

# Westminster Avenue Resubmission

## **Description**

The application relates to a piece of land located to the rear of properties on Kilburn Road, Westminster Avenue and Coronation Road. The piece of land is accessed from Westminster Avenue to the side of No. 7.

Planning permission is sought for the construction of 16.no garages.

The garages proposed would be constructed in 2 blocks of 8no. units each.

Each garage space would be 2.9m wide and 6m in depth. The garage doors would be a minimum 2m in width. The garage blocks would be a minimum of 1m from the residential boundary, extending to 2m separation distance in places.

The application is partially retrospective with the hardstanding at the site being laid prior to the submission of the planning application.

## **Relevant Planning History**

Bury Metropolitan Borough Council  
Corporate Resources Department  
Local Land Charges Section  
Town Hall  
Knowsley Street  
Bury MBC Lancs. BL9 0SW  
Direct Line: 0161 253 5243



Your Ref KEF/WESTMINSTER  
LEGAL SERVICES  
TOWN HALL  
KNOWLSLEY STREET  
BURY  
BL9 0SW

Our Ref 13/1067

Date: 14/03/2014  
GARAGE COLONY AT  
WESTMINSTER AVENUE  
RADCLIFFE  
MANCHESTER

Additional Roads:

## CON29

### PART I - STANDARD ENQUIRIES

#### 1. PLANNING AND BUILDING REGULATIONS

##### 1.1 Planning and Building Regulation Decisions and Pending Applications

- (a) 4232/77 - TIMBER AND ASBESTOS GARAGE - PLOT 5 WESTMINSTER AVENUE  
GARAGE COLONY, RADCLIFFE - Approved Conditionally 24/02/1977
- 4904/77 - TIMBER AND ASBESTOS GARAGE - PLOT 17 WESTMINSTER AVENUE  
GARAGE COLONY, RADCLIFFE - Approved Conditionally 18/08/1977
- 9749/80 - DETACHED GARAGE (RENEWAL OF CONSENT) - PLOT 5  
WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally  
13/03/1980
- 9813/80 - DETACHED GARAGE (RENEWAL OF CONSENT) - PLOT 17  
WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally  
13/03/1980
- 11464/80 - DETACHED GARAGE - PLOT 12 WESTMINSTER AVENUE GARAGE  
COLONY, RADCLIFFE - Approved Conditionally 12/02/1981
- 14370/83 - RETENTION OF EXISTING GARAGE - PLOT 5 WESTMINSTER AVENUE  
GARAGE COLONY, RADCLIFFE - Approved Conditionally 20/07/1983
- 14531/83 - RETENTION OF GARAGE - PLOT 17 WESTMINSTER AVENUE GARAGE  
COLONY, RADCLIFFE - Approved Conditionally 20/07/1983
- 16184/84 - RETENTION OF LOCK-UP GARAGE - PLOT 3 WESTMINSTER AVENUE  
GARAGE COLONY, RADCLIFFE - Approved Conditionally 20/09/1984
- 16247/84 - RETENTION OF LOCK-UP GARAGE - PLOT 6 WESTMINSTER AVENUE  
GARAGE COLONY, RADCLIFFE - Approved Conditionally 20/09/1984
- 16951/85 - RETENTION OF EXISTING LOCK UP GARAGE - SITE NO 5  
WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally

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30/04/1985

17214/85 - RETENTION OF EXISTING LOCK UP GARAGE - PLOT 1 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally 25/07/1985

18611/86 - RETENTION OF EXISTING LOCK UP GARAGE - PLOT 2 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Refused 21/08/1986

20195/87 - RETENTION OF EXISTING LOCK UP GARAGE - PLOT 6 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally 12/11/1987

20199/87 - RETENTION OF EXISTING LOCK UP GARAGE - PLOT 3 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Refused 12/11/1987

20634/88 - RETENTION OF EXISTING LOCK UP GARAGE - PLOT 3 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally 17/03/1988

27770/92 - CONCRETE GARAGE - PLOT 12 WESTMINSTER AVENUE GARAGE COLONY, RADCLIFFE - Approved Conditionally 10/11/1992

- (b) None
- (c) None
- (d) None
- (e) None
- (f) None
- (g) None
- (h) None

Copies of relevant documents relating to any of the above, if applicable, can be obtained from:

Dept. of Development & Environmental Services,  
Planning Division



70808/FUL - Erection of 12 no. garages - 2 identical blocks of 6 units each

Refused planning permission on 16/08/2024 for the following reasons:

1. *The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of the scale and type of storage use proposed to be implemented at the site. The proposed garage dimensions are sub-standard, making their use as a vehicle storage facilities unlikely, which is likely to lead to the use of the garages as storage facilities contrary to their intended purpose. Insufficient information has been submitted to ensure that the proposal would not have a detrimental impact on the amenities of the neighbouring residential properties by means of intensification of the storage use of the site. It is therefore considered that the proposal is contrary to Development Plan Policies EN1/2 - Townscape and Built Design, H3 - Incompatible uses in Residential Areas and H3/1 – Assessing Non-conforming Uses.*
  - The proposed garages have been increased in individual size. Submitted plans contain further information to assist in the assessment of impact on neighbouring dwellings. The proposed garages are a minimum 1m from the nearest residential boundary, increasing to a 2m separation distance in places.
2. *The proposal would result in the intensification of use of a site with sub-standard vehicular and pedestrian access arrangements, which is highly likely to lead to conflicts between vehicles carrying out manoeuvres on the adjacent adopted highway at the junction of the site access with Westminster Avenue and vehicles and pedestrians on the narrow site access, to the detriment of the free flow of traffic and road safety contrary to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5- Streets for All and JP-C6 - Walking and Cycling.*
  - The evidence shows that the proposal amounts to a reduction in the number of garages on site when compared to the historic use.
3. *The proposed garage dimensions are sub-standard, making their use as a vehicle storage facilities unlikely, which is likely to lead to the use of the garages as storage facilities contrary to their intended purpose, resulting in a further intensification of use of the existing sub-standard access arrangements, conflicts between pedestrians and vehicles on the narrow site access to the detriment of pedestrian safety and to the detriment of the free flow of traffic and road safety contrary to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5- Streets for All and JP-C6 - Walking and Cycling.*
  - The proposed garages subject of this application are to be used for general storage on a domestic scale. The access arrangements are unchanged from when the site housed 20 garages. The number of garages subject of this application would amount to a reduction of the number of garages originally on site. There is no evidence to show that the decrease in the number of garages on site would now create unacceptable conflicts between pedestrians and vehicles.

4. *The site is located within a Coal Authority defined Development High Risk Area and Surface Coal Resource Zone. The Non-Residential Coal Authority Mining Report, dated 13th March 2014 submitted does not provide any assessment of the potential risks posed to the development proposal by past coal mining activity. The application and submitted plans therefore contain insufficient information to enable them to be properly assessed in terms of ground conditions, land instability and contamination contrary to Paragraphs 189 and 190 of the National Planning Policy Framework.*
  - The application is supported by a Coal Mining Risk Assessment Report.
5. *The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to the relationship between the proposed garages and the residential properties on Kilburn Road and Coronation Road. The submitted plans do not scale accurately and contain conflicting information in relation to the extent of the land associated with the proposal. The proposed development therefore conflicts with Development Plan Policy EN1/2- Townscape and Built Design and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.*
  - The resubmission includes measurements which show the proposed garages are a minimum of 1m from the residential boundary, increasing to 2m in places.

## **Layout and Design**

Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 aims to promote a series of beautiful, healthy and varied places.

The site is an enclosed piece of land, surrounded by residential properties and accessed via Westminster Avenue.

Planning history on the site shows that the site was formerly used as a garage colony with approximate 20 garages when the land was sold to the applicant in 2014. The last garage on the plot gained planning permission in 1992. The Council's Asset Management Team sold the

current applicant the site as a garage colony (Landcharges: REF/KEF/WESTMINSTER):

Form LLC1 (Local Land Charges Rules 1977 Schedule 1, Form C)

Official Number 1067 (2)

(To be completed by the registering authority)

For directions, notes and fees see overleaf

Register of local land charges

Requisition for search and official certificate of search

Insert name and address of registering authority in space below

**Requisition for search**  
(A separate requisition must be made in respect of each panel of land except as explained overleaf)

An official search is required in Part(s) \_\_\_\_\_ of <sup>(1)</sup> the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan] <sup>(2)</sup> described below.

Description of land sufficient to enable it to be identified

Garage Colony at Westminster Avenue, Radcliffe  
Shown edged red on the attached plan.

Name and address to which certificate is to be sent

Council Solicitor.

Signature of applicant (or his solicitor)

J. Hammond

Date 10th March 2014

Telephone number X 5116

Reference KEF / Westminster

Enclosure Code: to follow

Cheque/Money Order/Postal Order/Giro XLP2250

**Official certificate of search** (To be completed by authorised)

It is hereby certified that the search requested above reveals  
No subsisting registrations <sup>(3)</sup>

or the 15 registrations described in the Schedule hereto <sup>(3)</sup> up to and including the date of the certificate.

Signed J. Hammond  
MURKIN METROPOLITAN MORTGAGE FINANCE

On behalf of \_\_\_\_\_ (4)

Date 14 MAR 2014

1 Delete if inappropriate. Otherwise insert Part(s) in which search is required.

2 Delete if inappropriate. (A plan should be furnished in duplicate if it is desired that a copy should be returned)

3. Delete inapplicable words. The parts of the Schedule should be securely attached to the certificate and the number of registrations disclosed should be inserted in the space provided. Only Parts which disclose subsisting registrations should be sent.)

4. Insert name of registering authority.

The use ceased in 2019, though it is acknowledged that the site was heavily overgrown by invasive ornamental shrubs from neighbouring gardens at this time.

Given the former documented garages located on the site it is considered that the construction of domestic scale storage garages on the site is acceptable in principle and would not have a detrimental impact on the character of the area.

The proposed garages would run along the eastern and western boundaries of the site and

would largely be screened from public views due to the houses that bound the site. The garages are simple in design, single storey, and would be constructed from blockwork, with corrugated roofs and roller shutter doors. The use of materials is considered to be acceptable for the type of building proposed. The proposed garages are considered to be of an appropriate height, scale and form when viewed in connection with the adjacent buildings and when considering the former use of the site.

The proposed concrete base extends from the access to the site, underneath the proposed garages and would provide an area of hardstanding between the two rows.

It is considered that the design and layout complies with Policies EN1/2 and JP-P1 in this respect.

### **Amenity**

Policy EN1/2 considers the relationship of the proposal to the surrounding area. UDP Policy H3 seeks to restrict the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts. This is further supported by Policies H3/1 that consider factors such as noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation, and seeks to implement measures to control these where possible to minimise areas of conflict and potential nuisance.

Internally the proposed garages would be approximately 2.4m wide. It is considered that the proposed garages and entrance doors would be wide enough to park a car in, in compliance with Bury's SPD 11 which considers that parking spaces should be 2.4 metres wide for in line parking spaces. This will allow people to open their car doors partially beyond the lines of the parking spaces to allow people to exit and enter their vehicles. With the width of an average car being 1.8 metres wide it is considered that the entrance doors would also be sufficient to allow a car to enter and exit the proposed garages with ease.

The judgment in *Newbury DC v SoS for the Environment* (1981) A.C.578, states that "...storage does not have to be part of the businesses, and that as long as storage was the principal use it could be a Use Class B8 use". In other words a site does not have to be involved in storage and distribution as a business, and that as long as storage was the principal use it could be a Use Class B8 use.

Either use, whether it is domestic scale or larger scale storage would therefore appear to fall into the B8 use class category. For clarity, the garages are proposed to be used for domestic scale storage, including for private motor vehicles. As the use class of the site has not changed, it is the structures themselves that are to be considered. There is no suggestion from the LPA that the former use class has been abandoned, and this does not form part of the refusal reason for the original application.

In addition to the above, when considering the previous use of the site, fewer garages are proposed to be rebuilt than existed on site. The number of dwellings surrounding the site has not changed. Therefore, the proposal would lead to de-intensification of the site when compared to the previous use of garages on site.

Finally, and in light of the above, as no objection has been raised by the Environmental Health Team in regard noise, and no conditions proposed save for the informative suggested, it is not considered that a Noise Impact Assessment is required.

As such, the proposal is considered compliant with Policies EN1/2 H3, and H3/1.

There are no adopted aspect standards for relationships between new build properties and existing residential properties however, the LPA has suggested that Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case and can be utilised in connection with the policies set out above.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

At single storey in height the proposed garages would appear to be located approximately 14 metres for the ground floor rear windows of the properties on Kilburn Road and 10 metres from the ground floor rear windows of the properties on Coronation Road exceeding the 6.5 metres required by SDP6 when assessing overbearing relationships.

The proposed garages are offset a minimum of 1m from the common boundary with the residential dwellings to reduce any significant overbearing or overshadowing impact caused by approximately 1.4m of garage visible from a distance over the 2m residential fence line.

As such it is considered that the proposal would not have an unduly overbearing relationship on the residential properties and gardens of the dwellings along Kilburn Road and Coronation Road. The proposal would therefore be compliant with Policy EN1/2 and SPD6.

### **Highways and Access**

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The existing access was sufficient for more garages on site than is currently being proposed. The number of daily drips envisaged is not high and users of the garage are likely to use a car to access the site. The use of the site has not changed.

As vehicles can enter and exit the site in a forward gear, conflicts between vehicles carrying out manoeuvres on the adjacent adopted highway at the junction of the site access with Westminster Avenue and vehicles and pedestrians are considered unlikely.

### **Ecology**

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

The proposal includes few realistic opportunities for tree planting which would not cause overshadowing to neighbouring dwellings from the canopy cover.

Biodiversity net gain (BNG) should not apply to the site based on the following:

- the development does not impact on any onsite priority habitat;
- the garage site would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric; and
- there are no other onsite habitats.

The LPA appear to have some doubt as to the existence of the concrete base when reviewing the Officer Report for refused application no. 70808/FUL, though they do note that the site was previously used as a garage colony. It's unclear why the LPA consider that the overgrown nature of the site would mean that it is no longer sealed.

For information, photos of the failing concrete base are again provided. Though it is acknowledged it is difficult to see where on site the photographs are taken, the photographs are also complimented by evidence by way of a quote for works for removal of said concrete





## BELL EXCAVATION & PLANT HIRE LTD

Plant machinery & Ground works

6 Spring vale St,

Tottington, Bury

BL8 3LR

17/10/2023

01204884354

Garage site, Rear of Westminster Avenue. Site visit.

Ian, As promised we did some exploration work on site on Wednesday 11<sup>th</sup> October 2023, after scraping with the machine we noticed a lot of the concrete is failing due to the plant roots and weed trees, the weed stems are 3 to 4inc thick, they have taken hold in quite a few areas of the concrete base.

The old pot drain across the site is full of roots and branches all around the inside of the drain this 100% needs replacing.

I have found the outlet to the drain and its clear, the water is running away; I suggest we take the old drain out and replace with a surface 4inc Aco system connect to the existing outlet, this way it will be easier to clean on general maintenance visits.

I suggest what we do with rest of the site is scrape it and see what we end up with once the area has been cleared.

Realistically its all going to need resurfacing to take the new garages and turning area.

I can give you 2 prices.

Price to clear the site, and a price to clear the site and make good the ground ready for garages to be built.

Regarding the approach, again to keep the cost down I recommend scraping and re surfacing.

Regards

David Bell

## **Drainage**

Any proposed drainage at the site should be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. It must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

Substantial hardstanding has already been introduced at the site that appears to have been previously vegetated however there are some areas to the boundaries of the site that are not covered in hardstanding that could provide soakaways if the ground conditions are suitable.

## **Coal**

Paragraphs 189 and 190 of the NPPF seek to ensure that sites are suitable for its proposed use taking into account ground conditions, any risks arising from land instability and contamination. The application site falls within the Coal Authority's defined Development High Risk Area. The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

A Coal Mining Risk Assessment Report to support the planning application has been submitted.

## **Conclusion**

It is considered that the proposed development would be compliant with local and national planning policy, and therefore, should be granted conditional planning permission.