

**MIALEX**

Innovative Planning Solutions

18th December 2021

Planning Department
Bury Council
Town Hall
Knowsley Street
Bury
BL9 0SW

c/o Workplace
4th Floor
Churchgate House
56 Oxford Street
Manchester
M1 6EU

03301 331 355
info@mialex.co.uk
www.mialex.co.uk

Dear Sir/Madam

Re: Prestwich - No 71 Kings Road, M25 0LQ**Full Planning Application for extensions and alterations to an existing commercial building (Use Class E)****Background**

We act on behalf of Dr Hibbert Medical Services Ltd and have been instructed to submit a full planning application which seeks consent for the following works:

- Part one, part two storey rear extension;
- Part one, part two storey side extension; and
- Part one, part two storey front extension.

The application was submitted by the Planning Portal and comprises the following:

- Completed planning application forms; and
- Drawings package comprising External Street Scene Views; Existing Block plan; Proposed Block Plan; Existing Elevations; Proposed Elevations; Existing Floor Plans; Proposed Floor Plans (prepared by JC Design).

In addition to the above documentation, this cover letter provides a detailed assessment of the key planning issues and should be taken into consideration in the determination of the planning application.

Site and Surroundings

The application relates to an existing two storey semi-detached building that benefits from a corner plot location at the junction of Bishops Road and Kings Road. Vehicular access is currently provided off Bishops road to the east, with one off road parking space serving the development. Meanwhile, pedestrian access is provided off Kings Road directly to the south of the of the site.

The site has an established lawful use as a Class E commercial building having been occupied historically by H&L Reports Ltd, a specialist practice which advises and provides medical reports for solicitors, insurance companies and corporate clients in their role as medico-legal experts (<http://www.hlreports.co.uk/>). This lawful use of the property is further demonstrated via dated street view images enclosed at **Appendix 1**.

A new tenant has now taken over the property with a view to implementing a similar Class E commercial use specifically orientated towards and supported by the local community. As such, the new tenant will provide specialist medical services to serve the immediate surrounding population.

Notably there are several properties which have been previously extended within the immediate street scene including the directly adjacent No. 69 Kings Road and No. 1 Bishops Road.

Also of note to this application is the Synagogue which lies directly opposite to the site as pictured below. This was approved planning permission for significant extensions and alterations in 2017 (as discussed in greater detail below).

Please refer to the site images below



Image 1: Overhead view of the site facing northwest at the junction of Bishop Road and Kings Road



Image 2: The site as viewed from the junction of Kings Road and Bishop Road at street level



Image 3: Overhead view facing west of the Synagogue subject to a front extension in 2017



Image 4: Street level image of the Synagogue adjacent to the site at the junction of Harrogate Road and Kings Road

Planning History

The Site

A review of the Council's online records reveals that the property has not been subject to any planning application of relevance to this application.

Surrounding Area

There are however planning applications in the immediate vicinity of the site that are of relevance to this application as outlined below.

- Firstly, a number of applications were made at the adjoining No. 69 Kings Road with a two storey side, single storey rear extension and canopy to the front door (**Ref 45560**) first being approved on the 5th June 2006;
- Consequently, another application (**Ref 57628**) was made at the same property for another two storey side extension, single storey rear extension and canopy above the front door that was approved on the 30th June 2014;
- Another application (**Ref 58248**) was then made again for a two storey side extension, first floor rear extension, ground floor rear extension and a canopy above the front door on the 12th January 2015;
- Finally, an application (**Ref 60037**) was made for a single storey rear extension which was approved on the 8th June 2016;
- Additionally, an application (**Ref 60933**) was made at the Synagogue (No. 90 Kings Road) for a Single Storey front extension that was approved on the 2nd February 2017 (please refer to the decision notice at **Appendix 2**).
 - Please also refer to the approved drawings package at **Appendix 3**.

The Proposal

The application seeks consent for the following works:

- Part one, part two storey rear extension;
- Part one, part two storey side extension; and
- Part one, part two storey front extension.

As set out on the accompanying plans, the proposed extensions will be subordinate in scale to the host property, will utilise matching external materials to the street scene, complimentary roofs and a symmetrical window layout in order to ensure that the visual character and appearance of the existing building and street scene are preserved.

Planning Policy

National Planning Policy Framework

The NPPF was most recently revised in July 2021 and sets out the Government's objectives for achieving sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development.

Development proposals Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

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

Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework.

Paragraph 93 of the NPPF states with regard to Promoting Healthy and Safe Communities that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decision should:

- a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) Ensure that established shops, facilities and services are able to develop and modernise and are retained for the benefit of the community; and
- e) Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Local Development Framework

Bury Council's Local Development Framework currently consist of saved policies of the Unitary Development Plan (1997) Development Plan comprises the Core Strategy (2012) and the Development Management Plan Document (DMP) (2013). The policies relevant to the determination of the application are set out below.

Unitary Development plan (1997)

Policy H3 (New Incompatible Uses in Residential Areas) States that the Council will not permit the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts.

Policy H3/1 (Assessing Non-Conforming Uses) Advocates that 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.

Policy H3/2 (Existing Incompatible Uses) States that where existing incompatible uses operate within residential areas, the Council will seek to ensure that any existing conflicts are resolved where possible and where opportunities arise.

In particular the Council will encourage and, where appropriate implement measures to:

- Control future land uses so as to minimise or remove conflicts;
- Control the intensification or expansion of non-conforming uses where possible;

- Control the operation of adjacent uses where possible in order to minimise areas of conflict and potential nuisance;
- Introduce environmental improvements or traffic management schemes where appropriate.

Only as a last resort will the Council consider the relocation of incompatible uses.

Policy CF1 (Proposals for New and Improved Community Facilities) advises that proposals for new and improved community facilities will generally be looked upon favourably by the Council.

Policy CF1/1 (Location of New Community Facilities) advocates that proposals for new and improved community facilities will be considered with regard to the following factors:

- Impact on residential amenity and the local environment;
- Traffic generation and car parking provision;
- The scale and size of the development;
- Where applicable, access to shops and other services;
- 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;
- Accessibility by public and private transport;
- The needs and requirements of the disabled.

Policy CF4 (Healthcare Facilities) states that improvements to existing, and proposals for new healthcare facilities will generally be looked on favourably by the Council.

Policy HT2/4 (Car Parking and New Development) states that 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.

Policy HT3 (Public Transport) Outlines that the Council will encourage land use measures aimed at maintaining and increasing the use of public transport.

Policy HT4 (New Development) States that in considering the location of new or intensified development, the Council will encourage proposals which:

- Support the principles of sustainable development;
- Assist the implementation of a balanced transportation strategy;
- Minimise the environmental impact of traffic.

In particular, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that this is also in accordance with other policies of the plan.

Planning Issues

Principle of Development

As demonstrated within **Appendix 1** the site has a lawful use as a Class E commercial building that has been long established over a number of years. In accordance with Policy CF1 of the UDP (1997) it is considered that an extension of the existing building in principle should be considered acceptable subject to there being no adverse impact upon the amenity of the occupiers of any neighbouring properties or upon the visual character of the local area and street scene.

Furthermore, any proposed extension should have regard to the criteria as outlined within Policy CF1/1 to ensure the suitability of the proposed location for development.

Design

As summarised above, the application seeks consent for part one and part two storey two extensions to the front, side and rear of the property.

Given the corner plot location of the property particular care has been given to the design of the proposed extensions to ensure there is no unacceptable impact on the street scene from longer views down Bishops Road and Kings Road.

Design cues have been taken from the closely related community facility located adjacent to the site at No. 90 Kings Road which has benefitted from significant extensions and alterations to its principal elevation in 2017 under the same local development framework (please refer to the decision notice enclosed at **Appendix 2** and drawings package at **Appendix 3**).

Specifically, the proposed extensions and alterations at the site propose new bay windows on the corner between Kings Road and Bishop Road as well as a flat roof with parapet wall to the east of the site. However, notably the proposed fenestration will be distinctly domestic and all extensions and alterations have been carefully considered to ensure they remain subordinate to the original building and carefully align with the neighbouring residential properties to the north and west. As such, the proposed alterations harmonise appropriately with both the original form of the building (and neighbouring residential properties) as well as the adjacent religious facility with which the proposed use enjoys a close relationship.

Whilst the proposed extensions do extend to the eastern side of the site at ground floor level these have been very carefully designed to retain an appropriate spaciousness to the plot that is characteristic of the wider residential area and are of a high quality design appropriate to the sites corner plot location.

Furthermore, the proposed extensions will enhance the street scene by incorporating a new characteristic gap from the host property to No. 1 Bishops Road to the north following the demolition of the existing garage to the rear of the property.

As a whole, the proposed extensions and alterations will utilise matching external materials and design features from the street scene to ensure that the visual character and appearance of the host property is preserved in accordance with Policies H3/2, CF1, CF1/1 and CF4 of the Unitary Development Plan.

Amenity

The proposed works will not give rise to any adverse impacts upon the amenity of the occupiers of neighbouring properties.

At ground floor level the proposed extension will project 4.7 metres further than the existing extension. Whilst this is more than the existing rear projection it is noted that the neighbouring property at No. 69 Kings Road also benefits from substantial rear extensions as summarised above. As such there will be no impact upon neighbouring amenity from the proposed ground floor extension.

Correspondingly, at first floor level the rear extension will project approximately 6.5 metres from the rear elevation along the eastern elevation of the building extending the uniform building line to the north whilst maintaining a separation of 2.2 metres to No. 1 Bishops Road. To the west of the site this extension has been reduced to a projection of 3 metres in order to maintain a clear unobstructed 45 degree view from neighbouring windows of No. 69 Kings Road as demonstrated on the enclosed drawings package.

Transport and Highways

2 parking spaces are proposed as part of this application to serve the new development. It is acknowledged this is short of the requirement for a health clinic as outlined within Bury parking standards as outlined at Appendix 4 of the UDP. It is noted all staff members live within the immediate areas and will be encouraged to utilise public transport and walk/cycle to work wherever possible as part of the practices ongoing sustainability policy. Furthermore, as the medical facility is specifically tailored to serve the immediate surrounding population it is not anticipated that patients will regularly travel by car.

Nevertheless the site benefits from a Greater Manchester Accessibility Level of 5 and a score of 8.86 (please refer to **Appendix 4**) and as such the site is considered to be highly accessible by public transport. As demonstrated below (with

the full map enclosed at **Appendix 5**) two arterial bus routes are located within a five minute walk of the site, whilst 17 are located within a ten minute walk providing extensive routes that are both local and far-reaching to the neighbouring centres of Manchester, Bury, Bolton and Oldham.

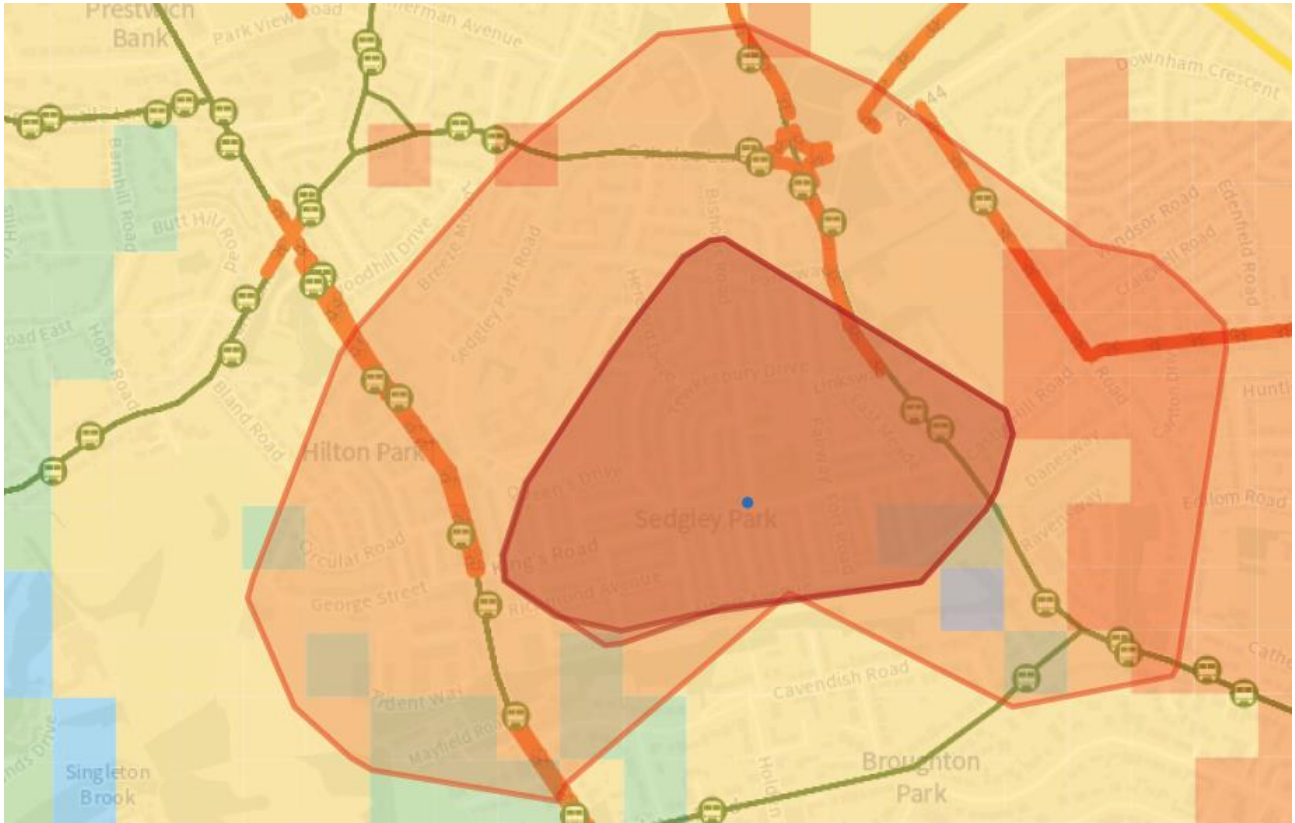


Image 1: Distances and bus routes within a 5 and 10 minute walk of the site (identified in blue) as per Mapping GM

As such, it is our view that development will not contravene paragraph 111 of the NPPF which states 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.

Therefore, it is considered that the proposed development complies with Policy HT2/4, HT3 and HT4 and should be considered acceptable.

Conclusion

The proposed extensions and alterations will be of a high quality design which will remain subservient in scale to the host property. The proposed design takes cues from neighbouring community facilities in the street scene to reflect the character of the proposed use. As such, there will be no unacceptable impact upon the visual character of the existing dwelling or wider street scene.

The scheme has been carefully designed within an area that benefits from a good level of public transport and is highly accessible to the surrounding population which will frequent the health clinic/centre.

Accordingly, the proposal complies with Policies H3, H3/1, H3/2, CF1, CF1/1, CF4, HT2/4, HT3 and HT4 of the Unitary Development Plan and should be approved on this basis.

Next Steps

We look forward to receiving confirmation of receipt and registration of the application, however, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact the undersigned in the first instance.

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a trailing line, positioned above the printed name.

Harry Johnson

B.Sc M.Sc

Planner

harry@mialex.co.uk

07896975355

Appendix 1

Dated Street View Images of No. 71 Kings Road Demonstrating Historical Class E Use.



Image 1: Dated street view image from June 2009 demonstrating the site in a Class E use



Image 2: Close up street view image from June 2009 clearly showing plaque on the front of the property evidencing it being in Class E use



Image 3: Dated street view image from November 2020 demonstrating the site continuing to be in use as a Class E property

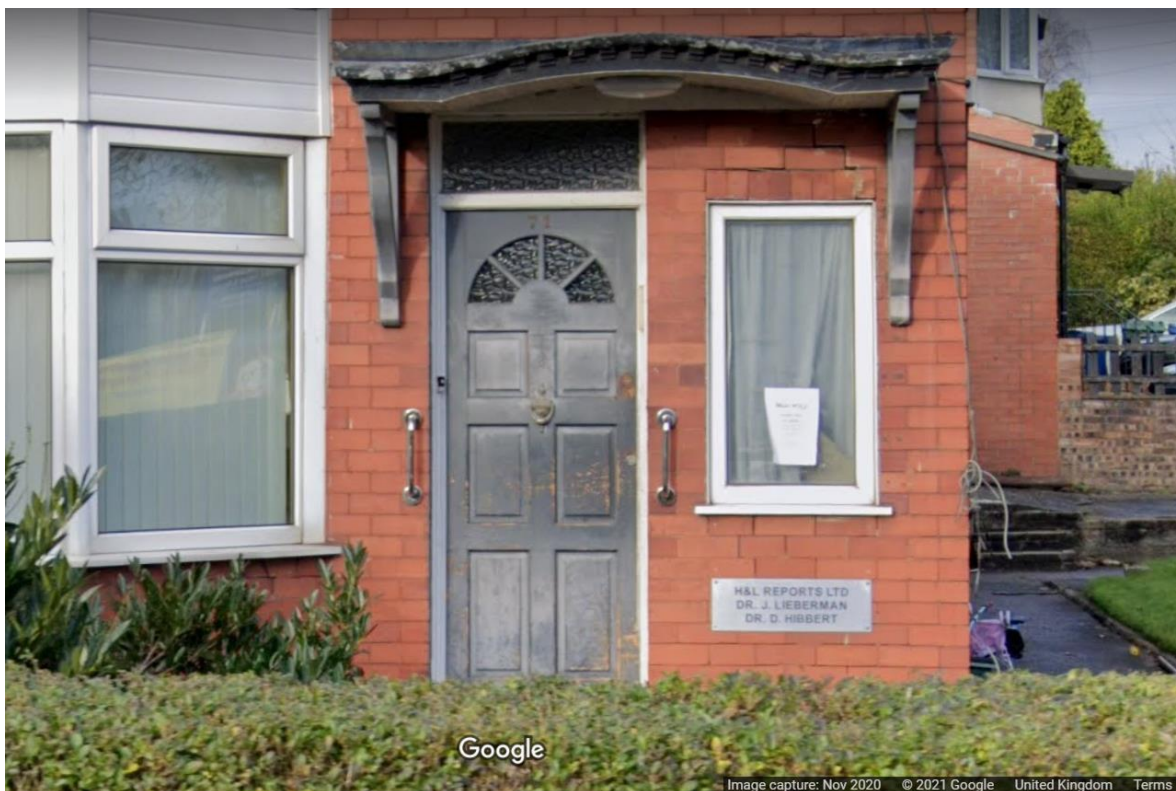


Image 4: Close up street view image from November 2020 showing a new plaque in place on the property again demonstrating a Class E use at the site.

Manchester

London

Appendix 2

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) Order 2015

To:

Mr David Bitan
Debtal Architecture Ltd
72 Bury New Road
Prestwich
Prestwich
Manchester
M25 0JU

On Behalf Of:

Mr Mark Bamberger
C/o agent

PART 1 - Particulars of Application**Application Number:** 60933**Date of Registration:** 08/12/2016**Proposal:**

Single storey front extension

Location:

90 Kings Road, Prestwich, Manchester, M25
0FY

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 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 001/1, 002/3, 003/7, 004/1, 005/3 and 006/3 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 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 Policy EN1/2 Townscape and Built Design.

- 4 The synagogue shall not be open outside the following hours:-
0800 hrs to 2200 hrs daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies CF1 Proposals for New and Improved Community Facilities, EN7/2 Noise Pollution and H3/1 Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

EN1/2 EN1/2 - Townscape and Built Design
SPD16 Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury
CF1 CF1 - Proposals for New and Improved Community Facilities
CF1/1 CF1/1 - Location of New Community Facilities
HT2/4 HT2/4 - Car Parking and New Development
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Drawings numbered 001/1, 002/3, 003/7, 004/1, 005/3 and 006/3

NOTES TO APPLICANT

Not Applicable

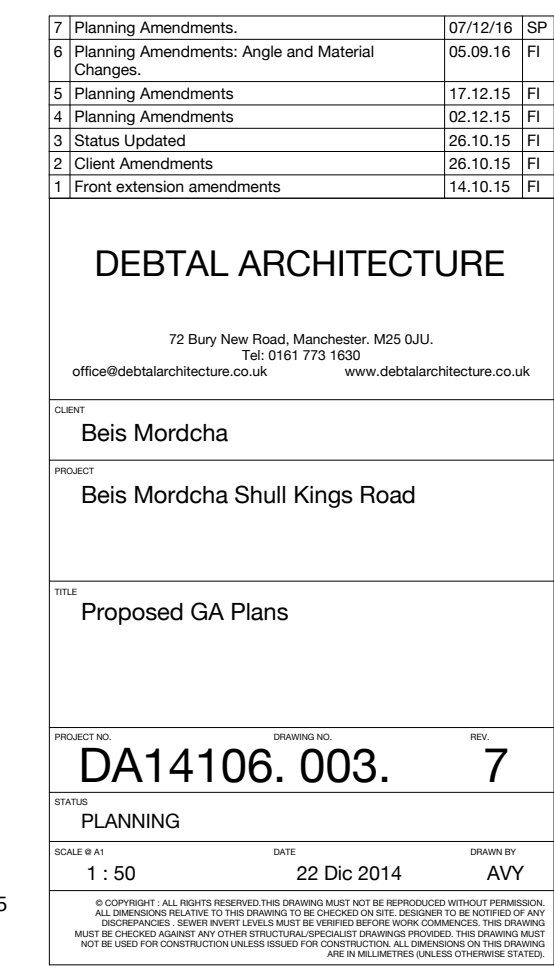
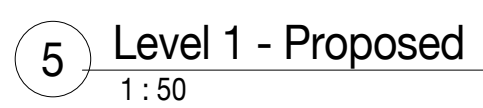
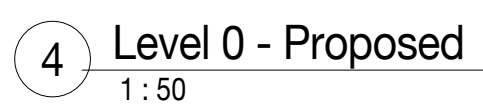
Signed:

 2 of 2

.....
On behalf of the Council

Date of Decision: 02/02/2017

Appendix 3





5 Right Side - Harrogate Avenue
1:100



3 Front - Kings Road
1:100



4 Left Side - Proposed
1:100

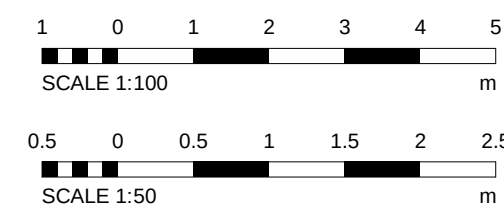
- Material Schedule
- 1 Proposed stone frieze detail.
 - 2 Proposed doubled glazed window. Material and colour to match existing.
 - 3 Proposed entrance timber door.
 - 4 Proposed facing brickwork.
 - 5 Existing rendered wall. Painted. Colour TBA.
 - 6 Proposed double glazed door. Colour and material to match existing.
 - 7 Proposed stone window surround.



1 3D Axo - Proposed View 1



2 3D Axo - Proposed View

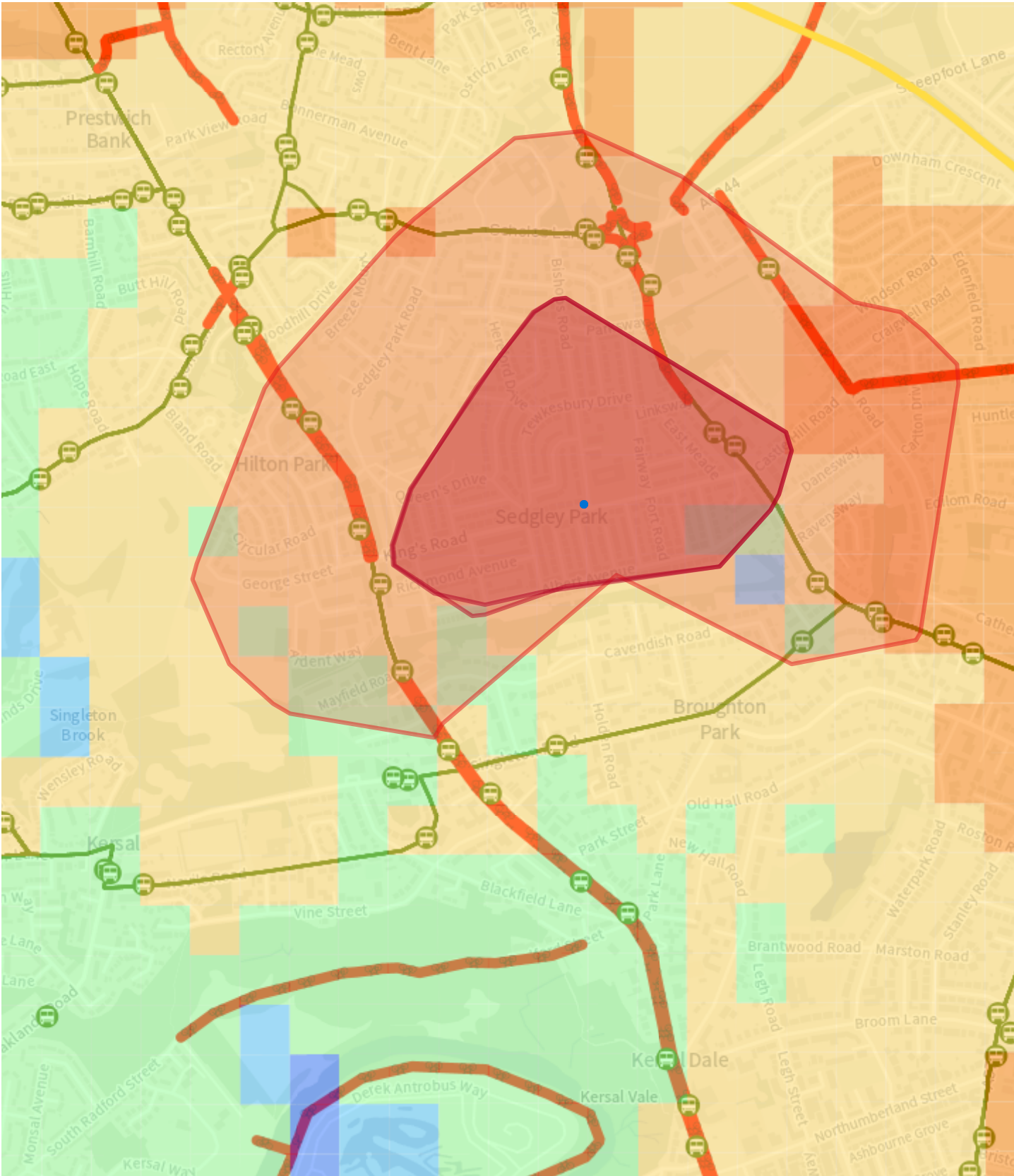


1 Planning Amendments.		04/11/16	SP
DEBTAL ARCHITECTURE			
72 Bury New Road, Manchester, M25 5JL Tel: 0161 773 1620 office@debtalarchitecture.co.uk www.debtalarchitecture.co.uk			
CLIENT Beis Mordcha			
PROJECT Beis Mordcha Shull Kings Road			
TITLE Proposed Elevations and Axonometric Views			
PROJECT NO.	DRAWING NO.	REV.	
DA14106. 004.		1	
DISCIPLINE PLANNING	DATE 05 SEPT 2016	DESIGNED BY FI	
SCALE 1:100			
© COPYRIGHT. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF DEBTAL ARCHITECTURE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.			

Appendix 4



Appendix 5



Open Street
Map