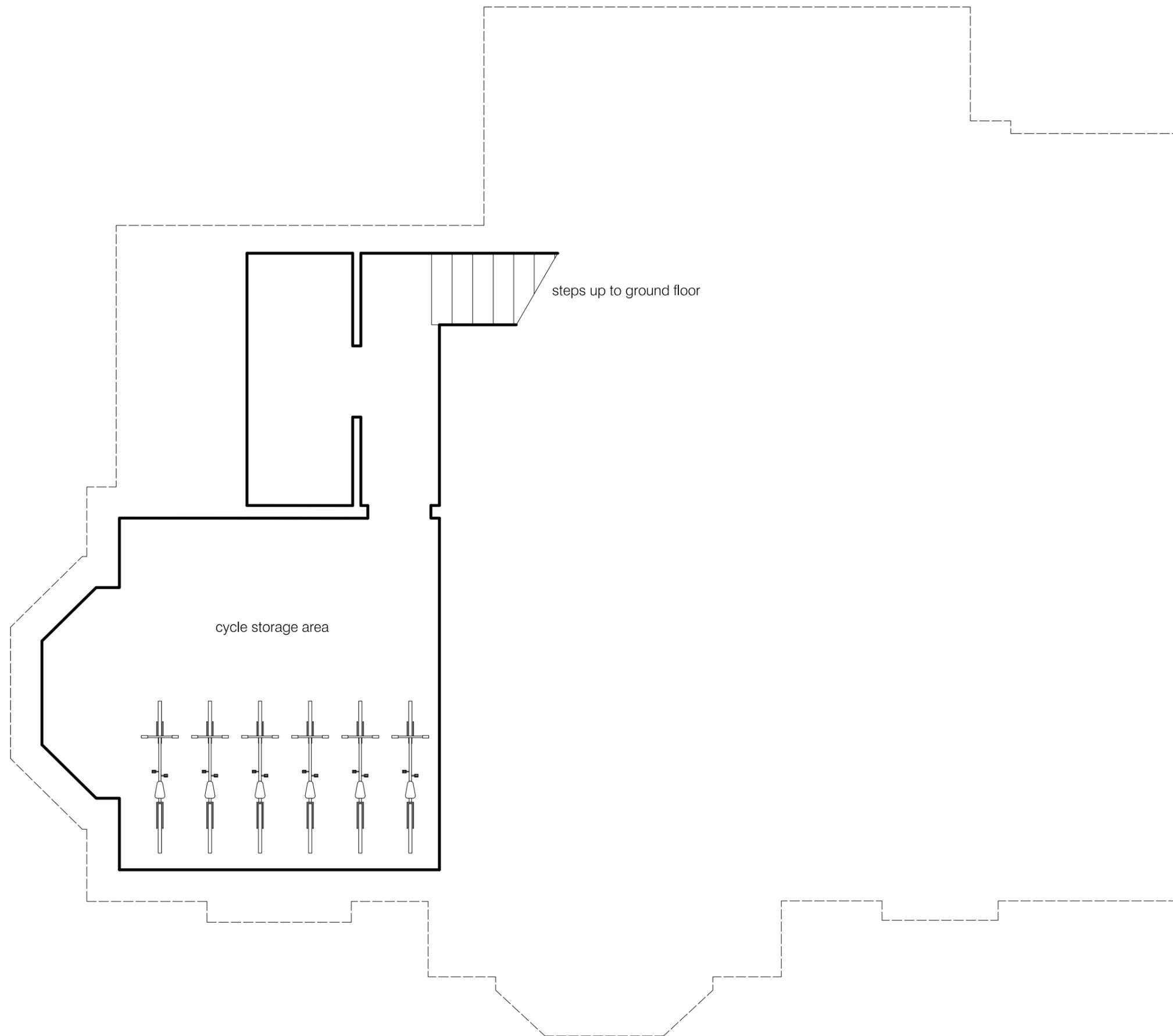
Ground Floor Plan 1:50 @ A2 - Gross Internal Area = 141.8m²

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Second Floor Plan 1:50 @ A2 - Gross Internal Area = 68.6m²



Basement Plan 1:50 @ A3 - Gross Internal Area = 26.1m²

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www.mauriceshapero.com

006
4 Glebelands Road
Existing Basement Plan
Scale - 1:50 @ A3
Status - Planning Change of Use
May 2018

Ward: Ramsbottom + Tottington - Tottington

Item 08

Applicant: Mr Barry Milburn

Location: Land adjacent to 16A Watling Street, Tottington, Bury, BL8 3QS

Proposal: Erection of 2 no. pigeon lofts and 2 no. sheds and storage container

Application Ref: 62652/Full

Target Date: 24/05/2018

Recommendation: Split Decision

Description

The site is located to the north east of Watling Street and is located between Nos 16A and 18 Watling Street. The applicant lived in Smithy Fold Cottages until the 1960s and the applicant still owns farming land in the area, including the application site. An access has been created through the hedgerow from Watling Street and leads to a cleared but unmade area. The steel container is located behind the hedgerow adjacent to Watling Street and is currently blue in colour. The pigeon lofts and storage sheds are located in an area to the north east of the cleared area and is enclosed by a stone wall and gate. The pigeon lofts and sheds are constructed from dark brown timber and horizontal weatherboard. There is a wire mesh fence to the north west boundary.

There are open fields to the north east and Watling Street forms the boundary to the south west with open fields beyond. There are residential properties to the south and north of the site.

Proposal A - Erection of 2 no. pigeon lofts and 2 no. sheds

Proposal B - Erection of storage container

The development seeks permission to retain the 2 pigeon lofts, 2 sheds and a steel container, which were erected on the site in March 2017.

The pigeon lofts measure 5.5 metres by 3 metres and are between 2 metres and 3 metres in height. The sheds measure 1.3 metres by 1.3 metres by 1 metre in height and 2 metres by 1.5 metres by 2 metres in height respectively. The steel container measures 6 metres by 3 metres by 2.5 metres in height and would be painted green.

Relevant Planning History

Enforcement

17/0164 - Works to hedgerow at 16A Watling Street, Affetside. Case closed - 17 April 2018

17/0434 - Erection of timber building and siting of container at 16A Watling Street, Affetside. Application submitted - 6 April 2018.

Publicity

The neighbouring properites were notified by means of a letter on 6 April 2018.

6 letters have been received from the occupiers of 16, 14, 16A Watling Street, Thornbank, Tottington Road and a planning consultant on behalf of an objector on Watling Street, which have raised the following issues:

- I have lived in Affetside for a number of years without aggravation and now this man has built buildings, imported a bright blue container within 8 metres of the cottages.
- The land looks like it has had building material dumped on it without a care for his neighbours.
- This has been carried out on Green Belt land and it is not agricultural activity.

- The buildings have already been erected.
- No problem with the pigeon lofts but everything else is making the whole area an eyesore.
- The erection of a shipping container adjacent, parallel and in full view of the road is an eye sore and detracts from the countryside.
- An access road has been made through the hedgerow. This adds to the dangers of an already dangerous road due to fast traffic.
- The site is located in the Green Belt and the West Pennine Moor Area of Special Landscape Value and no justification has been provided for the development and no attempt made to demonstrate compliance with the local and national policies.
- The development is not related to agriculture and the pigeon lofts are domestic in terms of use.
- The land on which they are sited forms part of a farm holding and is agricultural in use, not domestic.
- The development is adjacent to a residential property, but not of the applicant, who lives some distance away.
- None of the exceptions within paragraph 88 apply to this development and as no arguments have been supplied with the application, the development is inappropriate and by its very nature causes harm and should be refused.
- Other policies (OL1, EN9/1 and OL7/2) support refusal of the application. The development is of a poor design and a commercial shipping container is out of place within the setting.
- The site has been re-graded using builders waste to provide a semi-level surface for foundations under the container. The use of potentially contaminated materials is also inappropriate development in the Green Belt.
- It is not appropriate for pigeons to be at a location so near to homes.

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

Consultations

Drainage Section - No response.

Environmental Health - Contaminated Land - No comments.

Environmental Health - Pollution Control - No objections. The proposal would not have any adverse impact upon the ambient noise levels in the area.

Environmental Health - Commercial Section - No response.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
H2/4	Conversions
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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) - Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt is inappropriate development. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it is in the same use and not materially larger than the one it replaces; and
- limited infilling in villages

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

The proposed development would be used for the keeping of pigeons and as such, would provide appropriate facilities for outdoor recreation. The proposed development would be located adjacent to Watling Street and there is a hedgerow along part of the frontage, which would offer some screening. The buildings would be visible through the gap in the hedgerow, but the buildings are temporary in nature and are located in close proximity to each other. The buildings are appropriate in consideration of size for their use as pigeon lofts and sheds and would be single storey. As such, the buildings would be appropriate development and would not have an adverse impact upon the character or appearance of the Green Belt. The development would be in accordance with Policies OL1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - Policy OL7/2 states that throughout the West Pennine Moors, the Council will control development and manage recreational activity and public access so as to reduce any possible detrimental effects these may have on the important character of the area. In considering proposals for development, particular regard will be had to the effect on the following:

- agriculture and forestry;
- water catchment;
- settlements;
- landscape character;
- ecological and geological features;
- archaeological and historic features.

Policy EN9/1 states that any development which is permitted in a Special Landscape Area will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

The pigeon lofts have a floor space of 8.3 square metres and 16.5 square metres respectively and are 2 and 3 metres in height. The retention of 2 conservatively sized pigeon lofts would not impact upon the water catchment, ecological and geological features, archaeological or historical features, agricultural and forestry activities or the surrounding settlements.

The pigeon lofts are constructed from timber and horizontal weatherboard with a corrugated sheet roof, which whilst rudimentary, are considered to be acceptable in a rural area and would not harm the character of the landscape in this area. Whilst the development is located within a Special Landscape Area, it is located between two terraces of residential properties with the associated paraphernalia associated with a residential use - i.e. sheds, trampolines, driveways. As such, the development would not be out of character with the surrounding landscape and would have the appearance of a large shed. As such, it is

considered that the development would not have an adverse impact upon the special landscape character of the area and would be in accordance with Policies EN1/2, EN1/1, EN9/1 and OL7/2 of the Bury Unitary Development Plan.

The steel container is considered to be an alien feature within the surrounding rural landscape in terms of the size, materials and location. Whilst the existing hedgerow would partially screen the container, it would still be visible from Watling Street and in particular the residential properties would have a direct view of it. No justification has been provided for the retention of the container or with regard to what purpose it serves. As such, the retention of the steel container would cause harm to the character of the area and would conflict with Policies EN1/2, EN1/1 and EN9/1 of the Bury Unitary Development Plan.

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

There would be 9 metres between the ground floor of the nearest residential property and the pigeon lofts and 12.4 metres at first floor level. As the pigeon lofts are single storey, the distance would be acceptable and would not result in a loss of residential amenity.

The steel container would be 4.5 metres away from the gable elevation to the nearest residential property, which contains habitable room windows. As such, this distance would be below the 6.5 metres required between a habitable room window and a single storey building. In addition, the doors to the container do face the residential property and may lead to a loss of privacy and potential for noise when the container is in use. As such, the container would result in a loss of residential amenity.

Highways issues - The development would be accessed from Watling Street and the use would not generate a significant level of traffic. The speed limit of Watling Street is 30mph and the access would not have a significant adverse impact upon traffic flow. The level of traffic and the access would not be sufficient to warrant refusal of the application.

Response to objectors

The issues raised by the objectors have been addressed in the main report above.

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

Proposal A 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 Paragraphs 186-187 of the National Planning Policy Framework.

Proposal B would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Split Decision

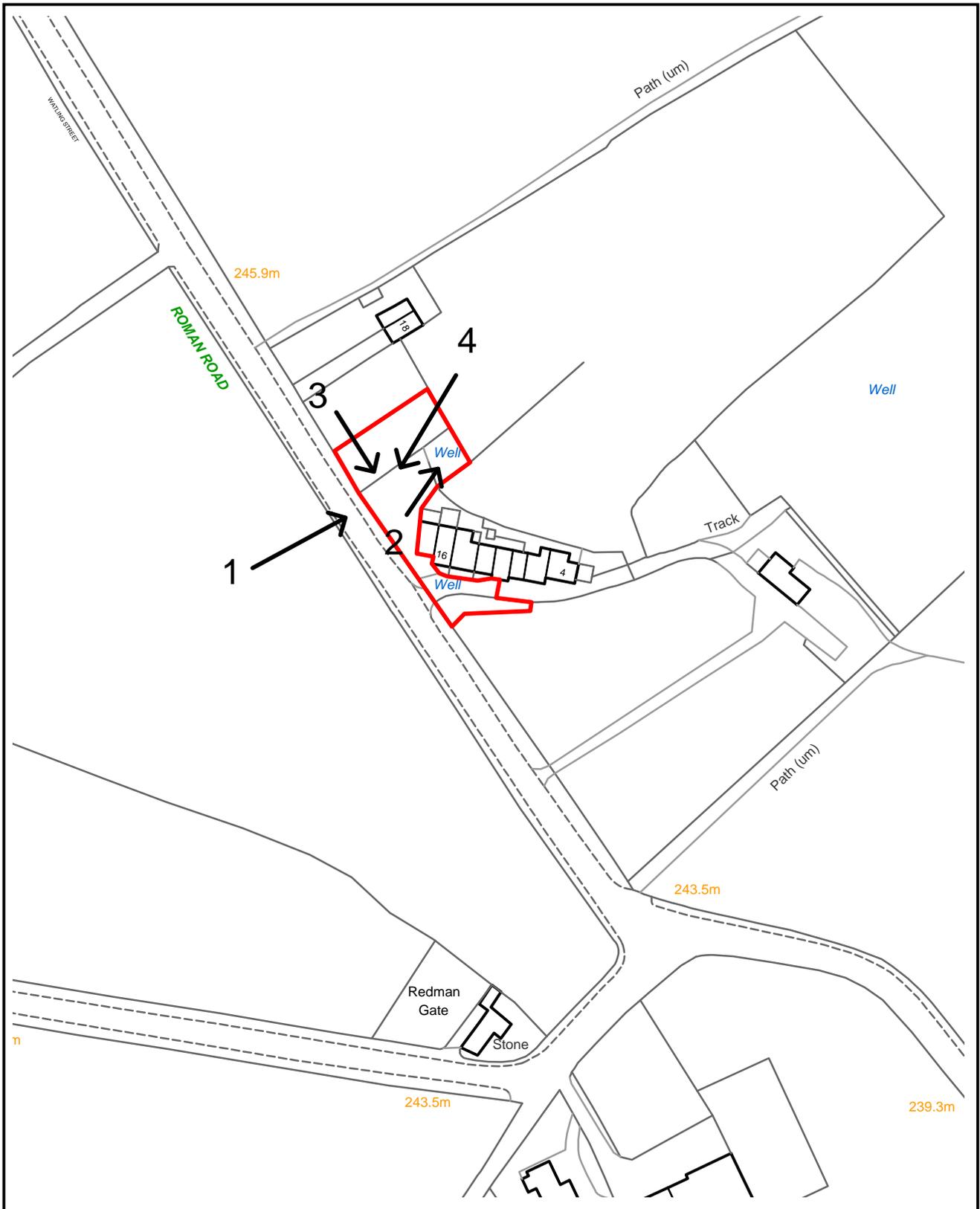
Conditions/ Reasons

1. **Proposal A** - This decision relates to drawings numbered Location plan, Site plan, 2018/401/01 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.

1. **Proposal B** - The steel container would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area and the residential amenities of the neighbouring properties. The steel container therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/1 - Visual Amenity
Policy EN1/2 - Townscape and Built Design
Policy EN9/1 - Special Landscape Areas
Policy OL1/2 - New Buildings in the Green Belt.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62652

ADDRESS: Land Adjacent To 16A Watling Street
Tottington

Planning, Environmental and Regulatory Services

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62652

Photo 1



Photo 2



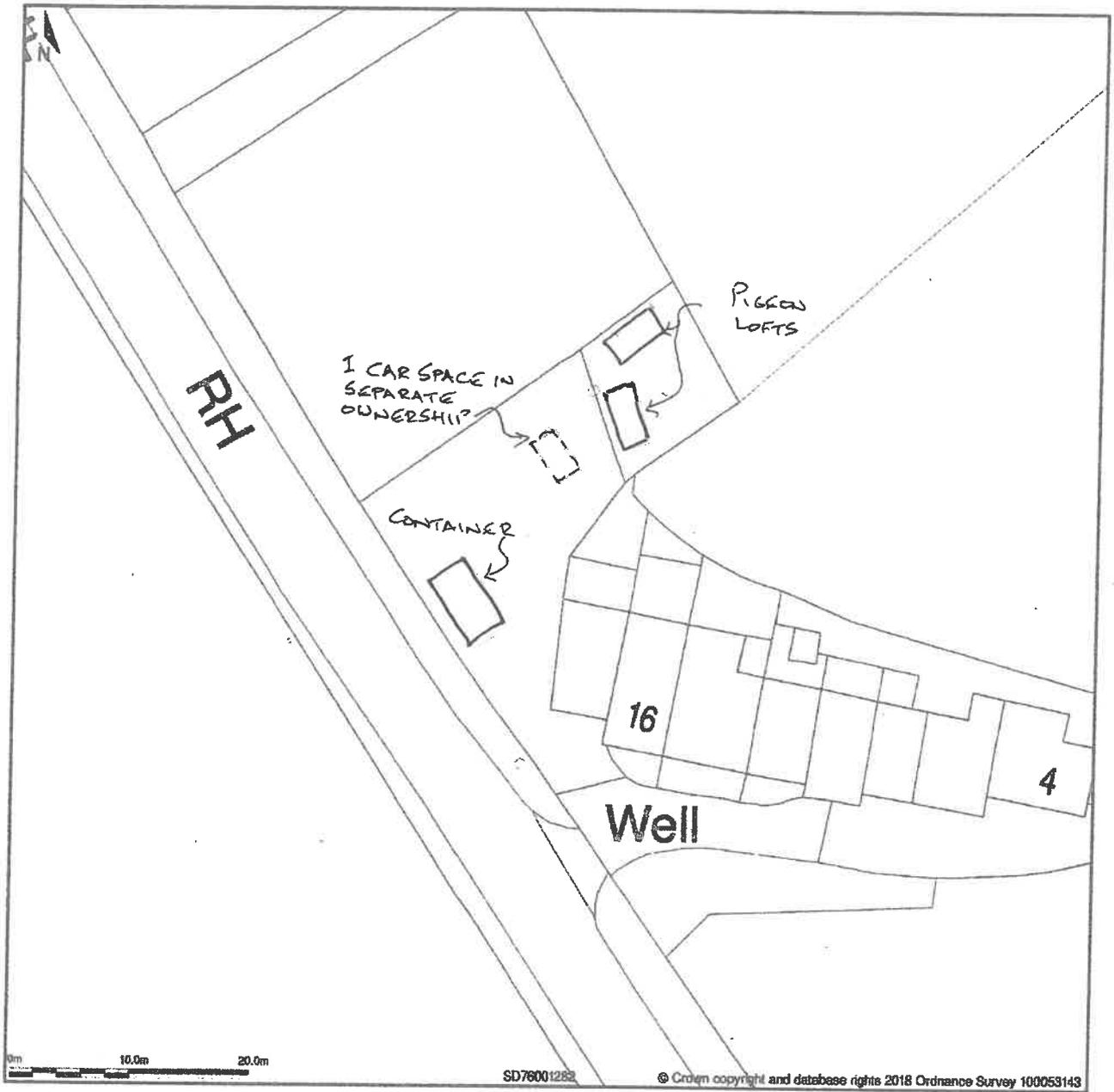
Photo 3



Photo 4



Land off Watling Street, Tottington, Bury, BL8 3QS



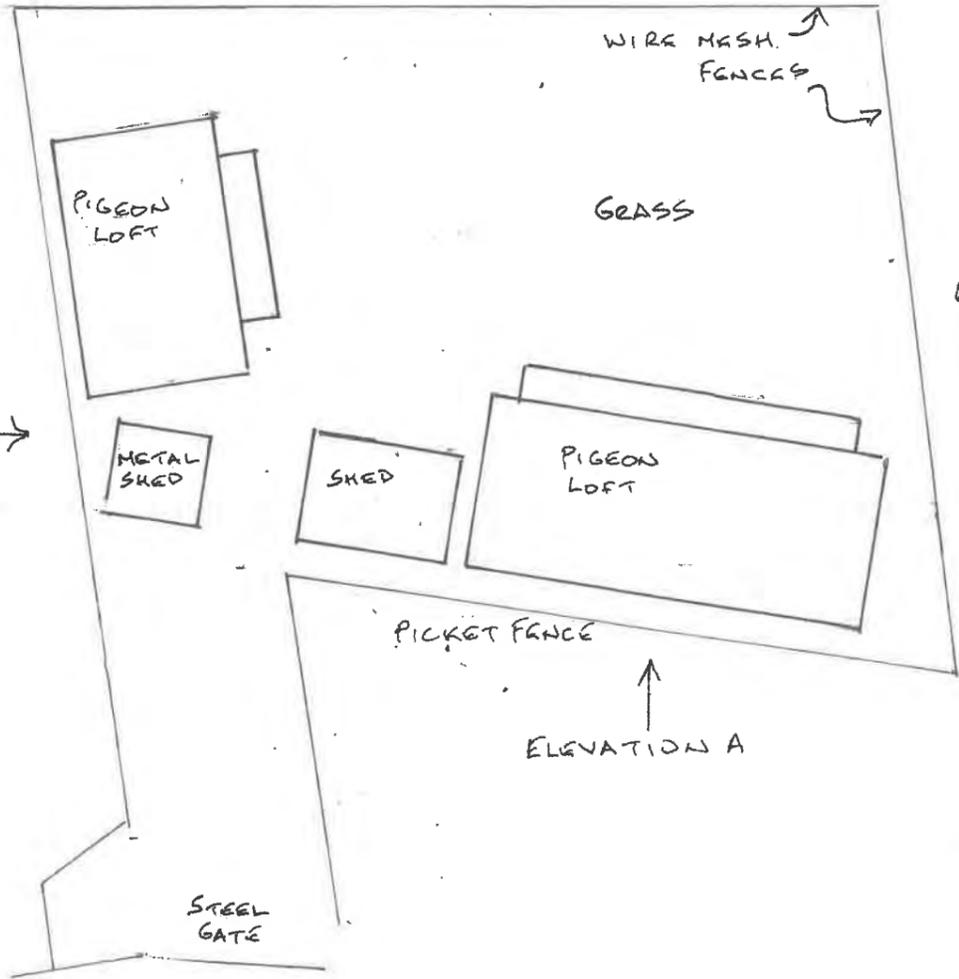
Block Plan shows area bounded by: 376962.52, 412782.19 376052.52, 412872.19 (at a scale of 1:500), OSGridRef: SD76001282. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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SITE PLAN (1:500)

ELEVATION B



ELEVATION C



ELEVATION A

PICKET FENCE

STEEL GATE



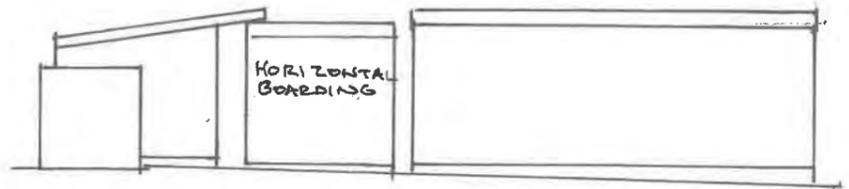
E



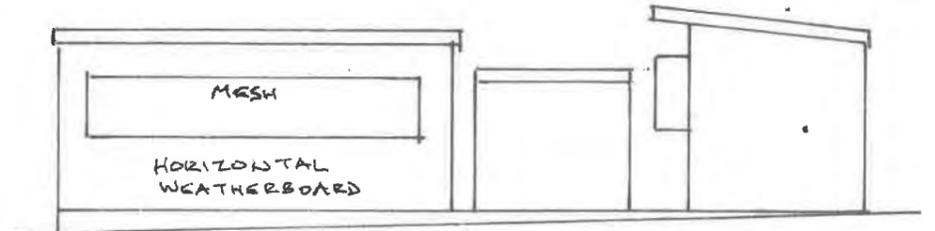
G

SCALE 1:100 @ A3

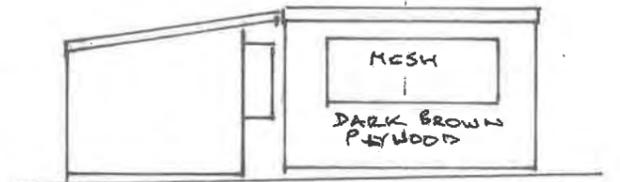
CORRUGATED SHEET ROOF



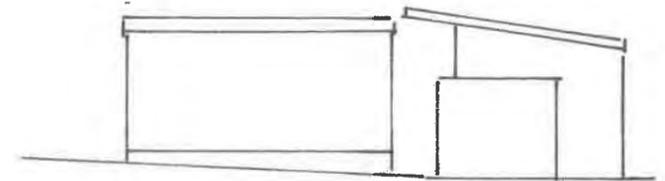
ELEVATION A



ELEVATION B



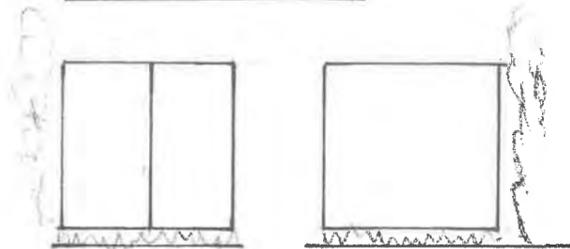
ELEVATION C



ELEVATION D



ELEVATION E



F

G

EXISTING PLANS

18/03/2018

2018/401/01

PIGEON LOFTS & STORAGE CONTAINER

ADSACT 18 WATLING STREET, AFFETTSIDE BL8 3QS

Ward: Prestwich - Sedgley

Item 09

Applicant: Mr R Caserta

Location: 4 Woodthorpe Court, Prestwich, Manchester, M25 0NP

Proposal: Two storey and first floor side extension

Application Ref: 62673/Full

Target Date: 06/06/2018

Recommendation: Approve with Conditions

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

Description

The application relates to a two storey detached dwelling located on Woodthorpe Court. The premises has garden areas to front and rear, with a driveway also located to the front that leads to a a single storey, double attached garage at the side of the dwelling. The premises has previously been extended at single storey to the rear to provide a conservatory. The property is located within a modern residential cul-de-sac of detached dwellings.

Planning permission is sought for the construction of a part first floor, part two storey side extension above the existing garage. The proposal would project approximately 5.9 metres from the side of the dwelling and would, would run flush with the principal rear elevation of the dwelling and would project forward of the principal front elevation to the same depth as the existing garage. The proposal would have a gable and canopy to the front, and would also include the conversion of one of the garages. The application seeks to use matching materials for the external elevations.

Relevant Planning History

56112 - First floor side extension - Approve with Conditions 24/04/2013

Publicity

Neighbour letters sent to 6 neighbouring properties on the 11/04/2018 - No representations received

Consultations

None

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be

specifically mentioned.

Visual Amenity

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

SPD 6 seeks to prevent first floor side extensions from causing a terracing effect by requiring a 1.5 metre set back to the main frontage or to the boundary. The proposal does not include a first floor set back, and a distance of approximately 1.2 metres is provided to the boundary. In this instance however the dwelling at No. 6 is of a significantly different style to the dwelling at the site, projects forward of the proposed extension and it is considered highly unlikely that the dwelling at No. 6 would extend the 1 metre gap towards the shared boundary. As such, it is considered that the proposed first floor extension would not lead to the uncharacteristic linking up of dwellings.

The proposal seeks to extend over the existing garage, replicating the existing gable feature at the property. There are examples within the street scene that have double gable features to the front, most notably the neighbouring property at No. 6. The main roof for the proposed side extension would have a dutch hip, replicating the shape and style of the original dwelling. The proposed windows within the extension are considered to be suitably aligned, and the use of matching materials would create a harmonious development.

The proposed extension would not overwhelm the original dwelling, or result in over development of the residential amenity space.

In this instance it is considered that the proposed extension would not have a detrimental impact on the character of the dwelling, neighbouring properties or street scene and as such complies with UDP Policy H2/3 and SPD 6.

Residential Amenity

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

There are no windows facing towards No. 6 Woodthorpe Court which is the immediately adjacent property. The proposed extension is sited adjacent to the side elevation of this property, which has a number of windows facing towards the proposal. These side windows however appear to relate to non-habitable rooms or a secondary windows. As the windows are not located within a principal elevation they are not afforded the same protection as principal habitable room windows are. The proposed extension would not project beyond the principal front and rear elevations of the neighbouring property and as such the principal windows would be unaffected. In this instance it is considered that the proposal would not have a detrimental impact on the residential amenity of No. 6 Woodthorpe Court.

The proposed extension would not project beyond the existing front gable of the property, or the existing rear elevation of the dwelling and as such the residential amenity of No. 2 Woodthorpe Court would be maintained.

SPD 6 requires a distance of 7 metres between first floor habitable room windows, and the directly facing boundary. The proposed first floor rear bed/sitting room window would be located approximately 11 metres from the directly facing rear boundary exceeding the required aspect standards. The property to the rear of the site is non-residential (Islamic Centre) and as such there are no habitable room windows directly facing the site. The proposed rear ground floor dining room window would be screened by the existing rear boundary treatment. In this instance therefore it is considered that the proposal would not lead to a loss of privacy to the property at the rear.

SPD 6 requires a distance of at least 20 metres between directly facing habitable room

windows. The proposed first floor bedroom window would be located approximately 20 metres from the front of No. 5 as such complies with guidance. The proposed front window and door would relate to a kitchen which is a non-habitable room and as such aspect standards have not been applied. In this instance it is considered that the proposal would not lead to a detrimental loss of privacy to the directly facing property.

SPD 6 requires a driveway of at least 5 metres to be retained to allow for at least one car to be parked within the curtilage of the dwelling. The existing double driveway is a minimum of 8 metres long, and will be retained to the front of the proposed extension. As such the proposal complies with SPD 6.

Other Considerations

The proposal has been submitted in order to provide a family annexe at the site. SPD 6 sets out guidelines in relation to supplementary family annexes. This guidance states that annexes:

- should normally be physically connected to the main property with a direct interior link;
- should remain ancillary to the original dwelling at all times;
- should not have separate vehicular access; and
- should only have one bedroom.

The proposal complies with all of the above and as such is considered to be acceptable.

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 Paragraphs 186-187 of the National Planning Policy Framework.

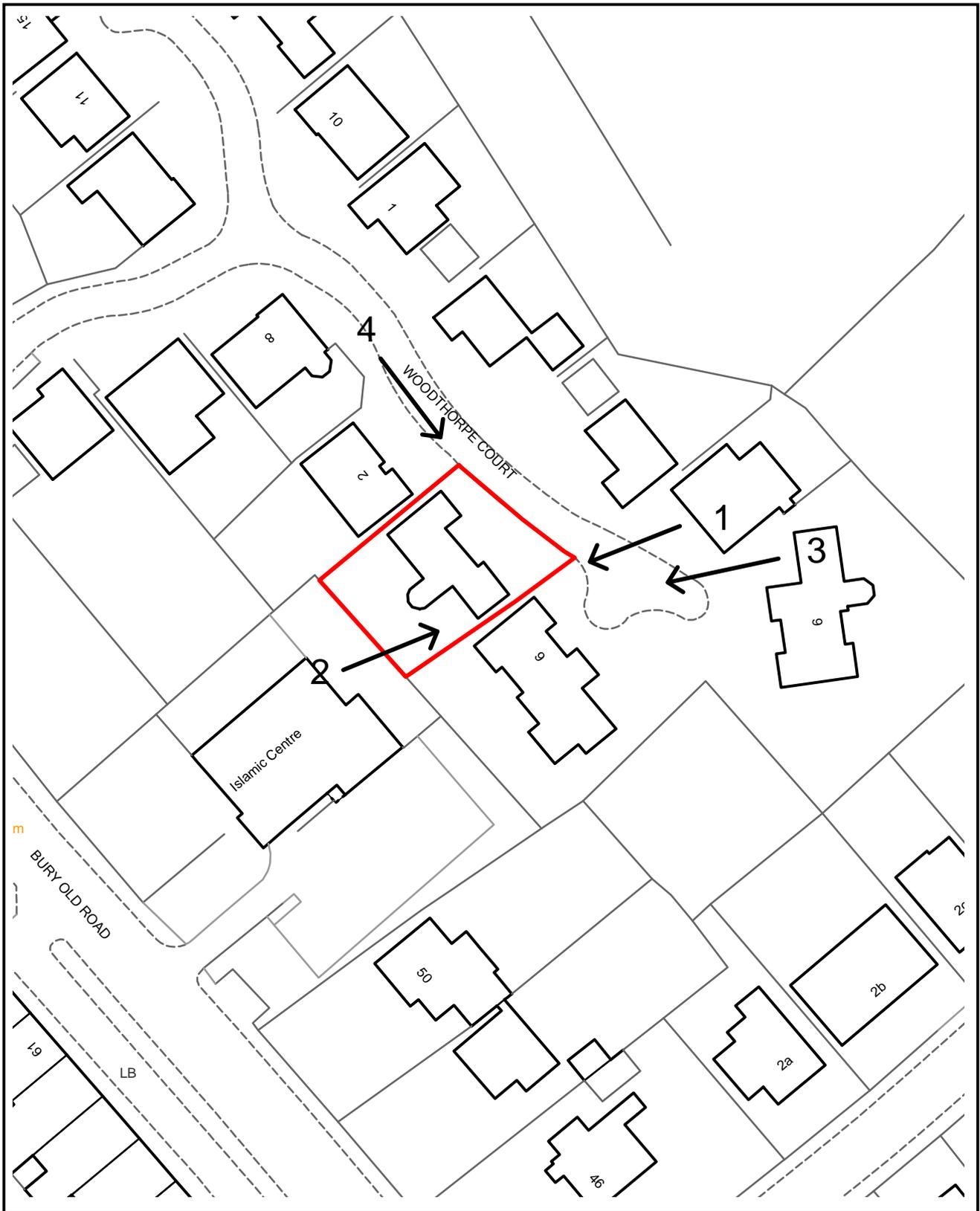
Recommendation: Approve with Conditions

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 4WC/10 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

For further information on the application please contact **Helen Goldsbrough** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 62673

**ADDRESS: 4 Woodthorpe Court
Prestwich**

Planning, Environmental and Regulatory Services

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62673

Photo 1



Photo 2

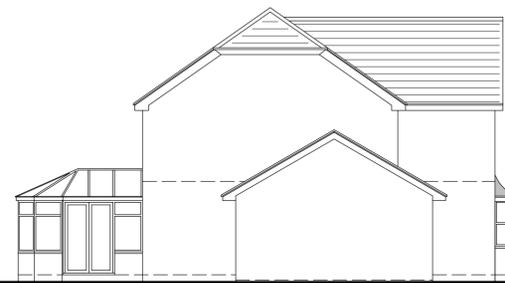


Photo 3



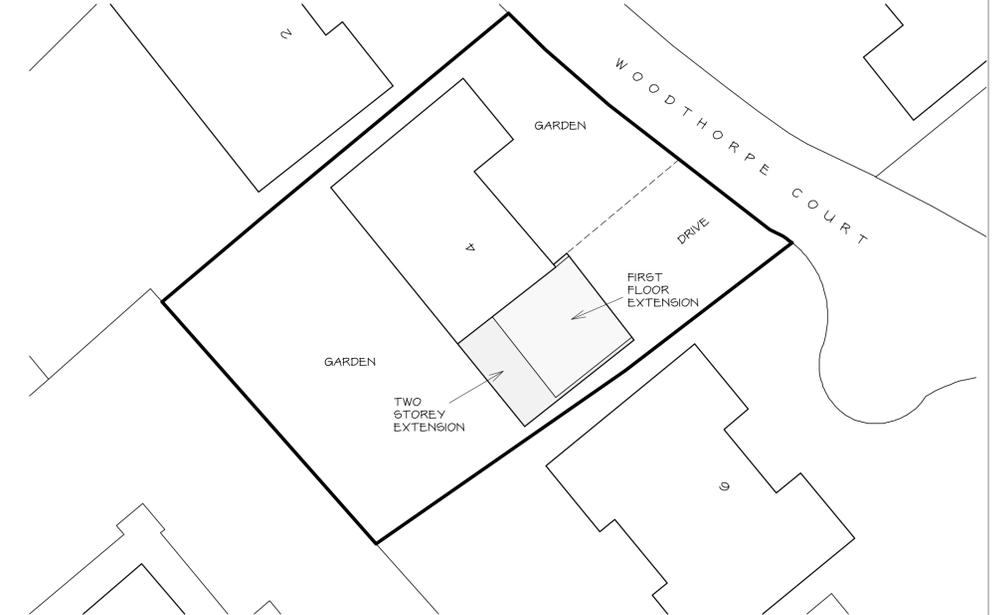
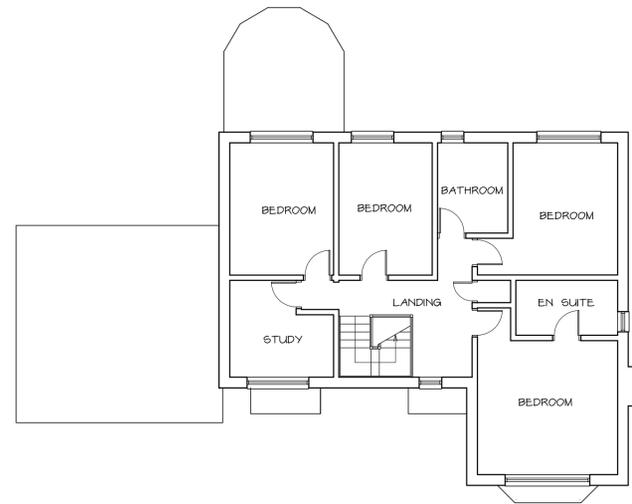
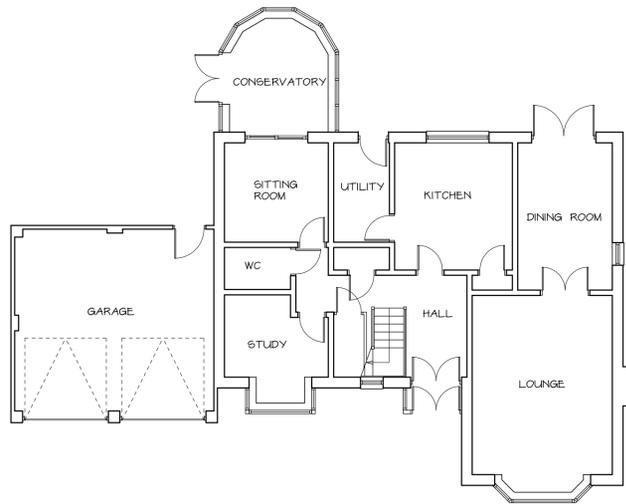
Photo 4





MATERIALS
 ROOFS - CONCRETE ROOF TILES TO MATCH EXISTING
 EXTERNAL WALLS - BRICKWORK AND RENDER TO MATCH EXISTING.

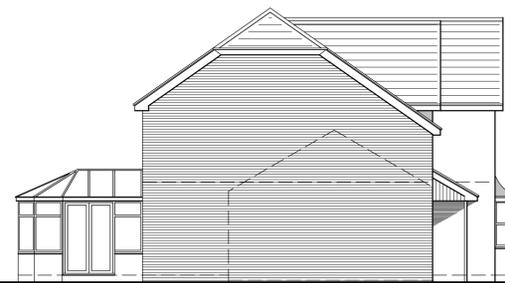
EXISTING ELEVATIONS 1 : 100



EXISTING GROUND FLOOR PLAN 1 : 100

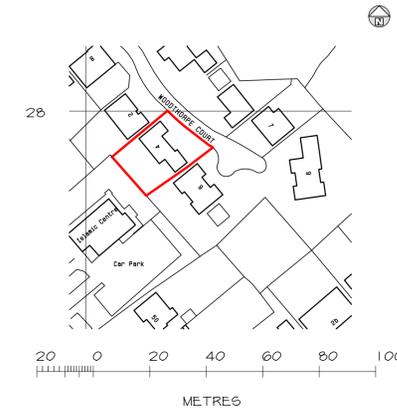
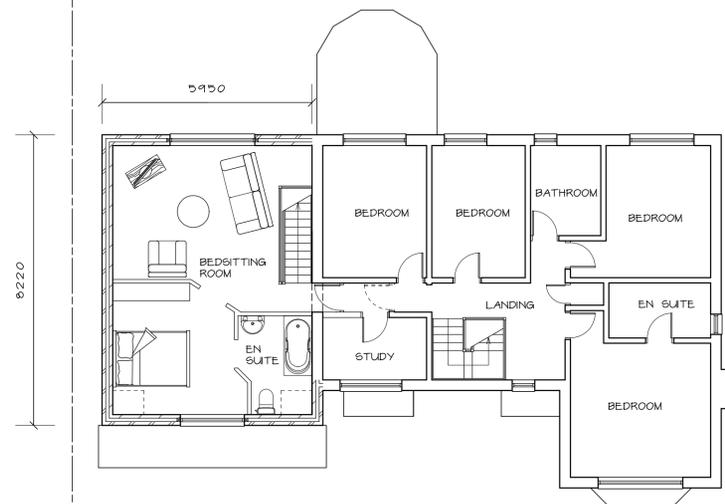
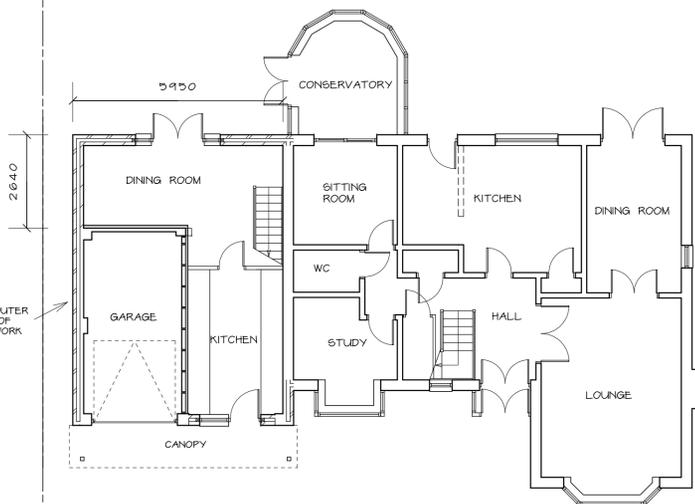
EXISTING FIRST FLOOR PLAN 1 : 100

SITE PLAN 1 : 200



NOTES TO CONTRACTOR - NEW GABLE TO MATCH EXISTING GABLE IN TERMS OF MATERIALS AND FINISH, ROOF PITCH, CILL AND WINDOW HEIGHTS AND BRICK FEATURES
 PART HIP TO MATCH EXISTING

PROPOSED ELEVATIONS 1 : 100



LOCATION PLAN 1 : 1250

PROPOSED GROUND FLOOR PLAN 1 : 100

PROPOSED FIRST FLOOR PLAN 1 : 100

Telephone 0161 643 2422

Northside Plans Ltd

Planning and Building Design

116 Simister Lane Prestwich Manchester M25 2SB

Project

TWO STOREY AND FIRST FLOOR SIDE EXTENSION TO CREATE A FAMILY ANNEXE

4 WOODTHORPE COURT PRESTWICH

Title

FLOOR PLANS, ELEVATIONS AND SITE PLAN

Scale 1:100 1:200 (A1) Date 04/2018

Drawn by NIGEL TAMG Dwg.no. 4WC/10