

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/01/2024	Ref: 70105/FUL
Registration: 09/11/2023	LDFC: 01/12/2023	Expiry Date: 04/01/2024
Site Visit: 14/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing dwelling and erection of 1 no. dwelling

Location: 3 Sunningdale Avenue, Whitefield, Manchester, M45 7GW

Description

The application relates to a two storey detached red brick house on a residential road of similar styled properties. Two storey flat roof extension and first floor terrace at the rear. In and out driveway to the front and large overgrown garden to rear.

The neighbour at No.1 Sunningdale Ave has a single storey garage along the shared boundary on the east side. No.5 to the west has been extended at the rear and neighbouring gardens are well screened by boundary planting. Planning permission has been previously granted for substantial extensions to the property.

Planning permission is sought for the demolition of the existing dwelling and for the construction of a replacement two storey dwelling with accommodation within the roof space. A driveway would be provided to the front of the property with residential amenity space to the rear.

Relevant Planning History

68571 - Raise roof ridge height with loft conversion to form second floor accommodation; Two storey extensions at front/side and two/single storey rear extension with first floor rear balcony/roof terrace with glass balustrade; External alterations to include reconfiguration of existing windows/doors and addition of first floor side windows to both side elevations - Approve with Conditions 10/08/2022

Publicity

Neighbour letters sent 10/11/2023.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - PH asked for amended site layout with driveway lengths dimensioned
Borough Engineer - Drainage Section

United Utilities (Water and waste) - Request for SuDs condition

Electricity North West Ltd- The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

Greater Manchester Ecology Unit - The developer's ecological consultant identified no

significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Environmental Health - Contaminated Land - No objections raised subject to the submission of a Contaminated Land Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment and Remediation Strategy and Site Verification Report.

Pre-start Conditions - Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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 National Planning Policy Framework is 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. There is a particular emphasis to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with 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 five year 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). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land. In addition to this, past under delivery of housing has resulted in Bury having a 'low' housing delivery test result. This needs to be treated as a material factor when determining applications for residential developments.

Therefore, in relation to the proposed dwelling, 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.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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 within the urban boundary and there are residential properties to all boundaries. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services.

Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and Layout

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. H2/1 - The Layout of New Residential Development and H2/2 - The Layout of New Residential Development, provides the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

When viewed from the front the proposal scheme is not dissimilar to the alterations and extensions previously approved at the site but would include a ridge height increase of approximately 450 over what was previously approved and would extend closer to the boundary with No. 5 Sunningdale Avenue. The eaves of the proposed dwelling would tie in with the eaves of the neighbouring properties and whilst the ridge height has been increased, due to the varying roof styles within the street scene it is considered that the increase in height would not be overly dominant.

It was previously considered that the proposal would modernise the existing house in the style of similar schemes in the area, including a property opposite and as such this same conclusion can be made when assessing the replacement dwelling. Whilst it would be different to the existing house and neighbours on either side, it would not appear so incongruous within the streetscape as warrant refusal.

The rear elevation of the property, has been amended from the previously approved scheme. These amendments bring a cohesion to the rear elevation that may not have been achieved through extensions and as such no objections are raised.

The proposed materials would match those of the previously approved scheme and would not be dissimilar to materials seen within the wider street scene, including the house directly opposite the site that has recently undergone extensions and alterations.

The existing parking area, and existing private residential amenity space to the rear of the property would remain and would reflect the grain of the immediate street scene in terms of density.

Whilst the proposed dwelling is large in scale, the plot is of a sufficient size that it could accommodate further extensions and alterations within the limits of permitted development. As such PD rights have not been removed.

Overall it is considered that the proposal is acceptable in terms of visual amenity and layout and would comply with UDP Policies H2/1, H2/2 and EN1/2.

Residential Amenity

UDP 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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The front elevation of the proposed dwelling would be sited in a similar position as the existing dwelling as such it is considered that the residential amenity of the principal front windows of No. 5 would remain as existing. The proposed dwelling would extend towards the shared boundary with No. 5 however a gap of 2.6 metres would be maintained between the dwellings (excluding the single storey porch extension to the side of No. 5 that abuts the boundary). There are 3 no. windows on the side elevation of no. 5 facing towards the site

however these windows are not provided the same level of protection as principal habitable room windows, and these windows already face towards a two storey elevation.

No. 5 has an existing single storey conservatory extension and two storey rear extension adjacent to the boundary with the site. The proposed rear two storey elevation, and screen closest to the shared boundary with No. 5 would project approximately 4.5 metres beyond the first floor of this property as extended exceeding the 3 metres set out within SPD 6 however it would not intercept a 45 degree line as taken from the nearest first floor rear window and as such would be acceptable.

The ground floor side windows facing towards No. 5 would be secondary windows to principal habitable rooms, or windows relating to a non-habitable room (playroom). The proposed first floor side windows facing towards No. 5 relate to non-habitable rooms (ensuite and bath). The proposed terrace adjacent to the boundary with No. 5 would be screened by a 1.7 metre obscure screen. As such it is considered that the proposal would comply with SPD 6 in relation to overlooking of No.5.

No. 2 Hillingdon Road is located to the north east of the site. This is a corner plot dwelling with the majority of it's windows located on the front and side elevations. A side elevation for a garage and an elevation of a flat roof two storey extension face towards the site. A ground floor and first floor window are located within the elevation of the two storey extension that face the site. These windows would be located approximately 9.4 metres from the proposed dwelling which is below the 13 metres required by SPD 6. The dwelling is located in the same position as the previously proposed extensions and the previously approved scheme gave limited weight to these windows as they are in the side of an extension and are secondary. The same assessment should therefore be made for the replacement dwelling.

The proposed ground floor windows facing towards the shared boundary with No. 2 Hillingdon Road would relate to non-habitable rooms (wc, utility, kitchen). The proposed first floor windows facing towards the shared boundary with No. 2 Hillingdon Road would relate to non-habitable rooms (ensuite, wardrobe). Given the use of these windows these windows are considered to be acceptable.

The proposed first floor rear habitable room windows, and proposed terrace would be located over 7 metres from the rear boundary.

Due to the nature of rooflights no undue overlooking is foreseen.

The proposed front windows would be located a similar distance from the directly facing properties as the exiting dwelling and would be separated from these dwellings by parking areas, and a highway.

Given the above assessment it is considered that the proposal would comply with the intentions of UDP Policy H1/2 and SPD 6.

Access and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development 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, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The existing access and parking on the frontage remains as existing. No objections have been made by highways in relation to the retained access. The proposal is therefore considered to comply with the policy considerations set out above.

In terms of parking standards UDP Policy HT2/2 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.

SPD 11 would requires a maximum of 3no. spaces for a 6no. bedroom dwelling. 2no. parking spaces of approximately 5.5 metres are indicated on the proposed site plan, allowing for at least 2 vehicles to be parked on site within the curtilage of the dwelling house. On street parking within the vicinity of the site is unrestricted. As such the proposal would comply with parking standards.

Ecology

UDP Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological value seek 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. UDP Policy EN8/2 - Woodland and Tree Planting supports and encourages new woodland and tree planting within the borough.

Bats

A bat report has been provided. No evidence of bats was found and the building assessed as having negligible bat roosting potential, owing to the building being in good condition and therefore lacking potential bat roosting features. As individual bats can on occasion turn up in unexpected locations, an informative should be attached to any permission.

Nesting Birds

The building is very low risk for nesting birds owing to being well maintained. It appears that there will be a loss of ornamental trees and shrubs to facilitate the development. A condition limiting works to trees outside of the nesting season is therefore proposed.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

The development will result in a small reduction in the area of garden a low ecological value habitat and some low potential bird nesting habitat. No mitigation appears to be proposed. GMEU recommend that at least one bird box is provided and replacement planting provided. Considering that the site belongs to the proposed dwelling's occupant and the rear of the site would be retained as a large garden an additional landscaping scheme condition has not been attached as there is suitable provision on site to re-provide any planting.

It is considered, through the provision of informatives and conditions that the proposal would comply with the policy considerations set out above.

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 Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 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 Location Plan, PL01, PL03, PL02 Rev B, PL04 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 No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.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 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/bricks 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 EN1/1 Visual Amenity.
- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 Before the first occupation of the dwelling hereby approved the 1.7 metre privacy screen as shown on drawing PL02 Rev B shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H1/2 - Further Housing Development.
- 8 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 9 Notwithstanding the details indicated on the approved plans, the retained driveways that form part of the proposed permeable/porous hardstanding area and turning facilities shall be a minimum of 5.0m in length, measured from the back of the adjacent adopted footway, and shall be implemented before the dwelling hereby approved is first occupied.
Reason. To ensure good highway design and to allow adequate space to maintain vehicles clear of the highway in the interests of road safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
- 10 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. Access point/arrangements for construction traffic from Hollins Close, all temporary works required to facilitate access for construction vehicles and retain access for existing residents;
 4. If proposed, details of site hoarding/gate positions, incorporating the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its accesses onto Sunningdale Avenue;
 6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on Sunningdale Avenue and number of vehicle movements;
 7. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to

minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 16/01/2024			