

**Ward:** Bury West - Elton

Item 04

**Applicant:** Mr Sanghani

**Location:** Land at Green Street, Bury, BL8 1TF

**Proposal:** Erection of 3 no. dwellings including associated parking and groundworks

**Application Ref:** 65293/Full

**Target Date:** 01/07/2020

**Recommendation:** Approve with Conditions

### **Description**

The application site relates to a plot of land located on Green Street, a short cul de sac off Tottington Road. The land was formally the car park for the adjacent Globe Pub which has recently been granted permission for conversion to 2 residential units with an office element in part of the ground floor. It is understood conversion works are underway. The car park is now in a separate ownership and no longer associated with this property.

The site is separated from 'The Globe' by a setted paved access which leads to a single storey commercial outbuilding currently being used for storage which is located behind the site. The south east side of Green Street is characterised by traditional terraced properties, with No 1 Green Street in a former commercial use, now vacant. To the south west of the site, directly adjacent and separated by a timber panelled boundary fence are Nos 2-6 Green Street, a pair of more modern semi detached and a single detached property. To the rear of the site are houses on Lomond Drive which are screened by trees and a fence along this boundary.

Planning consent was granted for a pair of 4 bedroom semi-detached dwellings in May 2019. The proposed dwellings were two storey with a rear dormer for a room in the roofspace. Each property had its own access off Green Street which would lead to a driveway for 2 cars and the single garage. At the rear, a patio and garden area would provide private outdoor amenity space. Access would be retained to the outbuilding at the rear of the site which is outside the application area.

The proposed development involves the erection of 3 dwellings on the site. The proposed dwellings would be two storeys and there would be one detached and 2 semi-detached dwellings. Each property would have its own access off Green Street and there would be parking for 2 cars per property. Access would be retained to the outbuilding at the rear of the site, which is outside the application area.

### **Relevant Planning History**

62205 - Erection of 4 dwellings at land north of Green Street, Bury. Withdrawn - 16 January 2018

63095 - Erection of 4 dwellings at land north of Green Street, Bury. Withdrawn - 13 September 2018

63834 - Erection of 2 semi -detached dwellings at land north of Green Street, Bury. Approved with conditions - 22 May 2019.

### **Adjacent site**

61527 - Conversion of public house/bistro into 2 no. residential units at The Globe Inn, 325 Tottington Road, Bury. Withdrawn - 21 July 2017.

61758 - Change of use of former public house/bistro (Class A4) to 2 no. residential units (Class C3) and change of use of part of ground floor to office (Class A2) with external alterations at 325 Tottington Road, Bury. Approved with conditions - 14 September 2017

### **Publicity**

The neighbouring properties were notified by means of a letter on 19 May 2020.

4 letters have been received from the occupiers of 1, 5 Green Street, 327 Tottington Road and Prospect House, which have raised the following issues:

- Parking on this street is very difficult because of the vehicles from existing residents and businesses on Green Street and Tottington Road.
- On week days, every parking space on both sides of the street is taken.
- The last application was for 2 dwellings, this is for 3. The new dwellings will remove on-street parking for the existing residents.
- The owner should provide 7-8 spaces for use by the residents with a residents only permit scheme.
- At present the residents of Green Street are having to park, half on the pavement and half on the road to allow vehicles enough room to get up or down the road, in single file. If we parked legally there would not be enough room for vehicles to pass.
- This would also mean that the residents would be physically unable to park on the driveways of the proposed new properties, as their ability to turn in to the new proposed drive ways would be too sharp of a turn, and risks damage to their own vehicle and legally parked residents' vehicles.
- 4 trees were destroyed by the previous owner and these were to be replaced on the previous application.
- It seems from the drawing that they intend to infringe on the back street cobbled road which is used for parking and access to the rear of all the property.
- This would cause a lot of problems for residents of Green street and Tottington Road as parking is already a problem.
- The proposed development encroaches on our land. The developer has removed our fence, which we have reinstated.
- The proposed plans develop over the rear street that we have right of way over.

The neighbouring properties have been notified of revised plans by means of a letter on 26 June 2020.

1 letters have been received from the occupiers of 13 Green Street, which has raised the following issues:

- I object to this development as there is very restricted access and parking on the street, the majority of the time there is no parking and you have to find backstreets to park in, with the new houses the street will feel claustrophobic and create less parking
- Also the months of noise, dirt, dust, building work, and machinery blocking the street will cause issues for residents.

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

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections in principle. Further comments to be reported in the Supplementary Report.

**Drainage Section** - No response.

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

**Waste Management** - No response.

**United Utilities** - No response.

**Pre-start Conditions** - Agent has agreed with pre-start conditions.

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

### **Issues and Analysis**

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

**Principle** - 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 site is located within the urban area and there is residential development to the east, west and south. As such, the proposed development would not conflict with the surrounding land uses. The site was previously used as a car park with the former adjacent pub 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** - The proposed dwellings would be 2 storeys in height and would be located in a pair of semi-detached dwellings and a detached dwelling. The proposed dwellings have been lowered in height and would be the same height as the existing

dwelling to the south of the site. It is therefore considered that the height and scale of the dwellings would maintain the rhythm and symmetry in the street scene.

The proposed dwellings would be constructed from brick and grey concrete roof tiles. Headers, cills and front canopies would add visual interest to the elevations and not dissimilar in design to the adjacent houses, Nos 2 - 6 Green Street. There are a variety of materials in the locality comprising brick, render and painted blockwork and as such, it is considered that the proposed materials would be acceptable and characteristic of the surrounding area. The proposed dwellings would also be set back from the pavement on Green Street by 7.88 metres and as such, they would not be dominant and overbearing to the street scene.

Therefore, the scale and design of the proposed dwellings would be appropriate within the context of the area and would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design.

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

The property's opposite which would face the development would be Nos 1 and 3 Green Street. No 1 is a vacant property, and has a historical use as a workshop with part of the building a shop front type appearance, also vacant. Above, there are windows to what are either associated storage/offices or residential flats. It is unclear if these are used/habited. No 3 Green Street is a terraced property and has a window at ground and first floor to habitable rooms.

The proposed site plan demonstrates there would be 16.5 metres between the proposed dwellings and Nos 1 and 3 Green Street. It is noted that the windows on the front elevation would relate to a lounge and bedroom. These rooms are classed as habitable and requires a justification for a reduced aspect standard.

There are already sub-standard distances on Green Street, with a separation of 14.2 metres between Nos 2-6 Green Street and the terraced houses opposite. Nos 2 - 6 have a conventional layout like the proposed dwellings, with habitable room windows at ground and first floor on the frontage. As the proposed dwellings would be set back a further 2.3 metres, equating to a separation of 16.5 metres, the relationship to the properties opposite would be less harmful to privacy than already exists on the street.

The proposed development would be set back from Green Street by 7.88 metres and the front gardens, driveways and intervening street would give some perception of separation and space between the site and the properties opposite.

As there would only be one window in each of the new properties to a habitable room, and given there would be 16.5 metre separation and that there are already sub-standard distances between the other dwellings on the street, it is considered that overlooking and privacy would not be significant to adversely affect the residential amenity of the properties opposite. The proposed development would reflect the existing street pattern. On balance and in view of these factors, it is considered that the proposed development would be acceptable.

Beyond the rear boundary of the site are Nos 1 and 3 Lomond Drive which are set at an oblique angle to the site. There would be a separation distance of over 20 metres between the rear elevations of each property, which would exceed the aspect standards. There would be a minimum of 7.7 metres between the rear elevation of the proposed dwellings and the boundary with the properties on Lomond Drive, which would exceed the 7 metre aspect standard.

The property to the east was formally a public house and has planning permission for its conversion to 2 no. residential units and part ground floor office use. The approved plan

demonstrates that the rear window which would face the site would be to a bedroom. SPD6 requires a distance of 6.5m between a 1st floor habitable room window and a single storey blank wall, which in this case would be the side of the proposed dwelling. There would be a distance of 6.7 metres and 7.2 metres between the two properties, which would exceed the aspect standards.

As such, it is considered that there would not be a significant detrimental impact on residential amenity and the development would be in compliance with UDP Policies.

**Highways** - Each property would have a driveway off Green Street and 2 parking spaces would be provided. The proposed dwellings have been located in the middle of the site, which allows for an extended driveway of 6.8 metres, which would ensure that there is sufficient space to manoeuvre a car on and off the drive, with vehicles parked on the opposite side of Green Street. Whilst Green Street is a fairly narrow cul de sac, it is considered that 3 additional dwellings would not significantly increase traffic on the street and would not adversely impact on highway safety.

Access to the outbuilding located to the rear of the site would be maintained and would be unaffected by the development proposals.

The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

**Parking** - SPD11 states that the maximum number of parking spaces is 2 spaces per 3 bed dwelling. This equates to a maximum of 6 spaces.

The proposed site plan indicates that 2 parking spaces would be provided within the driveway area, which totals 6 spaces. This complies with the parking standards. A number of objections relate to the problems of parking already experienced on Green Street, especially as the adjacent pub on Tottington Road has been converted and that the development would add to parking issues on the street. Objectors also raised the issue that the development should provide parking for the residents and public in the area.

It is not in the gift of the residents on Green Street to use this land for parking nor for the development to provide parking for residents on Green Street. The residents of the terraced houses on the street have always had to park on street and this would not change. The fact that some may use the land at the moment is not a material planning consideration as it is not in their ownership to do so.

In terms of the pub conversion, this application was assessed on its own merits and it was concluded that parking for the residential units would not be necessary due to the sustainable location of the property, 'buyer beware' and that the then closed pub with accommodation could re-open at any time without the need for planning permission and without the car park. A space was provided for the office use.

It is therefore considered that given the development would provide in-curtilage parking for each property, its close proximity to Tottington Road which has good access to public transport and is in a sustainable location, the level of parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policies H2/2 and HT2/4 of the Bury Unitary Development Plan and SPD11.

#### **Response to objectors**

- The issues relating to parking and access to the building at the rear have been addressed in the main report.
- Condition 8 relates to a landscaping scheme, which requires replacement trees.
- The issues relating to noise and disturbance during construction are not material planning considerations.

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

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

**Recommendation:** Approve with Conditions

**Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered RAD/2115/20/2/RevA, RAD/2115/20/1/RevA and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
4. Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.  
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
5. 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 in writing by the Local Planning Authority before the development is 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 Policies EN1/2- Townscape and Built Design and H2/1 - The Form of New Residential Development.

6. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.  
Reason. To promote sustainable development and reduce flood risk and pollution pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
7. Foul and surface water shall be drained on separate systems.  
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
8. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season;; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
9. The car parking indicated on approved plan reference RAD/2115/20/2/RevA shall be surfaced in a material, or incorporate measures, that prevents the discharge of surface water onto the adopted highway and be made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.  
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
10. 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:
  - Access route for construction traffic from the highway network and restricted to a size of vehicle that can be accommodated on Green Street that serves the site;
  - Hours of operation and number of vehicle movements;
  - Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the

development to accommodate this.

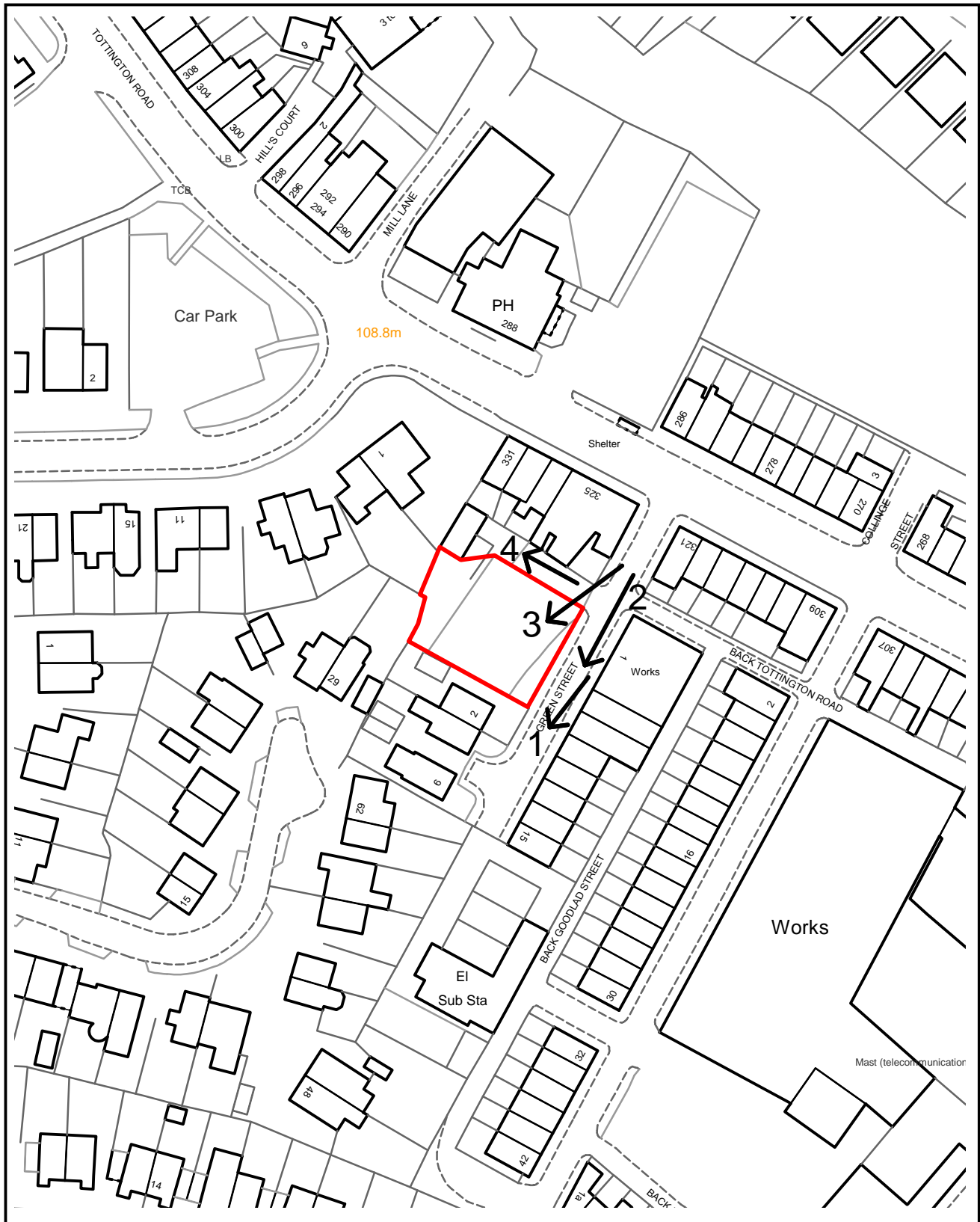
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

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

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

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

# Viewpoints



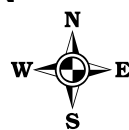
## PLANNING APPLICATION LOCATION PLAN

**APP. NO 65293**

**ADDRESS:** Land at North Street  
Bury

**Planning, Environmental and Regulatory Services**

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**Bury**  
COUNCIL

65293

Photo 1



Photo 2



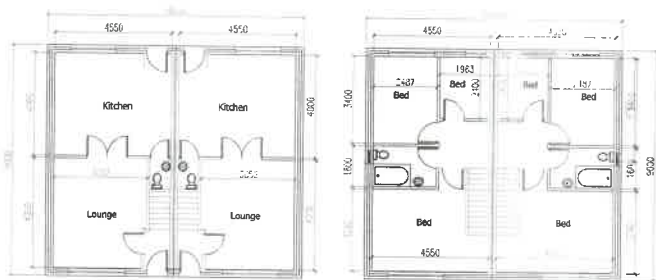
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Photo 3

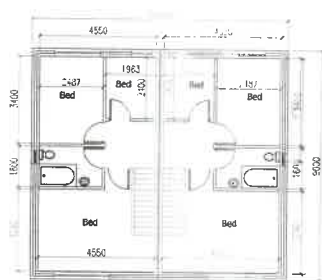


Photo 4





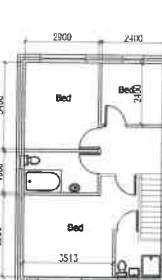
PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



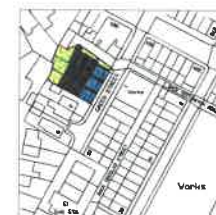
PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



BLOCK PLAN (1:500)



LOCATION PLAN (1:1250)  
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Ordnance Survey 0100031673



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED GABLE ELEVATION (SEMI)



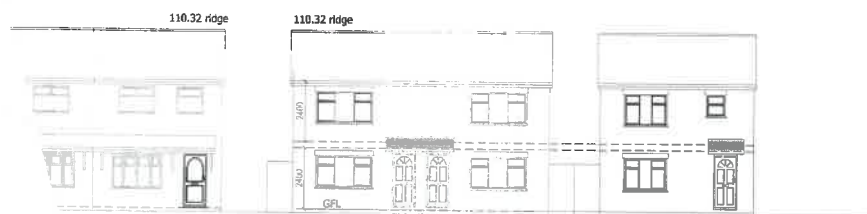
PROPOSED GABLE ELEVATION (SEMI)



PROPOSED GABLE ELEVATION (DETACHED)



PROPOSED GABLE ELEVATION (DETACHED)



PROPOSED FRONT STREETSCENE



TOPOGRAPHICAL PLAN (1:200)

Date	Rev	Description	Drawn
10/08	A	amended dimensions and top notes	RA
22/02/20	B	heights reduced to include act back menu	RA

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The whole of the works to comply with Planning Approval & Conditions and current Building Regulations. No work to commence without Planning & Building Regulations approval.  
The client must ensure the project complies with the Construction Design and Management Regulations 2015  
The Client should ensure consent from any landowner or interested party is obtained, as well as compliance with Party Wall Act 1996

#### Notes

#### RAD

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LAND AT GREEN ST  
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EXISTING & PROPOSED PLANS

RA  
FEBRUARY 2020

1:100 @ A1 / 1:200 @ A3

RAD/2115/20/1/RevA



**BINS**

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Notes

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RAD/2115/20/2/RevA