

DELEGATED REPORT

Report by Helen Leach	Date of report: 14/01/2022	Ref: 67315/FUL
Registration: 02/11/2021	LDFC: 14/01/2022	Expiry Date: 28/12/2021
Site Visit: 17/12/2021	Site Notice: 21/12/2021	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: Variation of condition 2 following approval of planning permission 65293- Insertion of a window on the front elevation of the pair of semi detached dwellings; Single storey side extension to the detached dwelling

Location: Land at Green Street, Tottington, BL8 1TF

Description

The application site relates to a plot of land located on Green Street, a short cul de sac off Tottington Road. The land was formally the car park for the adjacent Globe Pub which has recently been granted permission for conversion to 2 residential units with an office element in part of the ground floor. It is understood conversion works are underway. The car park is now in a separate ownership and no longer associated with this property.

The site is separated from 'The Globe' by a setted paved access which leads to a single storey commercial outbuilding currently being used for storage which is located behind the site. The south east side of Green Street is characterised by traditional terraced properties, with No 1 Green Street in a former commercial use, now vacant. To the south west of the site, directly adjacent and separated by a timber panelled boundary fence are Nos 2-6 Green Street, a pair of more modern semi detached and a single detached property. To the rear of the site are houses on Lomond Drive which are screened by trees and a fence along this boundary.

Planning consent was granted for a pair of 4 bedroom semi-detached dwellings in May 2019. The proposed dwellings were two storey with a rear dormer for a room in the roofspace. Each property had its own access off Green Street which would lead to a driveway for 2 cars and the single garage. At the rear, a patio and garden area would provide private outdoor amenity space. Access would be retained to the outbuilding at the rear of the site which is outside the application area.

Planning consent was granted in July 2020 for the erection of 3 dwellings on the site. The proposed dwellings would be two storeys and there would be one detached and 2 semi-detached dwellings. Each property would have its own access off Green Street and there would be parking for 2 cars per property. Access would be retained to the outbuilding at the rear of the site, which is outside the application area.

The proposed development involves the variation of condition 2 (approved plans) to insert a window into the gable elevation of the semi-detached dwellings and add a single storey side extension to the detached dwelling.

Relevant Planning History

62205 - Erection of 4 dwellings at land north of Green Street, Bury. Withdrawn - 16 January 2018

63095 - Erection of 4 dwellings at land north of Green Street, Bury. Withdrawn - 13

September 2018

63834 - Erection of 2 semi -detached dwellings at land north of Green Street, Bury.
Approved with conditions - 22 May 2019.

Adjacent site

61527 - Conversion of public house/bistro into 2 no. residential units at The Globe Inn, 325 Tottington Road, Bury. Withdrawn - 21 July 2017.

61758 - Change of use of former public house/bistro (Class A4) to 2 no. residential units (Class C3) and change of use of part of ground floor to office (Class A2) with external alterations at 325 Tottington Road, Bury. Approved with conditions - 14 September 2017

65293 - Erection of 3 no. dwellings including associated parking and groundworks at land at Green Street, Bury. Approved with conditions - 29 July 2020.

Publicity

The neighbouring properties were notified by means of a letter on 9 November 2021 and a site notice was posted on 21 December 2021.
There has been no response.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary 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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/3	Water 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
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. 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 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. There is a particular emphasis, as in previous national planning guidance, 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 and this needs to be treated as a material factor when determining applications for residential developments.

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 principle of residential development was established with the grant of planning

permission in May 2019. The site was previously used as a car park with the former adjacent pub and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development involves the addition of a single window to the front elevation of each of the semi-detached dwellings and the addition of a single storey side extension to the detached dwelling.

The proposed windows to the front elevation would relate to a en-suite and would be at first floor level. The proposed windows would be the same size as the window to the ensuite in the detached dwelling. The proposed addition would be a minor alteration and would not impact upon the character of the proposed dwellings. Therefore, the proposed additional windows would be acceptable and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

The proposed single storey side extension to the detached dwelling is of simple and unobtrusive design that would not overwhelm the dwelling. The proposed extension would be constructed from brick with a tile roof, which would match the existing dwelling. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The property's opposite which would face the development would be Nos 1 and 3 Green Street. No 1 is a vacant property, and has a historical use as a workshop with part of the building a shop front type appearance, also vacant. Above, there are windows to what are either associated storage/offices or residential flats. It is unclear if these are used/habited. No 3 Green Street is a terraced property and has a window at ground and first floor to habitable rooms.

The proposed additional windows would relate to an en-suite bathroom, which is not a habitable room. As such, the proposed development would not have an adverse impact upon the amenity of the occupiers of Nos 1 and 3 Green Street.

Beyond the rear boundary of the site are Nos 1 and 3 Lomond Drive which are set at an oblique angle to the site. The existing commercial unit is located between the proposed extension and Nos 1 and 3 Lomond Drive. As such, the proposed side extension would not impact upon the amenity of the occupiers of Nos 1 and 3 Lomond Drive.

The property to the east was formally a public house and has planning permission for its conversion to 2 no. residential units and part ground floor office use. There are no openings at ground floor on the former public house and as such, the proposed development would not impact upon this property.

As stated above, there is an existing commercial unit located at the rear of No. 331 Tottington Road. The building is currently available for let as a store. The window in the rear elevation of the proposed extension would relate to a utility, which is a non habitable room. There would be 6.4 metres between the proposed store and the rear of the proposed side extension. Whilst the distance would be below the aspect standard of 6.5 metres, there would be a distance of 6.4 metres and the difference of 0.1 metre would not be sufficient to warrant refusal of the application.

As such, it is considered that there would not be a significant detrimental impact on residential amenity and the development would be in compliance with UDP Policies.

Highways - The proposed development would not impact upon the parking and access arrangements, which would be as approved. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

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 RAD/2115/20/2/RevA, RAD/2115/20/1/RevA 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 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 Policies EN1/2- Townscape and Built Design and H2/1 - The Form of New Residential Development.

- 6 Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason. To promote sustainable development and reduce flood risk and pollution 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.

- 7 Foul and surface water shall be drained on separate systems.

Reason. 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.

- 8 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 9 The car parking indicated on approved plan reference RAD/2115/20/2/RevA shall be demarcated as indicated, surfaced in a material, or incorporate measures, that prevents the discharge of surface water onto the adopted highway and be made available for use prior to the development hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 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:

- Access route for construction traffic from the highway network and restricted to a size of vehicle that can be accommodated on Green Street that serves the site;
- Hours of operation and number in relation to construction vehicle movements;

- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this.
- Measures to ensure that all mud and other loose materials are not 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.

- 11 Notwithstanding the details shown indicatively on approved plan reference RAD/2115/20/2/RevA, the development hereby approved shall not be commenced unless and until a dilapidation survey of the footways and carriageways abutting the site have been submitted to the Local Planning Authority and the scope of the proposed highway works required as a result of the proposed development have been agreed on site with the Highway Authority. The works subsequently approved, incorporating the reconstruction of the Green Street footway abutting the site, the demarcation of the limits of the adopted highway and all associated highway remedial works required as a result of the proposed development and statutory undertakers connections to the dwellings, shall be implemented to a specification to be agreed and to the satisfaction of the Local Planning Authority prior to occupation of the development hereby approved.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

- 12 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 14/01/2022			