

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/05/2024	Ref: 70542/FUL
Registration: 28/02/2024	LDfC: 21/03/2024	Expiry Date: 24/04/2024
Site Visit: 26/04/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling

Location: Land adjacent to 4 King Street, Radcliffe, Manchester, M26 1ND

Description

The proposal relates to a vacant area of land measuring 16.3m deep x 6.8m wide (maximum), which equates to 111 square metres. It fronts to King Street and is framed by a similar (but slightly wider) vacant site to the north-west, which is separated by a high timber fence, traditional semi-detached buildings occupying an elevated position and accommodating commercial operations to the south-west and a more contemporary commercial building to the south-east, which bounds the full length of that boundary. In general, the street scene is passively routine, made up of modest dwellings of a simple form and character set out to a fairly uniform building line.

Outline planning permission (63771) was approved in April 2019 at the adjoining vacant site to the north-west for a two storey dwelling, but which has since expired.

Full planning permission is sought for the erection of a two storey single dwelling. It would be 'L' shaped in plan view with a projecting hipped gablet to the principal elevation. A single parking space would be provided. The dwelling would be set back around 5.2m from the front boundary and 1m from the rear boundary (to the retaining wall). It would be finished in red brick (ground floor) and off-white render (first floor) with grey roof tiles. The site would be enclosed by 1m - 1.8m high timber fencing. Refuse/recycling bins would be storage would be next to the parking space.

Relevant Planning History

68614 - Outline application for erection of 1 no.dormer bungalow with all matters reserved. Withdrawn by applicant 12/06/2023

69546 - Erection of 1 no. dwelling. Withdrawn by applicant 26/06/2023.

Adjacent site

63771 - Outline application for erection of 1 no. two storey dwelling (with all matters reserved). Approved with conditions 08/04/2019 (subsequently expired).

Publicity

22 addresses notified on 28/02/2024.
No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: Objection, for two reasons.

The proposed access and parking arrangements would be sub-standard, with inadequate levels of visibility at the back edge of the footway and inadequate arrangements to maintain

a vehicle clear of the highway.

There is insufficient topographical survey based information to enable a proper assessment of the physical impact of the proposed development on the adjacent adopted highway.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No objection, subject to contaminated land and electric vehicle charging point conditions.

Waste Management: No comments received.

United Utilities (Water and waste): No objection.

Environmental Health - Pollution Control: No comments to make.

Pre-start Conditions - Not relevant.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Principle (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future.

This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be

completed). In addition to the housing land supply in the SHLAA, the Places for Everyone Joint Development Plan Document (PfE) was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

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

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic housing sites, which along with the identified housing land supply within the urban area, enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

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

The site is located in a sustainable location for housing within the urban area and close to public transport links and Radcliffe town centre.

Layout and Design

Policy H2/1: The Form of New Residential Development - requires all new residential development to make a positive contribution to the form and quality of the surrounding area. This is further supported by SPD 16 - Design and Layout of New Development in Bury.

Policy EN1/2: Townscape and Built Design - seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Policy H2/2: The Layout of New Residential Development - seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the

plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design.

The NPPF states that decisions should ensure that developments will function well and add to the overall quality of an area, visually attractive as a good architecture, layout and appropriate landscaping, sympathetic to local character, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

Minimum net density standards would not necessarily be appropriate given the limited size of the site and the constrained bounding development. However, at this location, the applicable minimum net residential density is 70 dwellings per hectare. The total area of the site is 0.0110 hectares, and the development would therefore equate to a density of around 90 dwellings per hectare.

The street scene is made up of modest dwellings of a simple form and character, and some have off-street parking at the side. The building line is fairly uniform. There is a large commercial building to the immediate south-east that projects closer to the street.

The scale, mass, form, design detailing and materials (hipped roof/horizontally proportioned windows/red brick/render/slates) is considered acceptable in general terms, which would assimilate with the established residential character and appearance of the area.

Dwellings on King Street are generally set back around 2m. However, the proposed dwelling would be set-back around 5.2m from the boundary with the footway, which is to enable the provision of a single parking space, given that the narrow width of the site would prevent off-street provision elsewhere within the site.

As noted above, the site is immediately flanked by commercial buildings that are positioned within 1-2m from the boundary and the proposed dwelling would immediately abutt or be close to boundaries. The building to the south-west is two storey and is positioned at a higher level than the site atop a 2m high retaining wall. The building to the south-east is two storey along the full length of the facing elevation. The elevation of this building facing King Street would extend closer to the street than the proposed dwelling. The proposed dwelling would be immediately framed by the said buildings.

It is considered that the form of the proposed development, in terms of its position within the narrow site, close to boundaries that are immediately abutted by utilitarian elevations of commercial buildings, would represent a contrived and cramped form of development that would jar with the established density, character and relationship of dwellings and the street scene, which has a regimented and uniform arrangement of pairs of semi-detached dwellings to a common building line.

Such an immediate relationship would be visually jarring and anomalous in the street scene.

The development would therefore be contrary to the above UDP policies and Section 12 of the NPPF.

Amenity

Neighbouring amenity

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to

householder extensions and as such, would be a reasonable guide in this case.

The site is flanked by commercial properties at the south-east and south-west and a vacant plot to the north-west (subject to the extant planning permission). The proposed dwelling has been designed with primary habitable room windows facing north-east only (facing King Street). Due to the set-back from the boundary to King Street, the intervening distance to the opposing dwelling would be around 16m, which fails to comply with the above standard. However, opposing dwellings on King Street are typically 13m apart, given that they generally adhere to a uniform building line.

Given the above circumstances, it is not considered that the proposal would harm neighbouring residential amenity to an extent that would warrant an objection to the proposal.

Occupiers amenity

Policy H2/2: The Layout of New Residential Development - seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

As noted above, the site is immediately flanked by commercial buildings that are positioned within 1-2m from the boundary. The building to the south-west has a blank two storey and is positioned at a higher level than the site (and the proposed dwelling). The building to the south-east is two storey with opposing ground and first floor windows along the full length of the facing elevation and is occupied by a childrens nursery. The elevation of this building facing King Street would extend closer to the street than the proposed dwelling. The proposed dwelling would be immediately framed by the said buildings and would have only a 1m deep strip of amenity space between its rear elevation and the retaining boundary wall. The useable private amenity space would be to the front of the building, where it would be exposed to the street (as it would be fronted by a 1m high fence).

The relationship to flanking commercial buildings would be oppressive to the occupants amenity and the arrangement of dedicated amenity space would not provide an adequate level of private amenity, contrary to policy H2/1 and the NPPF.

PfE Policy JP-H3: states that all new dwellings must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The proposal has been designed to comply with these requirements.

Access and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. 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 Highway Authority has raised an objection to the proposal due to a lack of visibility and the inadequate driveway length to park a vehicle clear of the highway.

UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments. The maximum standard for a two bedroom dwelling is 1.5 spaces. Given the location of the site close to public transport and goods and services, the proposed provision would be acceptable. Provision could be made for

cycle storage within the site.

Other matters

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The application confirms that the proposal would be compliant with current Building Regulations Part L and that an electric vehicle charging point would also be provided.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The dwelling is located within an urban setting and the applicant has confirmed that a fast internet connection will be installed.

Drainage

United Utilities have not objected to the proposal.

Ecology/biodiversity

The site largely constitutes hardstanding.

Ground conditions

As advised by the Environmental Protection Officer, appropriate conditions could be attached that would require the investigation and remediation of any contamination.

Conclusion

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii applies. Therefore, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Whilst the presumption in favour of sustainable development would apply, it is concluded that the benefits of the provision of an additional dwelling would be outweighed by the adverse impacts identified in the above assessment. This approach is reflected in Part 12 of the NPPF and specifically in the 'context', 'identity' and 'homes and buildings' sections of the National Design Guide.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be refused.

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.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the location of the site immediately flanked by neighbouring utilitarian commercial buildings and the position of the proposed dwelling, set back within the site and close to boundaries, would constitute a cramped form of development that would conflict with the established layout and relationship of buildings within the street scene, which has a regimented and uniform arrangement of pairs of semi-detached dwellings to a common building line. Such a relationship would be visually jarring and anomolous in the street scene. The proposed development would therefore conflict with policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework.
- 2 The close relationship between the proposed dwelling and the immediately flanking commercial buildings and the position and arrangement of private amenity space within the site would result in a poor residential environment that would be unacceptably detrimental to the amenities of the occupiers, contrary to Bury Unitary Development Plan policies H1/2 and H2/1.
- 3 The proposed access and parking arrangements are sub-standard, with inadequate levels of visibility at the back edge of the footway and inadequate arrangements to maintain a vehicle clear of the adopted highway, which is likely to lead to the creation of conflicts on the adopted highway between emerging and parked vehicles and pedestrians, to the detriment of highway safety. The proposed development would therefore be contrary to policies H2/2 and EN1/2 of the Bury Unitary Development Plan and policies JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan Document.
- 4 The application and submitted plans contain insufficient topographical survey based information to properly assess the physical impact of the proposed development, its driveway arrangements and boundary details on the adjacent adopted highway. The proposed development would therefore be contrary to policies H2/2 and EN1/2 of the Bury Unitary Development Plan and policies JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan Document.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DC 15/5/24		DM 15/5/24	