

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 03/10/2023	Ref: 69677/FUL
Registration: 03/08/2023	LDfC: 04/09/2023	Expiry Date: 28/09/2023
Site Visit: 15/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing dwelling and erection of new detached dwelling to replace existing

Location: 21 Pinfold Lane, Whitefield, Manchester, M45 7NY

Description

The application relates to an existing 2 storey 5 no. bed detached residential dwelling which is located within a residential urban area. The street comprises a mix of detached and semi- detached properties, with the grounds of the Uplands directly opposite and the playing fields of Higher Lane Primary to the rear.

The site has an access off Pinfold Lane with driveway parking for 3 cars and the remainder of the frontage grassed over.

At the rear is a large garden which extends in excess of 20m to the rear boundary.

The application seeks the demolition of the existing dwelling and erection of a new replacement dwelling.

The new dwelling would be detached and sited on a similar footprint as the existing house to would provide a 2 storey 7 no. bed property with room in the roofspace and a rear dormer. There would be living accommodation at ground floor, 5 beds at first floor and 2 rooms in the roofspace.

The application states that the proposed development would provide integrated living to facilitate a family member with a physical disability and accommodation would include a therapy room at the ground floor, carer's facilities and an internal lift between all floors with full wheelchair access throughout.

The existing driveway access would be utilised and the driveway hardstanding extended with permeable block paving to provide for up to 5 cars. There would be a ramped patio at the rear with the remainder of the garden grassed over.

The proposed dwelling would be approx 8.7m high, 0.7m higher than the existing. The front elevation would incorporate 2 pitched roof projections either side of the entrance with large feature windows and artstone detailing. At the rear, a single storey element would project approx 5.2m from the main rear elevation.

Materials are proposed as buff multi brickwork to the elevations, anthracite grey windows and fascias, artstone detailing and a blue slate roof.

Relevant Planning History

N/a

Publicity

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Letters sent to 9 properties on 14/8/23.
No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Contaminated Land - No objections subject to conditions

Borough Engineer - Drainage Section - No response received.

Waste Management - No response received.

United Utilities (Water and waste) - No objection subject to condition

Greater Manchester Ecology Unit - No objection subject to conditions

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Heritage

The site lies adjacent to, but is not within the All Saint's Conservation Area which is opposite the site to the north.

Section 73 of The Planning (Listed Building and Conservation Areas) Act 1990 refers to publicity for applications affecting conservation areas and states that 'The Secretary of State may prescribe requirements as to publicity for applications for planning permission in cases where the local planning authority think that the development of land would affect the character or appearance of a conservation area'.

The dwelling is currently set back from the road frontage and the proposed dwelling would be similarly positioned and would not be substantially different in terms of its scale, massing, height or appearance. The existing dwelling is not viewed within the context of the Conservation Area given its setting in the streetscene and this would similarly be the case for the proposed dwelling.

It has therefore been considered and assessed that the proposed development would not affect the setting of the All Saints Conservation Area and as such there is no requirement to publicise the application as such.

Housing principle

The application proposes a replacement dwelling within a residential setting. As such, the proposed development would be acceptable in principle subject to the following considerations.

Layout - The layout of the proposed development would not be dissimilar to the existing situation on site. The driveway opening would be retained with the existing drive extended with permeable block paving to facilitate parking for the occupiers and carer.

The footprint of the dwelling would be broadly the same as the existing, following the building line of the adjacent property No 19 and forward of No 23 but as there is a slightly staggered building line along the street frontage and the properties are detached, it is considered the position of the proposed development would be acceptable within the streetscene.

At the rear would be a ramped patio leading to a garden area which would extend approx 22m with adequate room for bin storage and with access maintained down each side of the new dwelling.

Internally, living areas would be at the ground floor with 5 bedrooms at first floor and 2 rooms in the roofspace and a rear dormer. The accommodation includes care facilities for the disabled family member and considered acceptable.

The scale and size of the proposed dwelling would sit comfortably within the plot to provide adequate parking facilities and levels of outdoor amenity space.

It is therefore considered the proposed development would be acceptable and would comply with UDP Policies H2/1 and H2/2.

Scale, design and appearance - The proposed dwelling would be a detached type with a gable roof. The proposed dwelling would be 0.7m higher than the existing (total height 8.7m) to facilitate a 2nd floor but this would be contained within the roofspace and a rear dormer and for all intents and purposes the proposed dwelling would appear as a 2 storey property from the street. Given the different roof styles of the other houses on the row and gaps between the houses, the increase in height would not be significant to appear discordant within the street context.

The existing dwelling is a multi brick build with two pitched roof front projections either side of the entrance which is slightly recessed from the front. The proposed dwelling would broadly follow this design by incorporating similar front projections with a recessed entrance but with a more contemporary approach in window styles and using artstone surrounds to add dimension to the frontage. The main elevations would comprise a multi buff brick, not dissimilar to the existing. There is a mix of house styles and materials on this row, comprising red, multi brick and rendered properties and as such it is considered the proposed development would be an acceptable addition in the streetscene.

It is therefore considered that the proposed development would be acceptable and comply with policies EN1/2 and H2/1.

Impact on residential amenity - In terms of its position of the site, the proposed development would follow the front building line of the adjacent property No 19 and project further forward of No 23 by 3.5m. There would be a separation of 3.8m between the proposed property and side of No 23 and as such it is considered the outlook from the neighbour would not be significantly affected.

At the rear, there would be a single storey rear projection which would extend approx 5.2m from the principal 2 storey rear elevation. Given the proposed dwelling would be detached and with the separation distances to the adjacent side boundaries, it is considered this would be an acceptable addition and not harm the outlook or amenity of the adjacent neighbours.

The rear garden would extend approx 22m to the boundary and as such there would not be an impact on the school site beyond.

It is therefore considered the proposed development would be acceptable and comply with policies H2/1, H2/2 and SPD6.

Parking - The existing site currently provides 3 parking spaces at the front. It is proposed to utilise the existing access and extend the driveway in a permeable block paving across the front the dwelling to facilitate parking for up to 5 cars. For a 7 bed dwelling, this is considered acceptable and would be compliant with SPD11.

The Traffic Section have no objection to the proposed development subject to a condition for the submission of a construction traffic management plan.

As such, the proposed development is considered acceptable and would comply with policies H2/1, H2/2, HT2/4 and SPD11.

Ecology

Bats

A valid bat assessment has been provided. This found evidence that bats access the roof void with a moderate number of bat droppings recorded, but no bats. Further surveys are required in order to determine how the roof void is utilised by bats and determine the level of mitigation required. The consultant has recommended a minimum of two further surveys.

Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005). As the LPA is currently unaware of the level of use or species of bat accessing the roof it is not in a position to confidently determine whether adequate mitigation could be provided to safeguard the conservation status of the local bat population.

GMEU were consulted and recommended that two further surveys be carried out.

Two emergences surveys have now been provided, albeit late in the survey season - one within the optimal period and the other outside this period but at a time bats would still be active. Common pipistrelle bats were confirmed as roosting in the building in low numbers. The consultant has therefore concluded that the house is used as a day roost for small numbers of this species. GMEU have some doubts that this has been conclusively proven given the lateness of the surveys which will have potentially missed peak numbers utilising the house, ie a larger more important roost may have been present earlier in the summer which was on the point of breaking up when surveys commenced. This is in part supported by the significant number of bat droppings found during the bat assessment, though it also would support the theory of regular use by small numbers of bats, particularly if the bat droppings represented a wide range of ages.

From the LPA perspective it needs to be decided as to whether or not it would be reasonable to request further bat survey information, which now could not occur until next Spring. This should only be done if it is believed there is a risk of a roost that could not be mitigated, ie a very large high value roost was present, such as maternity or hibernation roosts.

The evidence does not support this, though a maternity roost could theoretically be present. However, given that it would need to be an extremely large common pipistrelle maternity roost to be of district or regional significance, ie be a reason for refusal on the grounds of adverse effects to a European Protected Species and the surveys have been carried out within current guidelines, GMEU believe it would be unreasonable to request further surveys. GMEU therefore accept that planning permission can be granted subject to provision of a bat license issued by Natural England and therefore recommend a condition requiring either a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead or a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license

GMEU also recommend that updated emergence surveys are provided if demolition is delayed beyond April 2025. This can be conditioned.

Nesting Birds

No evidence of nesting birds was recorded and trees and shrubs appear to be retained other than some pruning back of one group of trees. GMEU are therefore satisfied that the risks of adverse effects on nesting birds is very low and can be dealt with via an informative.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Mitigation for loss of bat roosting habitat will be determined by Natural England. The LPA can however recommend additional enhancement measures for bats. GMEU therefore recommend a condition is applied to any permission, that prior to occupation bird nesting and bat roosting mitigation and enhancement measures, one additional bat box beyond that required for the bat mitigation license shall be provided to and agreed in writing by the LPA.

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 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 - Topographical survey 49511MCLS-01; Existing conditions 17331A (CH) 01A; Proposed scheme 17331A (CH) 03F; Typical Section 17331A (CH) 04; Method Statement by Lally Tree Management dated 25th May 2023 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 The development hereby approved shall be carried out in accordance with the remediation measures recommended in the submitted desk study and preliminary risk assessment report (Preliminary Risk Assessment, 21 Pinfold Lane, Whitefield, GroundSolve Ltd, Reference: 2940/PRA FINAL, 21 June 2023).
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.
- 4 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking).

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 5 The development hereby approved shall be carried out 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. The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

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.

- 6 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following demolition works/construction of the development and as a result of statutory undertakers connections to the site;
- Access point and route for demolition/construction traffic from the adopted highway;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control deliveries/vehicle movements, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding/gate positions clear of the adopted highway, including the provision, where necessary, of temporary vehicular access and pedestrian facilities/protection measures;
- 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 and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both 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. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

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.

- 7 The car parking, access and bin storage arrangements indicated on approved plan reference 17331A 03 Revision F, incorporating the retention of the existing access and boundary wall and provision of porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adopted highway, shall be implemented prior to the dwelling hereby approved being occupied and thereafter maintained at all times.
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 policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 8 The demolition of the existing dwelling is likely to cause harm to common pipistrelle bats as identified in the Bat Emergence Surveys, Rachel Hacking Ecology Ref: RHE.3867 and shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a licenseReason. 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 Section 11 of the National Planning Policy Framework.
- 9 If demolition is delayed beyond April 2025, updated bat emergence surveys shall be provided prior to the demolition of the dwelling.
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 Section 11 of the National Planning Policy Framework.
- 10 Prior to occupation bird nesting and bat roosting mitigation and enhancement measures, including one additional bat box beyond that required for the bat mitigation license will be provided to and agreed in writing by the Local Planning Authority. The approved measures shall thereafter be maintained.
Reason. To secure the satisfactory development of the site and in the interests of ecological mitigation pursuant to Policies H2/2 - The Layout of New Residential Development, EN6 - Conservation of the Natural Environment 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.
- 11 The development hereby approved shall be carried out in accordance with the Tree Protection Measures detailed in the Method Statement by Lally Tree Management dated 25th May 2023. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 12 The development hereby approved shall be carried out in accordance with the materials detailed on the approved plan 'Proposed scheme' dwg 17331A (CH) 03F.
Reason. In the interests of visual amenity and to ensure a satisfactory development

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pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	3/10/23		