

BURY COUNCIL
DEPARTMENT FOR RESOURCES AND REGULATION
PLANNING SERVICES

PLANNING CONTROL COMMITTEE

19 February 2019

SUPPLEMENTARY INFORMATION

Item:01 Land at rear of 27 Duckworth Road, Prestwich, Manchester, M25 9GF
Application No. 63374

Erection of 1 no. dwelling

Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to car parking, turning facilities, a construction traffic management plan, visibility splays and vehicular access.

Publicity

1 letter has been received from a planning consultant on behalf of neighbouring properties and has raised the following issues:

- I am unable to access the committee report, but I have read the pre-app report, which is thorough and covers the key planning considerations.
- I have carefully considered the revised plans and visited the site.
- The footprint of the proposed dwelling sits very uncomfortably in the site. It literally abuts the southern boundary where the neighbours garage and is so close that it will prohibit any maintenance work to either property. In my opinion, it will infringe on the amenity of the neighbour by virtue of proximity as it is only 3.2 m from the main house at number 26 and appears to have been 'shoe horned' into the site. This suggests a general over development of the site.
- There remains an overshadowing issue which negatively effects the amenity of the neighbours at 24 Lowther Rd. The plans show a 1.5 storey proposal but include a very steeply raked roof which takes the overall height of the proposal to something similar to the neighboring properties. This gable cannot be ignored when assessing the shadow cast by the proposal and will severely reduce light into the living room of number 24. This falls significantly short of the expectations set out in SPD 6.
- Access to the site is compromised by the fact that Lowther Rd is only a single carriageway at this point. Even the applicants tracking diagram shows that a small car accessing or egressing the site must touch the retaining wall on the opposite side of the road and will still track the rear wheels beyond the existing dropped kerb. This is an adopted footway meaning that without a design amendment that the Council would be liable to repair any damage that occurs as a result.
- Egress from the site is also severely affected by the fact that there is quite literally no visibility splay to the north. Vision is completely obstructed by the neighbours existing boundary wall and this is still further compounded by the topography of the road, which falls away steeply, meaning that oncoming vehicles cannot be clearly seen.
- Any visitor parking should ideally be contained within the site. This is not possible with the proposed layout due to the need to enter and leave the site in a forward gear.
- Points 3, 4 and 5 also suggest that access during the proposed construction phase is also very compromised and larger vehicles such as concrete mixers etc will not be able to access the site to drop their loads.
- The proposed flat roof element to the rear of the proposed dwelling has a raised parapet which could possibly be used as additional outside space. Whilst this is not accessed at the moment, there is concern that a simple amendment to the adjacent window could allow this to occur. If the committee are minded to approve, we would like a condition put in place which precludes this activity.
- There remains a significant boundary dispute which arises from the adverse possession of a strip of land and a mature tree to the northern boundary. Given that the proposal includes for the felling of this tree and the provision of a

footpath, it would be impossible to implement the proposal until this dispute is legally resolved.

- Each of the above points alone would be sufficient reason to refuse to award permission but cumulatively they amount to a strong case. I urge you to recommend refusal. Failing that, I would like to request the application is deferred and members visit the site to help inform their ultimate decision.

The objector has been notified of the Planning Control Committee meeting

Responses to objectors

- The committee report and associated plans and photos are available on the Councillors, meetings and decisions section of the Council's website (www.bury.gov.uk).
- The proposed dwelling is sited on land in the applicant's control. Any maintenance issues would be a private matter and would not be material to this application.
- The proposed dwelling would be 3.2 metres from the single storey extension which connects the garage (at No. 26) and the main dwelling at No. 26. The single storey extension at No. 26 is currently overshadowed by the attached garage. Given the path of the sun, the existing dwelling at No. 26 would overshadow the proposed dwelling.
- The windows at ground floor of No. 24 Lowther Road are secondary windows with the principle window to the lounge being located on the rear (western) elevation. As such, the proposed dwelling would not have a significant adverse impact upon the principle window to the lounge and would comply with the aspect standards in SPD6.
- Whilst Lowther Road narrows to a single track access, it must be noted that the site currently contains a garage with an existing access. The garage is in the ownership of the occupiers of 27 Duckworth Road, which is a 3 bedroom dwelling. As such, the existing access onto the road can be brought into use immediately without the need for planning consent. The proposed dwelling would be 2 bedrooms and would utilise the existing access. As such, the proposed development would lessen the use of this access.
- A condition relating to a construction traffic management plan has been added.
- A condition removing permitted development rights for the proposed dwelling has been added.
- The boundary dispute between neighbours is not a material planning consideration.
- Committee members will be undertaking a site visit to the application site on the afternoon of 19 February.

Highways issues - No. 27 Duckworth Road is in an elevated position in relation to Duckworth Road. The proposed parking scheme for the occupiers of No. 27 Duckworth Road involved the construction of a retaining wall to facilitate a parking space level with the road. There would not be sufficient depth in front of the house to create a parking area, which would be able to accommodate a vehicle off the adopted highway. As such, it is considered that in this instance, on-street parking would be acceptable. The Traffic Section has no objections, subject to the inclusion of conditions relating to car parking, turning facilities, a construction traffic management plan, visibility splays and vehicular access. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Conditions

Condition 2 and 3 has been amended to remove the plan relating to the parking

scheme and to ensure red bricks are used. Conditions 6 and 7 have been amended following the recommendation from the Traffic Section. Conditions 8, 9, 10 and 11 are added in relation to restricting permitted development rights, a construction traffic management plan, visibility splays and vehicular access:

2. This decision relates to drawings numbered AS01, AS00 - plan as existing, AS01, AS02, AS03, AL01, AL02, AX00, AX01, AV00, AV01, AV02, AV03, AV04 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. Notwithstanding the details submitted, details/samples of a red brick and roof tile 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.

6. The car parking indicated on approved plan reference AS02 shall be surfaced and made available for use prior to the dwelling hereby approved being occupied and thereafter maintained at all

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.

7. The turning facilities indicated on approved plan reference AS02 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 H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

Policy EN1/2 - Townscape and Built Design

8. 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, nor shall the flat roof be used as a balcony 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 H2/3 Extensions and Alterations, H2/1 - The form of New Residential Development and H2/2 - The Layout of New Residential Development.

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

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of

- the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

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

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

10. Notwithstanding the details indicated on approved plan reference AS02, no development shall commence unless and until full details of the provision of 2.4m x 33m visibility splays at the junction of the vehicular access with Lowther Road, on land within the applicant's control and clear of the proposed 1.1m high brick wall and sliding gate, have been submitted to and approved in writing by the Local Planning Authority. The splays subsequently approved shall be implemented prior to the dwelling hereby approved being occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Housing Development
 Policy H2/2 - The Layout of New Housing Development
 Policy EN1/2 - Townscape and Built Design.

11. Subject to the amendments required as part of Condition 2, the vehicular and pedestrian access arrangements indicated on approved plan reference AS02, incorporating the provision of a sliding gate, boundary wall foundations that do not encroach under the adjacent adopted highway and all associated highway remedial works, shall be implemented before the development is first occupied.

Reason. To ensure good highway design in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Housing Development
 Policy H2/2 - The Layout of New Housing Development
 Policy EN1/2 - Townscape and Built Design.

Item:02 Bleaklow Hall, Bolton Road, Tottington, Bury, BL8 4JF Application No. 63388

Demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access

Amended Condition 2 - To clarify plan numbers

This decision relates to drawings numbered 10371 01/A, L01/A, E04/A, E05, E06,

E07, E08, 16, L10, L11, L12, P02/B, P03/B, P04/A, P05, S01/A, S02/D and the following supporting documents:

- Design and Access Statement
- Planning Statement,
- Landscape and Visual Assessment,
- Landscape Specification
- Arboricultural constraints Assessment
- Contaminated Land Desktop study,
- Ecological Assessment,
- Historic Environment Desk Based Assessment

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.

Further objections -

Cllr Daly (Ward Councillor) has raised objections on the following grounds.

- This development sits in the green belt and there are no 'very special' circumstances. The Council policy is clearly to protect the green belt and this would set a dangerous precedent.
- Huge volumetric increase in development on the site, surely this is in breach of council policy?
- This is overdevelopment of the site and in direct contravention to the provisions of the NPPF.
- The proposal is contrary to the Council's policy on protecting the special landscape of the West Pennine Moor area.
- The development leads to a loss of openness of the green belt.
- We should also not be setting a precedent to allow a free for all in respect of applications within the green belt that fall within a rather vague definition of in-fill.

The points above are considered in the report.

Item:03 255 Bury New Road, Prestwich, Manchester, M25 9PB Application No. 63466

Retention of existing A3 cafe/restaurant use with extended opening hours and new glazed balustrade around existing forecourt area.

Amendment to conditions

Delete Condition 7 relating to live and amplified music, is not considered necessary as this is a condition of the premises licence and as such is controlled by the Council's Licensing section.

Further Representations

Supporting representations have been received from residents in the following properties: 17 Wiseman Terrace, 38 Stanley Street, 22 Brookfield, 102 Heywood Road, 14 Egerton Street, 34 Downham Crescent.

Further comments from agent's and response to objections.

There is no material change of use in planning terms; just a change in character and management

The application has been materially revised since it was first proposed. The proposed change of use to a drinking establishment (Use Class A4) has been withdrawn. The proposed café-bar can operate under the existing Use Class A3 which provides for the sale of food and drink. There is, therefore, no material change in planning terms.

It is the character and quality of management which would change fundamentally for the better following a grant of planning permission. The pivotal question is whether it is better to carry on with the manifestly objectionable existing restaurant or place faith in the character and references of the applicants to run a significantly better café-bar in the same premises.

The public consultation evidences the merits of both application and applicant

The fresh public consultation has galvanised latent local supporters to voice the proposals' obvious merits. It cannot be overlooked that statements of support (overall) now outnumber objections by 10-7. In the fresh consultation following material revisions to the proposals, supportive comments outnumber objections by 10-2.

A summary of the proposals' merits highlighted by the statements of support are:

- the expanded food and drink offering of the café-bar (in line with Objective 2 of the saved UDP, Chapter 9: Shopping which seeks to ensure that the range and distribution of shops provide shoppers with a balanced level of provision and choice).
- the appropriate geographical location of the café-bar opposite St Mary's Park.
- the quiet, family-friendly character of the café-bar which will naturally not rely on loud music to create the intended atmosphere which is inherently uncondusive to loutish behaviour. The comment 'good beer = good people' sums up the applicant's business model well.
- the long industry experience and professionalism of the applicant which will undoubtedly improve the amenity of the neighbouring properties which understandably suffered under the previous incompetent management and may possibly continue to suffer if the lease to the A3 premises is assigned to other tenants without the applicant's striking character references.
- the potential for the café-bar to act as an inclusive haunt for the local community, fostering better community spirit at a time when traditional pubs (which served this purpose) are being eradicated at rapid pace.
- the economic benefit to Prestwich (in line with the core economic objective of sustainable development outlined in para. 7 of the National Planning Policy Framework).

Further testament to the applicant's willingness to listen and to proactively resolve problems and develop good neighbourly relations is the meet-and-greet event it hosted at the premises on 13 February. All objectors to the planning application were invited. The applicant's general manager also provided contact details for less confrontational communication. Sadly, there was no attendance or follow-up contact by any of the objectors.

The extended hours sought will go unnoticed

The extended hours sought will increase the premises' commercial viability and support the applicant's higher quality business model. Higher revenue will, in turn, lead to investment in higher quality staff, avoid corner-cutting and, therefore, to better, positive symbiosis with the residential and commercial neighbours.

A grant of planning permission bestows a further material benefit to local amenity in adding planning controls to the premises where currently there are none. The trade-off to extended trading hours are controls on the hours of deliveries, waste management and the playing of live or amplified music beyond normal background levels.

Following consultation with the Greater Manchester Police, the Council has already granted a premises licence to 255 Bury New Road for the extended hours sought in the planning application. Judicious consideration of that application and scrutiny of the applicant's background to act as a 'responsible person' under the Licensing Act 2003 did not determine any increased potential for anti-social behaviour or negative

impact on neighbouring amenity.

Going a step further, the applicant has proactively made the promise to its neighbours that bottle bins will not be emptied late at night but only before opening each day, and that the loud shutters on the back door will be replaced with an iron gate to provide the same level of security without the noise nuisance. A waste contract with timed collections has already been agreed in principle to prevent noise at unsociable hours and bins left blocking neighbours' driveways. Further detail will be provided in discharging Condition 5.

The sum result is that whilst the premises might trade for extended hours, they will be a quieter, more considerate and agreeable neighbour throughout the entire day.

Planning permission can only improve the status quo

I hope the Planning Control Committee sees, as we do, the win-win outcome in granting planning permission. In one stroke, they will install good commercial neighbours with existing community links to undertake a sustainable and positive occupation of the application site whilst also imposing additional planning controls to safeguard local amenity for the long-term, no matter who the tenant is.

Refusing planning permission can only result in no change to the awful situation which has caused so much aggravation and upset to the application site's neighbours.

Item:04 14-16 St Marys Place, Bury, BL9 0DZ Application No. 63520

Change of use from massage institute (Class D1) to 2 no. 7-bed houses of multiple occupation (HMO); External alterations to include replacement windows/doors, bicycle/bin storage at rear and boundary wall/gates at rear

Additional information - Recreation provision

National Planning Practice Guidance which specifies that contributions for tariff-style obligations such as off-site recreation provision, should not be sought from developments of 10 units or less and which have a maximum combined floorspace of no more than 1,000 square metres.

Additional Traffic conditions

No development shall commence unless and until full details of proposals to reinstate the former cellar light and replace the surface level grilles have been submitted to the Local Planning Authority. The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the NPPF and UDP Policies listed.

The cycle parking indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate cycle parking provision pursuant to the NPPF and UDP Policies listed.

Item:05 14-16 St Marys Place, Bury, BL9 0DZ Application No. 63521

Listed Building Consent for change of use from massage institute (Class D1) to 2 no. 7-bed houses of multiple occupation (HMO) with internal alterations and external

alterations to include replacement windows/doors, bicycle/bin storage at rear and boundary wall/gates at rear.

Nothing further to report.

**Item:06 Site of former Park Hotel, Lowther Road, Prestwich, Manchester, M25
9GP Application No. 63534**

Residential development comprising of 7 no. 2 storey houses, 12 no. apartments, 21 parking spaces and associated amenity spaces

Error - Second bullet point on page 97 describes the apartment block as four stories, it is in fact three stories.

Third paragraph on page 101 refers to "an increase of **2.5m** for every additional storey". This should read **3m** for every additional storey. The proposal still compliant.

Off-site recreation works funded by the £9,000 contribution.

Completion of fencing originally sourced from Lawn Tennis Association funding to improve and upgrade tennis court facilities at St Mary's Park.

Amendments to conditions to refer to 'above ground works' instead of 'development. This would allow for site preparation works to commence.

6. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works. The scheme should include a replacement planting for the loss of trees identified in the Arboricultural Impact Assessment (Nov 2018) and planting around the boundary of the site. It shall be implemented not later than 12 months from the date of first occupation of the development hereby approved; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

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

8. Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved by the Local Planning Authority before above ground works are commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

15. Notwithstanding the details indicated on the approved plans, no above ground works 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 the Local Planning Authority:

- An Approval In Principle for the proposed abandonment of the existing retaining structure abutting the Lowther Road site boundary and replacement wall with foundations that do not encroach under the adopted highway, incorporating the reconstruction of the affected footways, measures to ensure vehicle containment as part of the wall design, full structural,

construction and drainage details, calculations and a detailed construction method statement, including details of pedestrian protection measures, site hoardings located clear of the sight lines from the adjacent junction and traffic management proposals on Lowther Road and Gale Road;

- In connection with the above works, alteration of the junction of Gale Road with Lowther Road to a scope to be agreed incorporating the provision of dropped crossing facilities for pedestrians and appropriate tactile paving, extension of the limits of the adopted highway, formation of the proposed site access onto Lowther Road incorporating the provision of adequate arrangements at the interface with the adopted highway to form a 5.0m minimum level plateau measured from the back of the footway and formation of the proposed footway crossings onto Lowther Road, all to an agreed specification and incorporating all necessary modifications to, and improvement of, any affected street lighting, road markings and highway drainage;
- Provision of a street lighting assessment of the intensified junction of the proposed private access road with Lowther Road and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway. The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway pursuant to the NPPF and UDP H2/2 and HT4 New Development.

Amendment to Condition 11 to allow works to trees as set out in arboricultural report.

11. No works to TPO trees, other than those referred to in the Arboricultural Impact Assessment (Nov 2018), shall be carried out before, during or after the construction period without previous written consent of the Local Planning Authority.

Item:07 8 Bolton Street, Bury, BL9 0LQ Application No. 63589

Change of use from estate agents (Class A2) to private hire taxi booking office (Sui Generis)

Nothing further to report