

Plan:8 Town Planning Ltd

Planning Statement

Two storey rear extension to
166A Walmersley Road, Bury, BL9 6LL

Applicant: Mr Paul Stock

PLAN:8 TOWN PLANNING LTD

07792784924

info@plan8townplanning.co.uk

REGISTERED IN ENGLAND COMPANY NO. 06279898

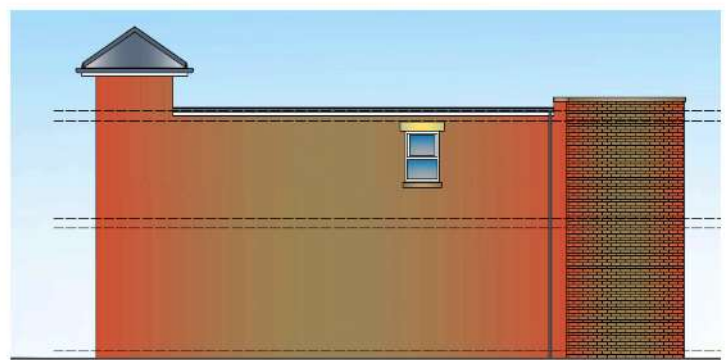
VAT number: 311692226

Planning Support Statement

Site Address: 166A Walmersley Road, Bury, BL9 6LL

Proposed Development: Two storey rear extension.

- 1 The purpose of this statement is to assess the proposed development against the prevailing planning policies and to assess the proposal and changes to the proposal from the previously refused application. The previous application 70552 for two storey rear extensions was refused by the LPA; five reasons for refusal were given which are summarised as follows (copy of the DN enclosed for full listed reasons):
 - 1) outward opening bin store doors into the adjacent adopted highway at Chesham Road – harm to pedestrian safety
 - 2) servicing and delivery operations at a hazardous location on Chesham Road
 - 3) physical impact of the proposed development including its foundations and surface water drainage arrangements on the adjacent adopted highway
 - 4) adequate bin/ refuse storage within the proposed extension to avoid refuse bins being stored on the adopted highway,
 - 5) loss of privacy and scale, design and massing detrimental impact on the amenity of the neighbours adjoining/ overlooking the site
- 2 The LPA confirmed in the delegated report that proposal would be spatially suitable, the principle would be acceptable to extend a retail premises in a commercial location, but that the detail supplied conflicted with policy criteria.
- 3 In response to the previous reasons for refusal the applicant has amended the proposal to address each of the reasons for refusal. Extracts of the amended plans and elevations are shown below:



Reason for Refusal 1:

- 4 The plans now show inward opening door to the bin store onto the back Lane – not onto Chesham Road. The alleged harm has been removed.

Reason for Refusal 2:

- 5 The plans now show inward opening door to the bin store onto the back Lane – not onto Chesham Road. The alleged harm has been removed.

Reason for Refusal 3:

- 6 The impact of foundations onto the footway is covered by the building regulations and potentially part wall act, which the developer would have to

comply with where applicable. The extension is solely on land in the applicant's control. There would be no harm to the adjacent pavement as a result of the construction of the proposed extension.

- 7 The applicant has pointed out that the existing rear yard, where the extension would be built, is hard surfaced, with surface water draining to the surface water sewer. The applicant is to replace the same area of hardstanding with an extension which is no larger than the hardstanding will also drain to the surface water sewer. There will be no additional discharge caused as a result of the proposed extension. The proposal complies with the hierarchical approach to surface water drainage as specified in the NPPF; there is no nearby watercourse to drain the surface water into; there is no ability for a soakaway given the hardstanding all around so the current surface water proposal will be maintained. The LPA could if deemed necessary require a drainage condition to be attached. The applicant may consider the application of a green roof to the extension if this was deemed necessary and reasonable. The applicant has addressed the alleged harm in reason for refusal 3.

Reason for Refusal 4:

- 8 The applicant has set out, on the submitted site plan dimensions of the bin store and has shown within the bin store dimensions of the three proposed locations for the three required 660 litre bins. Each of the bins are to be kept within the bin store unless they are in the process of being emptied; as such the applicant has removed the alleged harm.

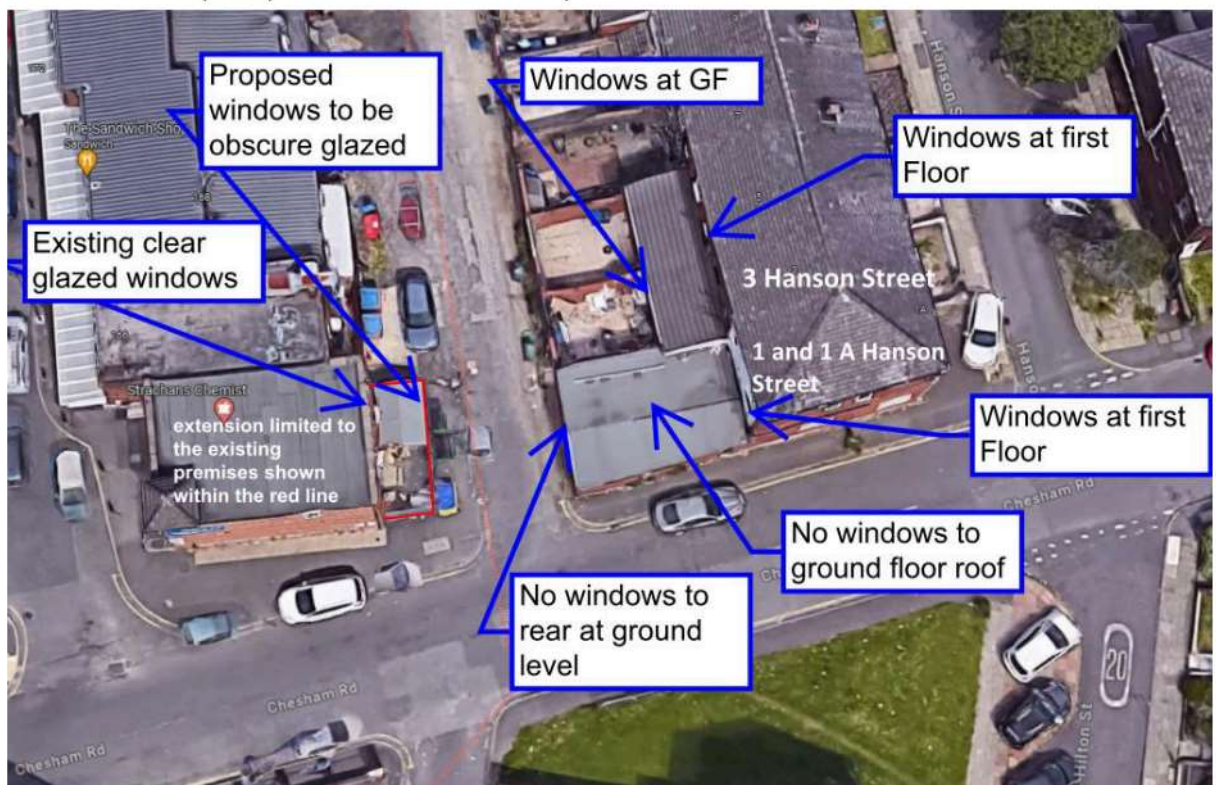
Reason for Refusal 5:

- 9 At present the three windows in the rear elevation at first floor level of the subject property have clear glazing. As shown in the images below.

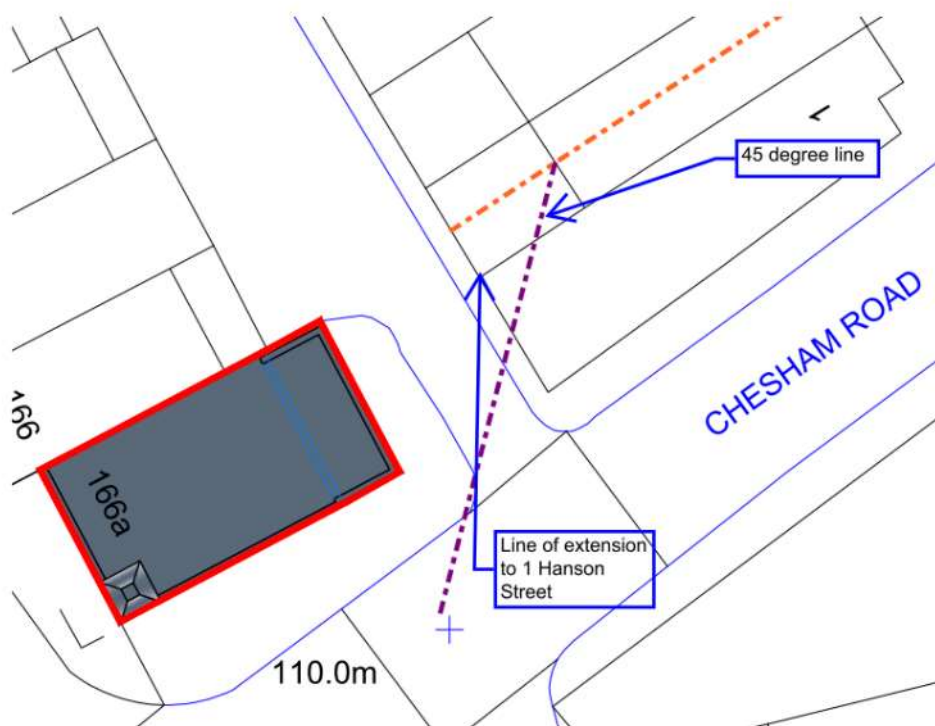


- 10 The proposed rear extension will be 2.75metres in depth; the rear wall and new proposed windows will be the same distance nearer the back of houses and gardens on Hanson Street. The image below shows the layout at the rear with

annotation. 1 and 1a Hanson Street are two apartments where there are no windows at ground floor level looking toward the application property (and non in the roof of the ground floor extension). 1 and 1 a Hanson Street have no rear yard – the former yard has been covered with an extension. There are first floor windows west facing toward the application property in the rear first floor elevations of 1 Hanson Street and 3 Hanson Street (3 Hanson Street is at a slight oblique angle when compared to 1 Hanson Street). 3 Hanson Street has a set of French doors (likely to a habitable room) set in the middle of the rear elevation.



- 11 The image below shows the 45 degree line from the rear ground floor window of 3 Hanson Street and the position of the ground floor rear extension to 1 Hanson Street on the boundary with the yard of 3 Hanson Street.



- 12 The image below shows the ground floor extension to 1 Hanson Street and the windows to both rear elevations of 1 and 3 Hanson Street. The existing extension to 1 Hanson Street impinges on the 45 degree line of the French doors at 3 Hanson Street and is of a height approximately 2.8 metres along the boundary with the two properties. The back alley is shown and pavement to the rear of the application property.



- 13 The applicant proposes that the rear windows at first floor level will all be obscure glazed to Pilkington Glass Level 4 or equivalent. The applicant is happy for this to be conditioned. The proposal will result in a better relationship in terms of privacy and overlooking than the current situation. This has removed the alleged harm in terms of privacy.
- 14 The proposed extension will be closer to 1 and 3 Hanson Street but we contest that the proposal will not cause undue loss of light or sense of enclosure. There are no GF windows at the rear of either 1 or 1 Hanson Street and there is no outside space. There is one habitable room at the first-floor rear of 1 Hanson Street which is to the Chesham Road side. The proposal is directly to the west of 1 Hanson Street, and we suggest that the proposal will not cause an undue loss of light or sense of enclosure to this room. In terms of 3 Hanson Street, the application property is not immediately behind but is located as the planning officer references 12.4m away. As we can see by the images above the existing extension to 1 Hanson Street interferes with the 45-degree line from the ground floor French door. The positioning of the extension at the application property will not reduce sunlight or daylight to the windows or rear garden of 3 Hanson Street. We contest that the application submission will not harm the residential amenities of 1, 1a or 3 Hanson Street.

Planning balance and conclusion

- 15 The LPA previously found the principle of extending the existing business space on previously developed land acceptable but found the detail wanting. The applicant has changed the scheme by changing the bin store and door openings along with obscure glazing the rear first floor windows so that it no longer results in the alleged harm. Foundation design and suitability are dealt with by other legislation and should not be a reason to refuse planning permission. The applicant has qualified his position with regard to surface water drainage and would consider a green roof on the new roof. We have set out above the reasons why we do not consider there is a negative amenity impact upon houses on Hanson Street.
- 16 The applicant presents the positive regeneration benefits for the business and employees because of the development. There will be direct and indirect employment in addition to employment created by construction workers at the

site. The extension will benefit the community in other ways too. The whole purpose is that the pharmacy wants to expand so that it can offer more in terms of medical services under the NHS so as to alleviate pressure in GP surgeries. During covid it had a shed at back used for that purpose and administered thousands of jabs. So there is a clear and evidenced demand. The pharmacy will employ two additional members of staff for dealing with the enhanced services. There is a clear social purpose for benefit of community with no adverse benefits.

- 17 Any perceived adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, when taken as a whole. The Framework is very clear that sustainable development is the key principle for all planning decisions. The proposal provides efficient use of land and will provide much needed space for the existing business. The proposal provides retention and subsequent long-term maintenance of an older building which is a further positive contributor. The proposed development comprises sustainable development of which there is a clear presumption in favour. We respectfully request that the Council make a favourable decision.

Prepared by S Plowman MA, MRTPI for Hazeplace Ltd

Enclosed – extract of previous decision notice

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:
Mr Daniel Llado
TDM Architectural Ltd
538 Rochdale Road
Royton
Oldham
OL2 6SF

On Behalf Of:
Mr Paul Stock
166 A Walmersley Road
Bury
BL9 6LL

PART 1 - Particulars of Application

Application Number: 70552

Date of Registration: 25/03/2024

Proposal:
Two storey rear extension

Location:
Strachans Chemist, 166A Walmersley Road,
Bury, BL9 6LL

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposal would result in the creation of outward opening bin store doors into the adjacent adopted highway at Chesham Road, which would be detrimental to pedestrian safety, restrict visibility at the adjacent junction of Back Walmersley Road East with Chesham Road and contrary to the requirements of the Highways Act 1980. EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan, the National Planning Policy Framework and National Design Guide.
- 2 The proposal would introduce servicing and delivery operations at a hazardous location on Chesham Road, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent adopted highway, contrary to Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 3 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development including its foundations and surface water drainage arrangements on the adjacent adopted highway, to the detriment of highway safety and maintaining the integrity of the adopted highway. The proposal is thus contrary to Policy EN1/2: Townscape and Built Design, Policy

JP-S4: Flood Risk and the Water Environment and the National Planning Policy Framework.

- 4 Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal could accommodate adequate bin/ refuse storage within the proposed extension to avoid refuse bins being stored on the adopted highway, contrary to Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan, the National Planning Policy Framework and National Design Guide.
- 5 The proposal by virtue of its scale, design and massing would have a detrimental impact on the amenity of the neighbours adjoining/ overlooking the site by reason of its overbearing and oppressive impact and undue sense of enclosure that would impact unduly on the residential amenities currently enjoyed by the occupants of nos. 1, 1A and 3 Hanson Street which directly overlook the site, contrary to Policies EN1/2: Townscape and Built Design and H3/2: Existing Incompatible Uses of the Bury Unitary Development Plan and the National Planning Policy Framework.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 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
H2/3 H2/3 - Extensions and Alterations
JP-C8 Transport Requirements of New Development
NPPF National Planning Policy Framework

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:

NOTES TO APPLICANT

Not Applicable