

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

Item 8

**Applicant:** Harrington House Estates Limited

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

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

**Application Ref:** 68542/Full

**Target Date:** 16/09/2022

**Recommendation:** Approve with Conditions

**This application was deferred at the meeting of the Planning Control Committee in November in order to carry out a site visit.**

#### **Description**

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

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

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

The proposed development involves:

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

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

#### **Relevant Planning History**

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

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

64719 - Change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in

## Publicity

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

Thirteen objections received from 11 properties and summarised below:

- The previous application was refused and the subsequent appeal dismissed. The concerns of the Planning Inspector are still relevant.
- The proposal will intensify the use of the property and lead to increased traffic generation and pressures on parking around the site.
- There is no control over how many cars a future tenant may have. Two additional units may mean 4 extra cars.
- There would be increase service/delivery vehicles.
- The unmade access road from Bury new Road is not suitable to carry more vehicles.
- With cars parked on Robin Lane, vehicles may not be able to turn and would have to reverse onto Bury New Road.
- The junction onto Bury New Road is very dangerous and more vehicles would be detrimental to highway safety.
- Vehicles along this park of Bury new Road travel at high speed, making turning very hazardous.
- There have been traffic incidents - the railings next to Besses Church on Bury Old Road at the approach to the junction, were knocked flat leaving a huge quantity of debris. This can only have been caused by a vehicle approaching the corner at a very high speed and I refer to my previous observations of vehicles going at circa 60 mph. In addition, a vehicle coming onto Bury New Road from Bury Old Road went into the railings outside number 91.
- Not all traffic accidents have resulted in hospitalization or being reported.

Representation received from Cllr Fitzgerald.

- Concerned that having 8 separate homes in this building could lead to poor and cramped housing.
- Not against HMOs and understand the issues around housing in the UK today, but remain concerned that squeezing another two homes into a building that is already occupied to a much higher level than most in Whitefield isn't going to solve the Housing crisis and just risks a race to the bottom on the quality of Housing.
- I do note that in general the landlord has improved the building in recent years with new windows, etc.
- Concerned about cars accessing the main road. The road and junction where the exit would be is quite unusual and dangerous.
- Cars merge into separate lanes from the motorway and Bury Old Road and across to either Higher Lane or to continue along Bury New Road.
- There are barriers there for a reason because of the number of incidents of cars going into houses and the Council spent a lot of money a few years ago on lights and a pedestrian crossing at Chestnut because of these issues.
- The loss of the turning circle and risk of residents needing to back out at this access point is extremely dangerous and I am pretty sure against the Highway code, i.e., you aren't supposed to back out onto a road.
- Reject this on the basis of the previous applications that have been rejected in Bury and the appeal that was rejected by the Planning Inspectorate. I have looked at the comments in the rejected appeal and it supports what I have outlined above: *'The lane appears to have a limited amount of parking and turning space. Based on the evidence before me, an increase in parking demand from occupiers and visitors could lead to circumstances where vehicles reverse onto Bury New Road to the detriment of highway safety in the road'*.
- There doesn't appear to be any regulatory changes just that the applicant has found someone who has said that the Planning Inspector was wrong.
- Has anything materially changed in the regulations as traffic continues to increase so I would think this would mean it is less likely the application should be granted?
- Over the period that the landlord has owned the property there have been repeated

attempts to increase the number of dwellings in the building and there isn't anything new that they can offer in this application other than hiring a consultant.

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

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

Traffic Section - No objection.

Environmental Health - No objection.

Waste Management - No objection

Greater Manchester Police - No objection.

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

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

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/4 Conversions

EN1/2 Townscape and Built Design

EN7 Pollution Control

HT2/4 Car Parking and New Development

HT5/1 Access For Those with Special Needs

HT6/2 Pedestrian/Vehicular Conflict

SPD11 Parking Standards in Bury

NPPF National Planning Policy Framework

SPD13 Conversion of Buildings to Houses in Multiple Occupation

### **Issues and Analysis**

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

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

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

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

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

The site is within an existing HMO, located within the urban area and adjacent to

residential uses. The proposed development would not conflict with the surrounding land uses and would be located in a relatively sustainable location with access to public transport and services. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

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

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

- The main issue is the effect of the proposal on highway safety in Bury New Road with particular reference to vehicular parking.
- Although Bury New Road is relatively straight, visibility is restricted to the south. Exiting from the access lane in a forward gear appears safe but any drivers reversing out of the lane would have poor visibility southwards and limited warning of approaching vehicles. Such manoeuvres would lead to unacceptable highway safety risks.
- No parking or turning layout for the lane was provided. From observations it did appear possible to park, turn and manoeuvre within the wider areas, which would allow vehicles to exit safely from the lane in a forward gear.
- Whilst there were still spaces available at the time of the site visit, third-party representations raised concerns regarding the level of parking, particularly in the evenings.
- The Council do not have any specific parking standards for HMO's. At present the property is occupied by 6 individuals and the appellant advises that 3 of the tenants have cars and in the area car ownership for HMO tenants is expected to be around 33%. It is therefore put to me that the proposal for 2 additional individuals would likely result in an additional car at the appeal site.
- Car ownership cannot normally be controlled through planning and in a scenario where all residents would have a car, it would seem unlikely, based on observations and the evidence that all vehicles could be parked along the lane in combination with cars associated with the other properties.
- With increased car ownership there is the potential for inappropriate parking that would impede the turning and manoeuvring of vehicles in the lane and could result in vehicles reversing out into the highway due to a lack of available space. Any increase in occupancy levels has the potential to incrementally breach the capacity for parking and turning within the lane. In the absence of substantive evidence to the contrary, this would not be conducive to securing good levels of highway safety.
- The proposed 8-bedroom HMO has the potential to generate a greater demand for car parking than both a family dwelling and the existing 6-bedroom HMO.
- The location of the site and its proximity to shops, facilities and public transport links, means there is potential for occupiers to not need their own cars and some residents may cycle. However, the site equally has good road links for potential occupiers that own a car.
- In conclusion, the lane appears to have a limited amount of parking and turning space. Based on the evidence available, an increase in parking demand from occupiers and visitors could lead to circumstances where vehicles reverse onto Bury New Road to the detriment of highway safety in the road.
- The proposal would be contrary to the requirements of policy HT2/4 and H2/4 of the Bury Unitary Development Plan (adopted 1997) and the Conversion of Buildings to Houses in Multiple Occupation Supplementary Planning Document (adopted 2007). These require, amongst other things, that applications make adequate provision for their car parking and servicing requirements. The proposal would also be contrary to paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on road safety.
- It is recognised that the appellant is seeking to make an effective use of an existing property, an objective which is encouraged by the Framework. The site is sustain ably

located with good access to services and facilities. The proposal would increase the diversity of housing supply, meeting a need. The appellant has invested in renovating the property, improving its appearance in the street scene. These are all positive factors in favour of the scheme. However, they do not outweigh the harm identified.

**Design and layout/visual amenity** - Policy H2/4 states that applications for the conversion of a building into a house of multiple occupation will be considered with regard to the following:

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

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

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

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

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

- PIA data has been analysed using Crashmap which indicates that there is no evidence of an existing highway safety issue within the general vicinity of the site.
- The site benefits from a high level of accessibility by the main non-car modes of transport, being within walking distance of a number of amenities, within cycling distance of various settlements via high quality routes and having good access to bus and tram services.
- In accordance with the parking arrangements associated with the existing site, it is proposed that car parking associated with the two additional HMO bedrooms will be accommodated along Robin Lane, which can be accessed via Bury New Road.
- A review of 2011 Census data on local car ownership levels, and the level of car occupancy at the existing site and of other similar sites contained within the TRICS Database indicates that the proposed development is anticipated to generate an additional car parking demand of 2 spaces in the worst case scenario.
- Based on the results of a parking beat survey that was undertaken along Robin Lane, it has been demonstrated that there is a minimum spare capacity for 9 cars to park along Robin Lane which is more than sufficient to accommodate the anticipated additional parking demand of the proposed development, in addition to occasional spikes in activity that might occur.
- Furthermore, it has also been demonstrated that this level of parking can be accommodated along Robin Lane whilst also allowing a large car to safely and satisfactorily access, manoeuvre and egress Robin Lane in a forward gear.
- The proposed development is forecast to result in an additional 3 two-way trips per day, on average, with no additional trips forecast to take place during the weekday AM

and PM peak hours.

- Paragraph 111 of the National Planning Policy Framework states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- Based on the evidence presented in this TN, no unacceptable impact would be created by the development and the application is therefore commended for approval.

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

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

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

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

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

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

Notwithstanding the issues specifically relating to parking, the site is considered to be very sustainable with excellent public transport links. Bury New Road and nearby Bury Old Road are main roads through the Borough with bus routes and there is a metrolink station at Besses O' th' Barn, 300m away to the east. There is also a cycle store located in the rear yard.

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

The Council's Traffic Team have no objection to the proposal. Given its sustainable

location, the proposal is acceptable and would comply to the NPPF and UDP Policies HT2/4 Car Parking and New Development and H2/4 Conversions and associated SPD11 Parking Standards in Bury and SPD13 Conversion of Buildings to Houses in Multiple Occupation.

**December 2022 Report Update** - The applicant's statement with supporting photographs, addressing objections raised can be viewed via the planning file on-line.

The applicant has also provided a website link to videos, indicating how vehicles can access the parking area via Robin Lane, turn and exit back onto Bury New Road. This link is available via the planning application file on the Council website.

**Ownership** - The application includes Certificate A which states that the applicant owns all land within the red edged site. The agent has also confirmed ownership of the site by the applicant.

### **Objections.**

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

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

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

**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
2. This decision relates to drawings numbered Revised Site Plan P01, 079/02, 03, 04 and 05 and Site Plan with Swept Path analysis, and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The car parking indicated on the approved plans shall be demarcated and made permanently available for use prior to the additional residential units hereby approved being brought into use.  
Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to policy HT2/4 Car Parking and New Development of the Bury Unitary Development Plan.
4. Prior to the use hereby approved commencing, details of the proposed 'low level barrier' as indicated on the site plan, shall be submitted to the Local Planning

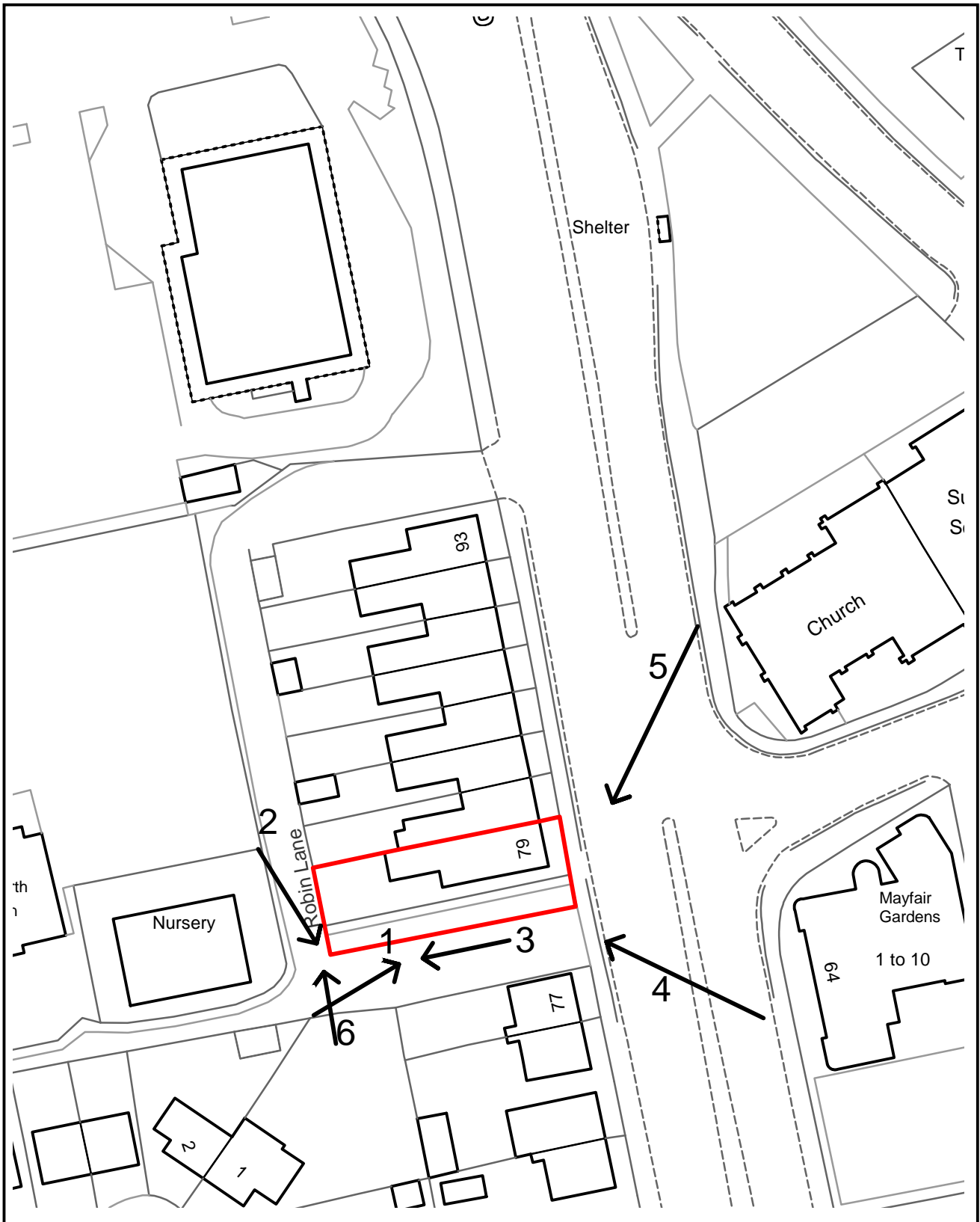
Authority for approval. The barrier shall be positioned to ensure that pedestrian access onto Bury New Road adjacent to No.79 and access to the adjacent footway chamber is maintained. The barrier shall be completed prior to the additional residential units hereby approved being brought into use and retained thereafter.

Reason. To prevent encroachment of parked cars onto the public footway in the interests of road safety pursuant to policy HT2/4 Car Parking and New Development of the Bury Unitary Development Plan.

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



# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 68542

ADDRESS: 79 Bury New Road, Whitefield



Planning, Environmental and Regulatory Services

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

**68542**

Photo 1



Photo 2



**68542**

Photo 3



Photo 4



**68542**

Photo 5

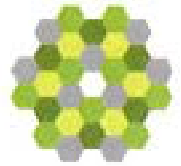


Photo 6

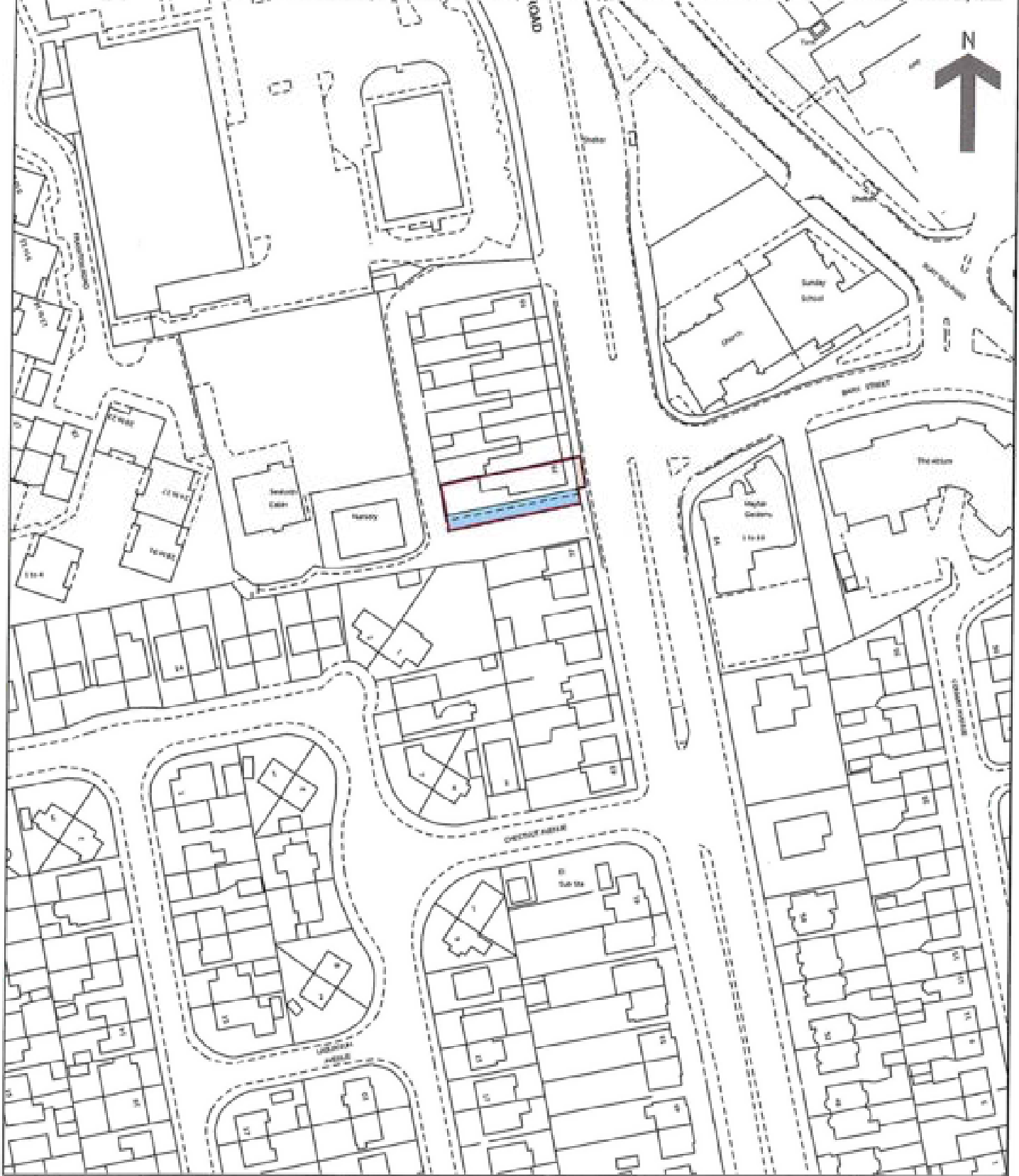


HM Land Registry  
Official copy of  
title plan

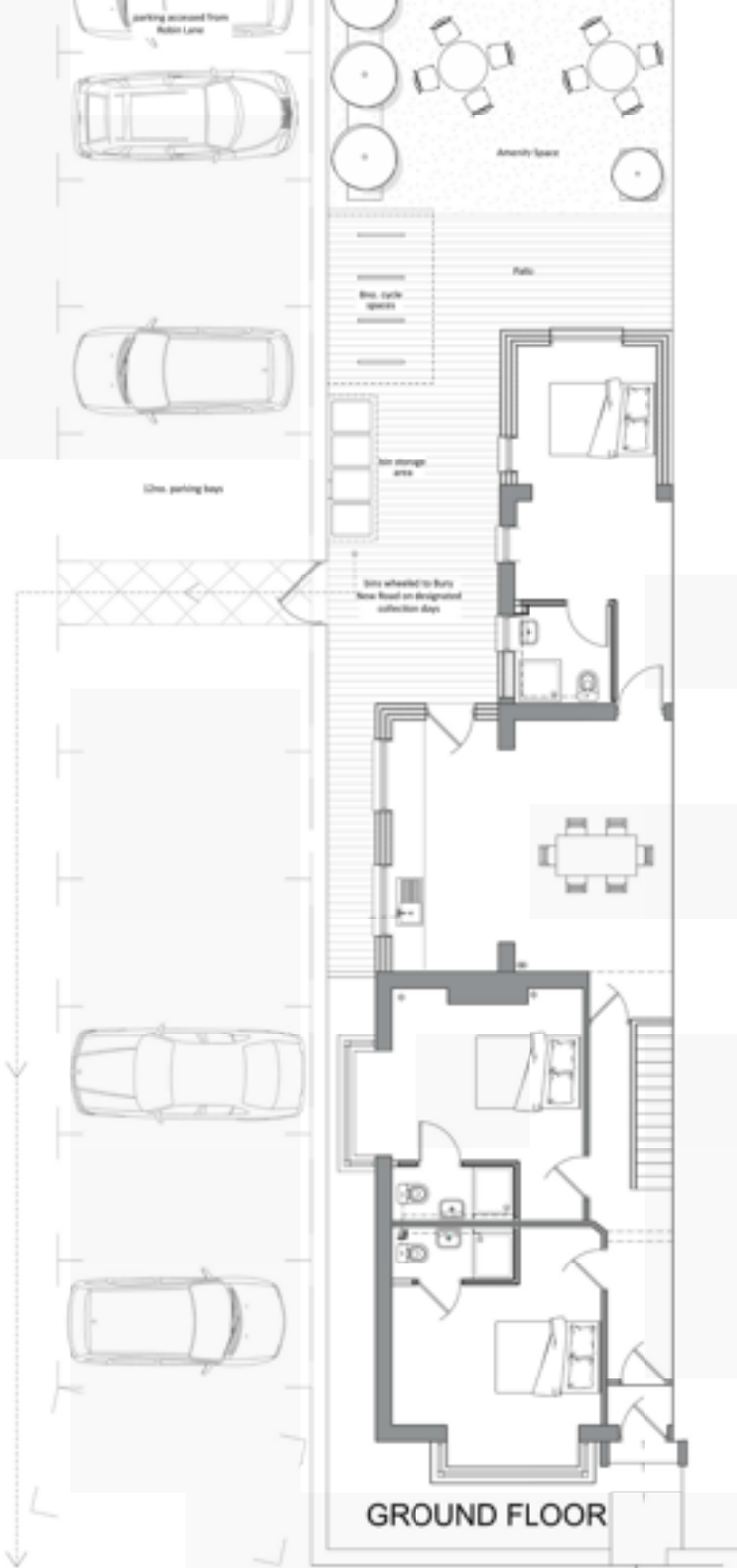
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Administrative area **Greater Manchester :**  
**Bury**



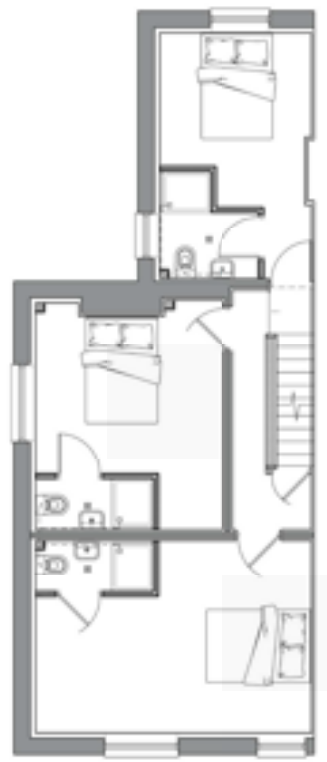
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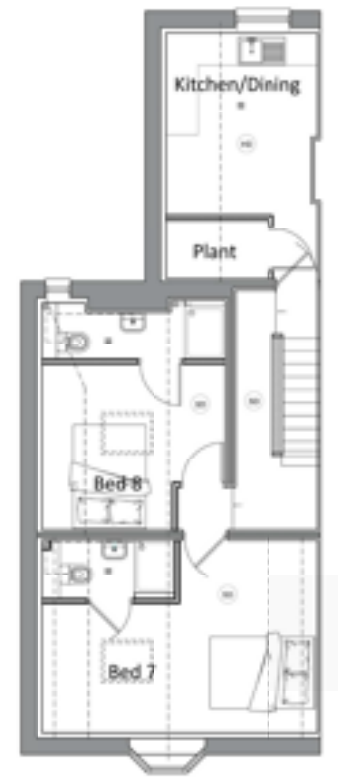
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 ALL DIMENSIONS ARE TO BE CHECKED  
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 IF ANY DISCREPANCIES ARE TO BE FOUND  
 THEN THIS OFFICE IS TO BE NOTIFIED AS  
 SOON AS POSSIBLE.



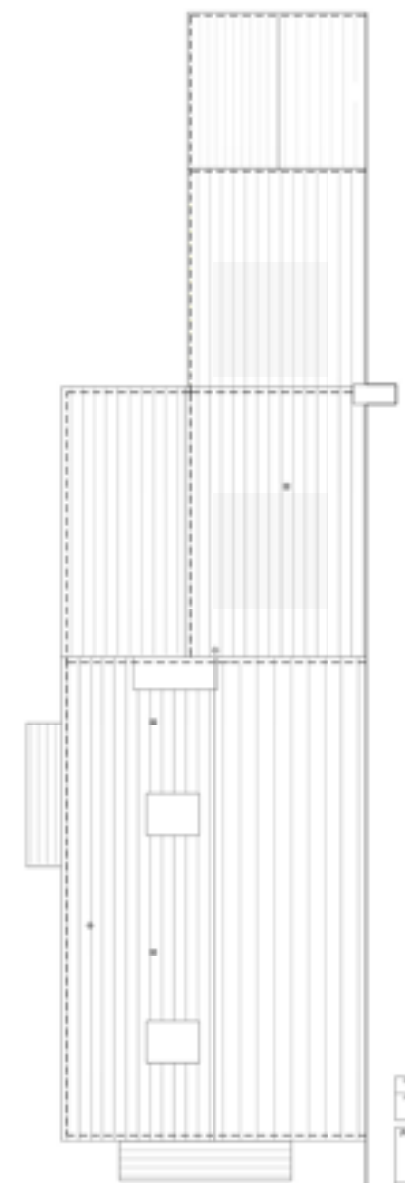
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



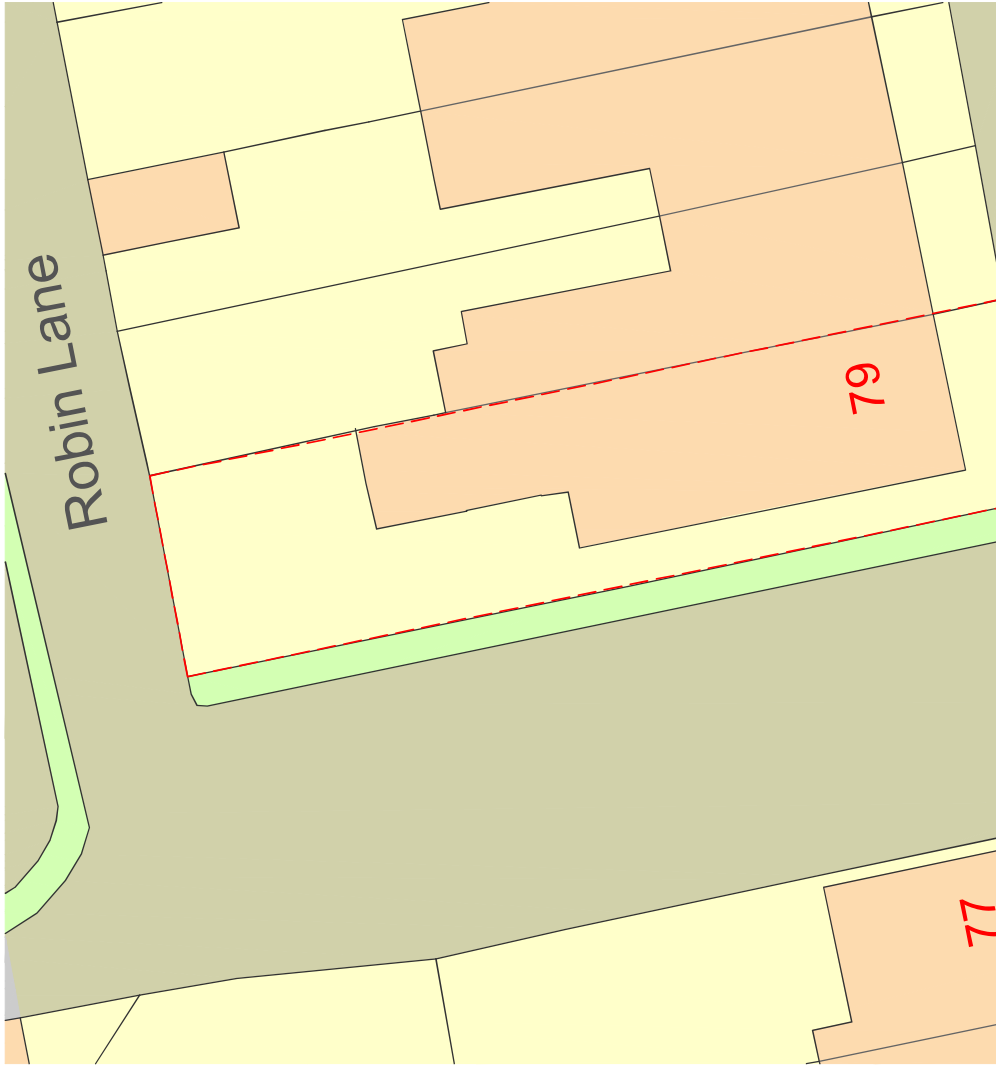
ROOF PLAN

Name	Date	Version
Author	2024	1
Checker	2024	1
Approver	2024	1

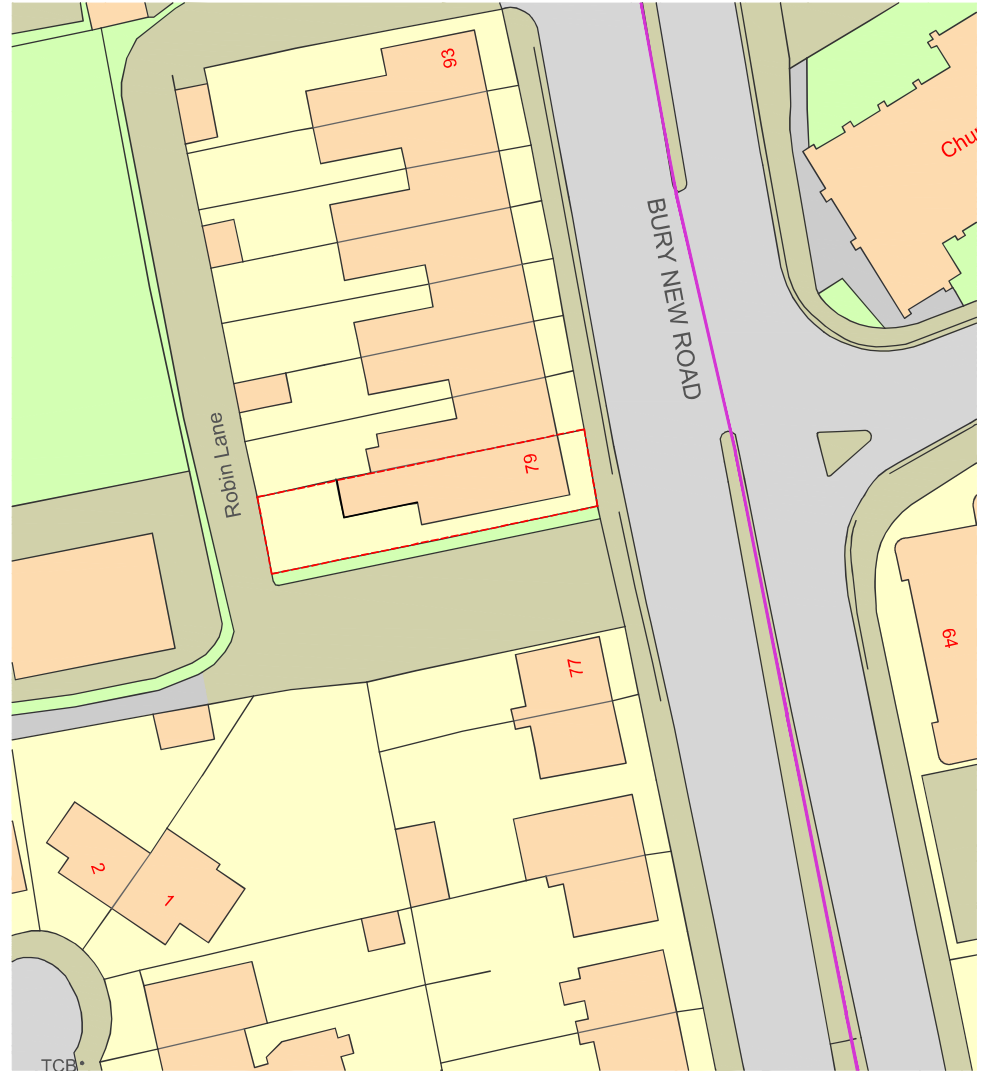
  

Project	
Proposed Extension & Change of Use	
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Site Ref	123/456
Client	ABC Ltd
Designing	XYZ Architects
Drawing Number	01/24
Date	2024-01-01

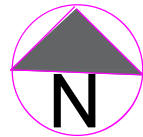




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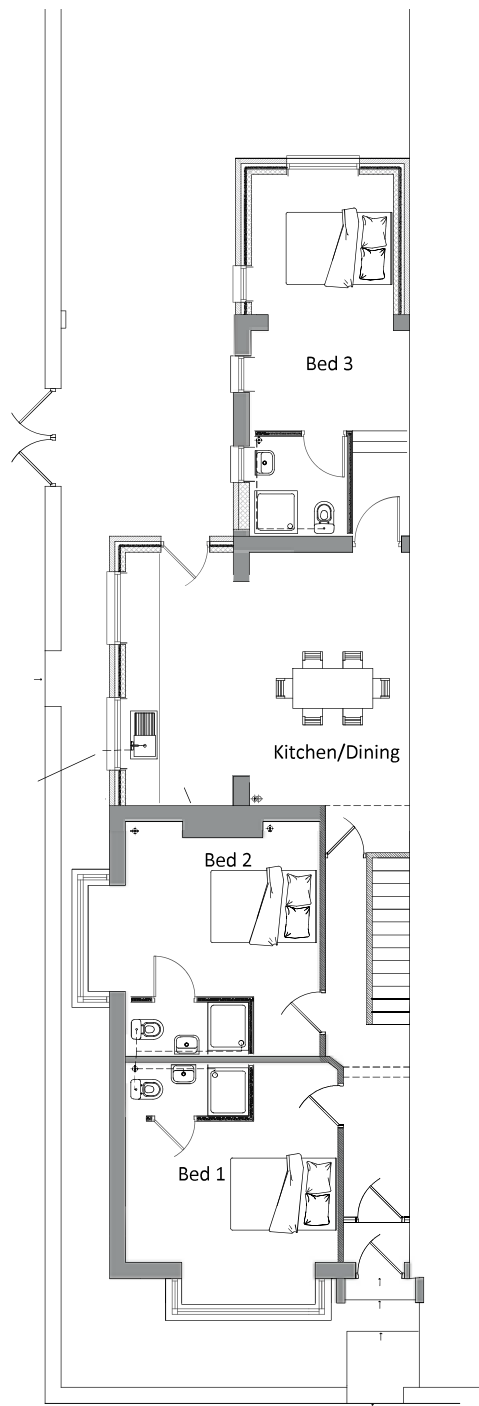
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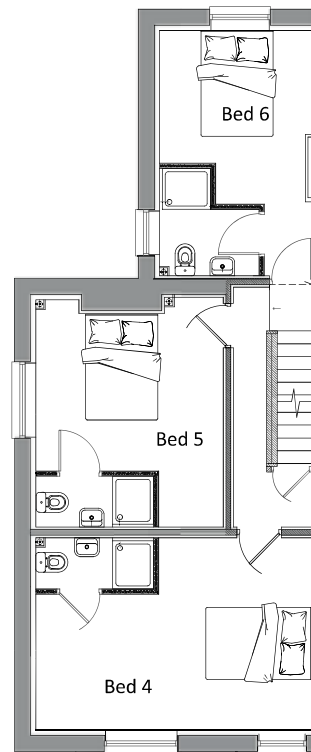
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Revision	Date	Description

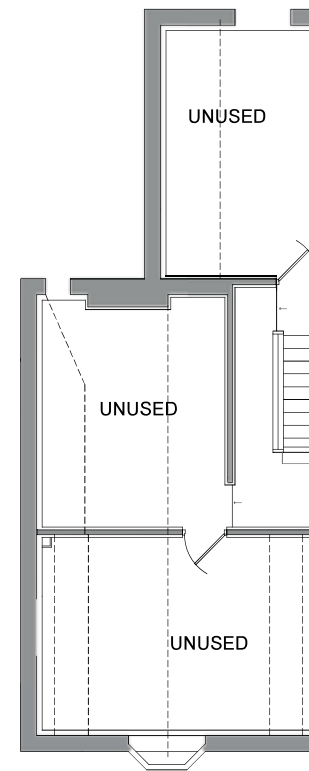
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<b>Date</b> SEPT 19	



GROUND FLOOR



FIRST FLOOR



SECOND FLOOR

NOTE  
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Revision	Date	Description

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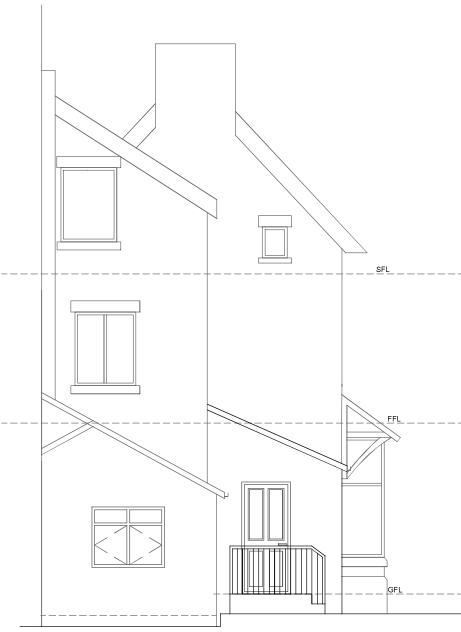




**SIDE ELEVATION**



**FRONT ELEVATION**



**REAR ELEVATION**

**NOTE**  
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Revision	Date	Description

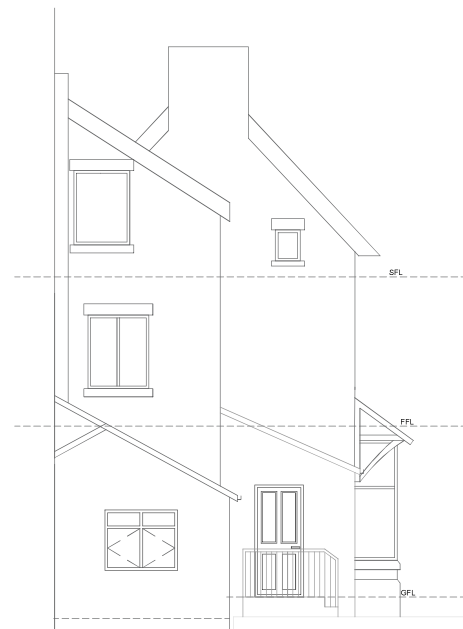
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Task	Client
Elevations	St Mackey
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**SIDE ELEVATION**



**FRONT ELEVATION**

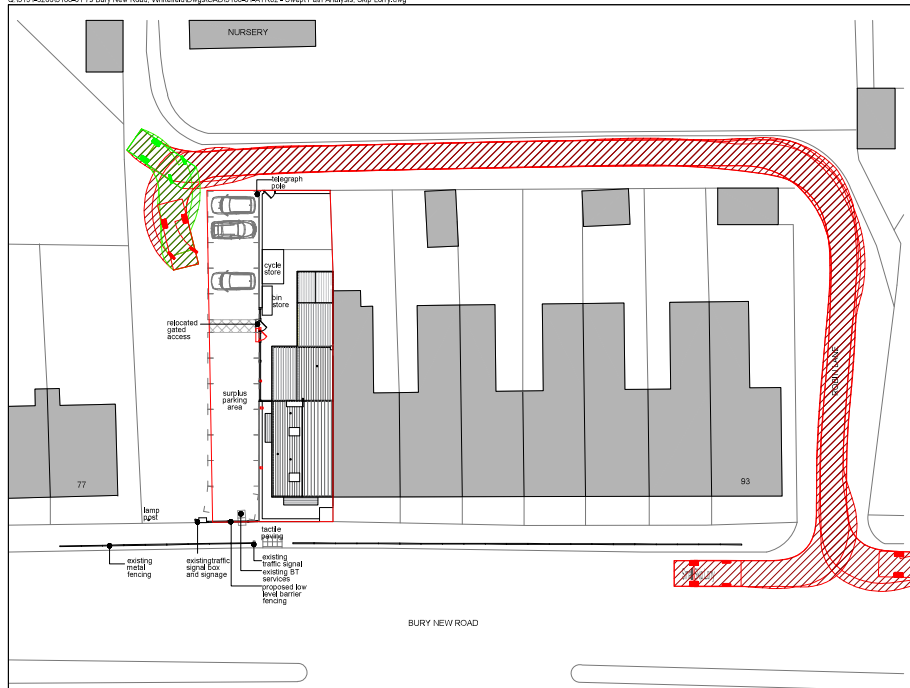


**REAR ELEVATION**

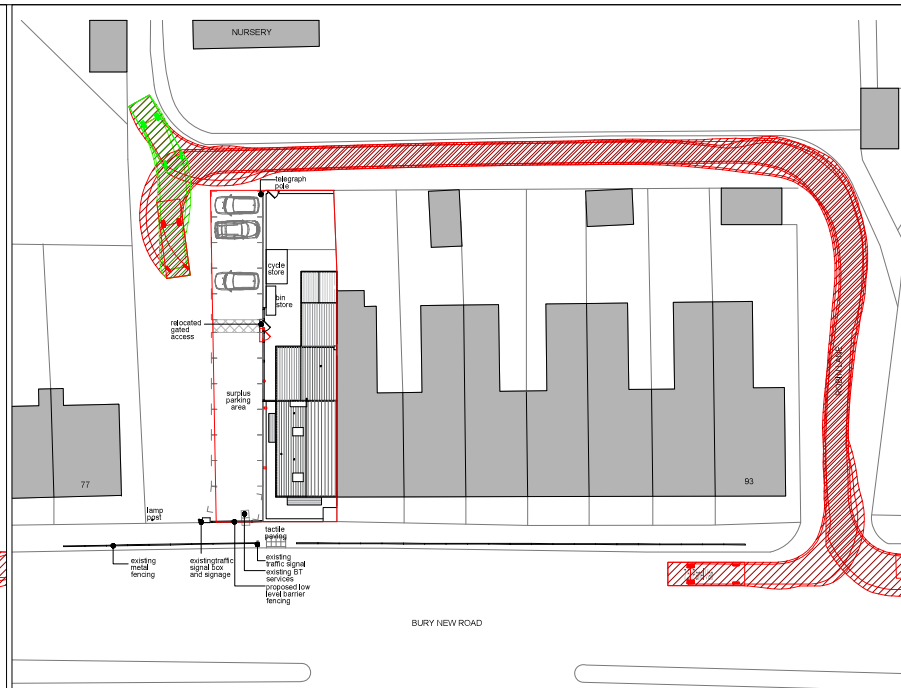
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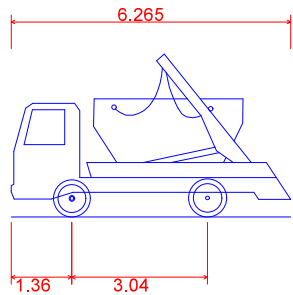
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<b>Title</b>	<b>Client</b>	
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SWEPT PATH ANALYSIS - SKIP LORRY

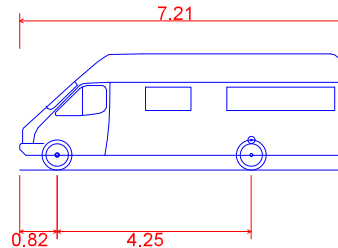


SWEPT PATH ANALYSIS - 7.5T VAN



**Small Skip Lorry**  
**Overall Length** 6.265m  
**Overall Width** 2.390m  
**Overall Body Height** 3.650m  
**Min Body Ground Clearance** 0.396m  
**Max Track Width** 2.435m  
**Lock to lock time** 6.00s  
**Kerb to Kerb Turning Radius** 6.340m

PROFILE OF VEHICLE USED IN SWEPT PATH ANALYSIS - SKIP LORRY



**7.5t Panel Van**  
**Overall Length** 7.210m  
**Overall Width** 2.192m  
**Overall Body Height** 2.544m  
**Min Body Ground Clearance** 0.316m  
**Track Width** 1.865m  
**Lock to lock time** 4.00s  
**Kerb to Kerb Turning Radius** 7.400m

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

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Follow any figured dimensions - do not scale for construction purposes, IF IN DOUBT ASK.

Revision History	Date

Client: HARRINGTON HOUSE ESTATES LIMITED	Scale: 1:250 @ A3	axi
Project: PROPOSED EXTENSION & CHANGE OF USE, WHITEFIELD, BURY	Drawing Title: SWEPT PATH ANALYSIS	
Date: 20-10-2022	Drawn by: AD	Checked: ..
Drawing Number: 3186-01-ATR02	Status: ..	
Scale: 1:250 @ A3	Rev: ..	
planning environment design		





**Notes:**  
 Do not scale from this drawing.  
 All dimensions are in millimetres unless otherwise noted.  
 All dimensions to be checked on site before proceeding with work.  
 All omissions and discrepancies to be reported in writing to Project 3 Architects Ltd.  
 Areas indicated on this drawing are approximate and indicative only.  
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**KEY**  
 — site boundary

P01 12/16/22 Planning ED  
 Rev: Date: Description: By:



**PROJECT 3**  
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**Project:** Proposed Extension & Change of Use Whitefield, M4 7EG  
**Title:** Proposed Site Plan

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