

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 12/03/2025	Ref: 71575/RES
Registration: 14/01/2025	LDfC: 24/02/2025	Expiry Date: 11/03/2025
Site Visit: 07/02/2025	Site Notice: 07/02/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for reserved matters (access, appearance, landscaping, layout & scale) following outline approval for erection of 1 no. dwelling

Location: Land adj 5 Stubbins Lane, Ramsbottom, Bury, BL0 0PU

Description

The application relates to a plot of land which is associated with the adjacent residential dwelling, No 5 Stubbins Lane. It is located within the urban area, close to Ramsbottom Town Centre and within an established row of residential properties.

Adjacent to the site of the south is No 73 Ramsbottom Lane, an end terrace on a row of two storey stone built properties which are in an elevated position set back from the site and the main road.

Adjacent on the other side is No 5 Stubbins Lane which is set just behind and on a similar level as the footway and road with the attached row of terraced properties forming a similar relationship to the streetscene.

The plot itself was formally used as the garden/parking area for No 5.

The rear of the site is planted with a few trees and is elevated in line with the houses to the south accessed by a set of external stone steps.

The lower part of the site currently accommodates a garage/store building and parking for No 5.

Outline consent (677158) was granted in 2022 for 1 no. x dwelling with all matters reserved.

This application relates to all reserved matters of access, appearance, landscaping, layout and scale.

The proposed dwelling would be set back from the highway and positioned adjacent to and aligned with the front elevations and ridge heights of the terraced houses on Ramsbottom Lane to the south.

The footprint of the dwelling would project 11m just beyond the rear elevations of the adjacent properties and would be 6.7m wide at its widest point.

At the front of the property would be a lawned area and path and bins would be stored behind a stone boundary wall.

The rear garden would be tiered to address the change in levels and a replacement 1.8m high timber fence erected along the rear boundary of the site.

The dwelling itself would be a terraced type in terms of its massing and proportions with a mix of traditional and contemporary design features. It would be split level, 3 storey at the front with a 2 storey front and part side wrap around addition and a flat roof to provide an outdoor terrace from the second floor bedroom. The dwelling would be 2 storey at the rear.

Internally, the ground floor would comprise a lounge, hall, store and WC, at the first floor would be a kitchen and ensuite bedroom and at the second floor two further en-suite bedrooms.

The main part of the dwelling would have rendered walls with the front and side 2 storey projection finished in a natural stone. The roof would be natural slate and windows a powder coated aluminium.

The development would not provide in-curtilage parking and instead proposes on-street parking directly in front of the plot along the length of the dropped kerb which would be reinstated.

Relevant Planning History

67718 - Outline application for 1 No. dwelling with all matters reserved - 01/02/2022

Publicity

Letters sent to 19 properties on 31/1/25.

Site notice posted 7/2/25

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objection subject to condition.

Borough Engineer - Drainage Section - No response received

Waste Management - No objection

United Utilities (Water and waste) - No objection. The submitted drainage scheme is acceptable.

Greater Manchester Ecology Unit - No objection. Conditions of the outline consent have been satisfied.

Pre-start Conditions - Applicant/Agent has agreed

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
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy

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 PpE 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.

Principle

The principle of a residential development for 1 no dwelling has been established by the grant of outline consent reference 67718.

The consideration of all reserved matters (access, appearance, landscaping, layout and scale) are discussed below.

Layout and scale

The position of the proposed dwelling would follow the same pattern of development and follow the same building line as the row of terraced houses to the south on Ramsbottom Lane (Nos 63-73) which are set back from the main road, albeit are set at a higher level and as such considered to assimilate with, and continue the rhythm of development on this part of the street.

Whilst the house on the other side, No 5 Stubbins Lane is set directly behind the public footway and approximately 8m further forward, the proposal would integrate and reflect existing development on the road and as such considered acceptable in this setting.

The integration of the dwelling into the streetscape would be further strengthened by following the same ridge heights, roof forms and eaves level of Nos 63-73.

In terms of the site layout, the frontage of the site would be enclosed by continuing the line of the stone boundary wall behind which the bins would be stored and as such hidden from public views, with a lawned courtyard and path to the dwelling also provided at the front.

The rear of the property would have a tiered garden to acknowledge the difference in levels which would be 9m in length and comply with aspect distances in SPD6.

Internally, the accommodation would be provided over the 3 floors with the two bedrooms located at the first and second levels which would comply with the nationally described space standards and PfE Policy JP-H3.

The applicant has also confirmed the development would accord with PfE Policy JP-H3 to be built to an accessible and adaptable standard of part M4(2) which would be included as a condition.

Policy JP-H4 - Density - 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. Policy JP-H4 sets out minimum densities that should be considered. The site is within an area where a density of 70 dwellings per hectare applies.

The site would therefore require 1.7 dwellings.

Given the topography of the site and setting within the streetscene the provision of 1 no dwelling is considered acceptable.

With the challenge of the level changes within the plot and the relationship and varying degrees of set backs and levels of adjacent properties, it is considered that the proposed siting of the dwelling and the scale, form and layout of the proposed development would be an appropriate addition within the streetscene.

The proposed development would therefore comply with policies EN1/2, H2/1, H2/2, H2/6 and JP-H3 and JP-H4.

Appearance

The proposed dwelling would be split level and this approach has been used to address the level differences on site which rise from the front towards the rear of the plot.

The main part of the front of the dwelling would be rendered, 3 storey in height and set back to align with the properties to the south and would also reflect the height, roof form and eaves levels as these properties. At the rear, the property would appear 2 storey where levels rise.

The proportions and positions of the windows on the front elevation have also been designed to follow the lines and levels of the sills and headers of the openings on the adjacent row to the south and this would also aid integration in the streetscene.

The proposal would add a flat roof front and part side wrap around and this design feature would reference the front elevation of the adjacent property No 5. Elevations would comprise a natural stone as opposed to render on the main part of the house.

This mix of materials is considered to be a suitable approach as it would visually separate the two areas of the build and would also reflect the materials of the traditional stone terraced houses to the south and the rendered elevation of the next door property, No 5.

The proposed design would also integrate with the houses on both sides and the setting within the streetscene.

It is therefore considered the proposed development would be acceptable and comply with Policies EN1/2, H2/1, H2/2, H2/6 and JP-H3.

Impact on residential amenity

The dwelling would be set back from the highway and would not encroach forward of the building lines of the row of houses on this part of the road and therefore outlook from the front of existing properties would not be affected. There are no habitable room windows on the side elevations of the property's either side which would be overlooked or experience loss of light.

There would be a balcony on the roof of the proposed 2 storey front element. It would be 4.7m in length and 1.2m wide and would be off set from the boundary to No 73 by 2.5m and 1m from the boundary with No 5 Stubbins Lane. Views from the balcony would predominantly overlook the front garden and road and given the relatively small footprint and number of people who could use it at one time and the relationship to the adjacent houses it is considered that there would not be a significant or adverse impact on residential amenity.

It is therefore considered the proposed development would not to cause adverse harm to neighbours and as such would comply with H2/1, H2/2 and H2/6.

Access and parking

The plot was formally part of the parking and garden area to No 5 Stubbins Lane and has a dropped kerb runs along the length of the plot which facilitated access.

At the outline application stage, it was assessed that the access and driveway were not ideally located, requiring vehicles to reverse out onto a busy main road between a line of cars which park along this stretch of Stubbins Lane, not only impacting on traffic flows but also pedestrians traversing this footway. There is also a bus turning area, access to the leisure centre and access to an apartment development directly opposite which added to the hazards of manoeuvring out the site.

With the agreement of the Highway Authority, it was concluded that on balance it would be more preferable from a highway safety perspective to remove access to the site completely and accept the loss of off-street parking for the existing dwelling as well as accepting that no off-street parking be provided for the proposed dwelling, as 3 on-street parallel parking spaces could be provided by extending the parking bay across the front of the site.

This arrangement has been shown on the proposed site plan, with the dropped kerb re-instated and pedestrian footway repaired where needed along this stretch of road.

The proposed on-street parking would be similar to those properties along Stubbins and Ramsbottom lane who park their cars on the road in front of their houses and given the particular circumstances of the site, this approach is considered to be acceptable.

The Highway Authority are satisfied with the level of detail provided to support the development subject to conditions for further details for approval.

The proposed development is therefore considered to be acceptable and would comply with policies EN1/2, HT2/4, JP-C5, JP-C6 and JP-C8.

Ecology and landscaping

Summary

Ecological issues were primarily resolved at outline stage. An updated bat assessment found no new evidence of bats.

Bats

Condition 8 of the outline permission, required an assessment of adjacent properties, if the design of the proposed dwelling impacted on the gables of adjacent properties. The new building if approved will be located close to the existing property to the SW. The gable end and proximity has therefore been assessed for potential negative effects on bats. The conclusion was that the risk was negligible, even were bats present in this building. GMEU have no reason to doubt the findings of the report. No further information is required. Condition 8 of the outline permission would be met.

Nesting Birds

Condition 9 of the outline permission, deals with nesting birds. No further measures are required at this time.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Condition 10 of the outline permission, deals with ecological mitigation. Details are not required until prior to development. Whilst some indicative layouts have been provided with soft landscaping no detail has been provided. No further information is however required at this time.

The development is exempt from biodiversity net gain as the outline permission predates this requirement

PfE policy JP-C2 - Digital connectivity

The policy requires all new development to have full fibre to premises unless technically infeasible or unviable.

Stubbins Lane already benefits from both full-fibre and superfast broadband supplies which has been confirmed via an online search. The process of applying for connection to the proposed dwelling would be started once planning permission has been granted and in connection with any building regulations submission.

PfE Policy JP-S2 - Carbon and energy

Energy performance is covered by Approved Document L1 of the building regulations and would need to be complied with as part of any future construction stage regardless.

The policy requires new development to be net zero carbon where feasible but as an interim measure should be consistent with Part L of the building regulations.

The proposed dwelling will be designed to limit energy demand through the inclusion of a thermally efficient building fabric and energy efficient services. These will be confirmed in full alongside any building regulations submission. At the very least, the specification details will meet those required by Approved Document L1 but the general aim will be to exceed the notional targets where possible.

The proposed dwelling would seek to reduce its carbon through the use of renewable technologies where appropriate (i.e. air source heat pumps, photovoltaic panels etc.). These will be confirmed in full alongside any building regulations submission.

As the proposed dwelling would be set-up with only on-street parking it would not be feasible to introduce electric vehicle charging.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were

incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than the expiration of two years beginning with the date of this permission.
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 This decision relates to drawings -
Location plan PL.00 B
Existing/proposed site plans PL.01 C
Proposed floor plans/elevations PL.02 B
Proposed sections PL.03 A
Carbon and energy statement and Digital Connectivity statement in the Planning/Design and Access Statement.
Surface Water Drainage Scheme, prepared by Reford, Ref: 24.1587, Dated January 2025

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 and Places for Everyone Joint Development Plan listed.
- 3 No development shall commence unless and until the following have been submitted for approval by the LPA:

(i) A site investigation and risk assessment report.
(ii) Should (i) identify potential contamination risks, a detailed remediation strategy and validation plan.
(iii) A materials management plan, if the CL:AIRE Definition of Waste Code of Practice is to be used.
Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 Following the provisions of Condition 3 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 Details/Samples of the materials including a sample panel of the stone 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

- 6 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted to and agreed with the Local Planning Authority:

(1) Full reconstruction of the footway abutting the site incorporating the reinstatement of the access to a scope and specification to be agreed with the Highway Authority and all associated accommodation works required to tie the reconstructed footway into adjacent footway levels on Stubbins Lane;

(2) Provision of carriageway markings to extend the existing on-street layby to a scope and specification to be agreed with the Highway Authority and all associated accommodation works required on Stubbins Lane;

The details subsequently approved shall be implemented to an agreed programme with all highway works completed prior to the development hereby approved being first occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policies JP-C5, JP-C6, JP-C8 and JP-S4.

- 7 The boundary wall details with foundations that do not encroach under the adjacent adopted highway and bin storage arrangements indicated on the approved plans shall be implemented prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To maintain the integrity of the adopted highway and ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Policies JP- C5 and JP-C8.

- 8 The development hereby approved shall be carried out in accordance with the Proposed drawing layout enclosed in the Surface Water Drainage Scheme, prepared by Reford ref 24.1587 dated January 2025.

Reason. To promote sustainable development and reduce flood risk pursuant to Policies JP-S4 and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	12/3/25	HL	12/03/2025