

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 22/03/2023	Ref: 69142/FUL
Registration: 23/12/2022	LDFC: 28/01/2023	Expiry Date: 17/02/2023
Site Visit: 02/06/2022	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 replacement dwelling including detached garage/annex

Location: 4 Brookthorpe Road, Bury, BL8 3AD

Description

The proposal relates to an existing residential plot occupied by 1no. single storey dwelling. It is positioned within a mixed suburban setting containing a variety of dwelling types and designs of varying heights. It is bounded by Sharples Drive at the north and Brookthorpe Road at the east, from where access is taken from, and neighbouring residential plots to the south and west. The site is largely bounded by timber panel fencing, with hedgerow and trees to Brookthorpe Road and trees form a significant feature within the site.

The proposal is for the erection of a two storey 4 bedroom dwelling and detached two storey garage/annex, following demolition of the existing dwelling. It would have a flat roof with a cantilevered first floor section, a glazed central terrarium and box windows. It would be clad externally with vertical timber panels (either larch or sweet chestnut) with shaded light and dark elements (untreated or stained matt black), with the first floor level cladding set 50mm further out. Windows and doors would be slimline aluminium grey. Solar photovoltaic panels would be positioned on the flat parapet roof. The flat roofed garage/annex would have a flat roof and would be finished in the same materials. It would include features such as ground source heating, photovoltaics with battery storage, enhanced insulation and rain water harvesting.

The proposed dwelling would be generally sited over the footprint of the existing dwelling but on a reduced footprint. The proposed annex would be positioned adjacent to the boundary to Brookthorpe Drive in the southern corner of the site, which is intended to be occupied by a family relative.

The existing access would remain, with parking and turning facilities for 3 vehicles. New 1.8m high timber fencing would be erected (no details provided).

The application is supported by a tree survey, which confirms only category C trees are to be removed, and a bat survey, which found no evidence of bats, but located a bird nest in the roof space.

The design of the dwelling has been amended since the original submission, including a re-design of the fenestration and materials arrangement to the principal elevation.

Relevant Planning History

No relevant history.

Publicity

DELEGATED REPORT

Direct neighbour notification undertaken on 09/01/2023. One representation has been received, stating that their concerns relate to the following:

- No scale in relation to the plot;
- No aerial view on plot position;
- No plans for the Annex/ garage;
- No size for the annex;
- Balcony position and benefit it will give to the property.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to construction traffic management, parking and turning facilities.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to site investigation, risk assessment, remediation and verification and installation of an electric vehicle charger.

Waste Management: No comment provided.

Greater Manchester Ecology Unit: No objection, subject to conditions relating to nesting birds and the provision of bird and bat boxes.

United Utilities (Water and waste): No objection, subject to a condition relating to drainage.

Pre-start Conditions - Not relevant

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
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
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
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.

ASSESSMENT

Principle (Residential)

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 proposal is to replace an existing dwelling located in a suburban residential area with a further residential development. The site is located within the urban area, surrounded by established residential areas and close to routes well served by public transport and to facilities, goods and services. Thus, the principle of the development is established. The acceptability of the proposal thereafter is subject to consideration of the subsequent matters.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties, states that proposals to build a supplementary family annexe should:

- normally be physically connected to the main property with a direct interior link;
- remain ancillary to the original dwelling at all times;
- not have separate vehicular access;
- only have one bedroom; and
- be appropriate in scale and position in relation to the plot and original dwelling.

Whilst the annex wouldn't be physically connected to the main property, it would remain ancillary to the proposed main dwelling (it would share the same access and would take services from it), would have a single bedroom, would be linked to the garaging to the main property and given the area of the site and scale of the main dwelling, would be appropriate in scale and position.

Layout and Design

The area is suburban in character and appearance and the built form in the immediate area has evolved without adherence to a particular vernacular, such that house types are varied. The application site when viewed in the street scene is not immediately flanked (either side) when viewed from Brookthorpe Road and has a relative sense of isolation from surrounding properties. Boundaries also contain robust structural planting, which significantly screens the existing building from surrounding street. The dwelling at the site is of a passively routine suburban character and exhibits little architectural merit.

The National Planning Policy Framework states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to the surrounding built environment (while not preventing or discouraging appropriate innovation or change). Development that is not well designed should be refused and conversely, significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

The proposed dwelling would have a less extensive footprint than the existing dwelling (60 sq.m. less), but would be 0.5m higher than the ridge and so would have a greater mass, but would be positioned in generally the same position as the existing toward the rear of the site close to the western boundary.

The proposed dwelling and annex would be of a distinctively contemporary form, detailing and finishes and would be unlike any existing building in the area. However, this does not render the proposal unacceptable in design terms. The buildings would be of an innovative design, including a cantilvered first floor and central glazed terrarium. Materials would be natural and of a high quality and windows would be varied in form and proportions. Furthermore, the dwelling would exhibit high insulation standards and incorporate sustainable energy generation and rainwater harvesting. Existing better quality trees at the site would be retained to the boundaries to give the site an immediate maturity that would soften the initial harshness to a new development.

Therefore, whilst the development would contrast with the established suburban residential character and appearance, it would be visually attractive as a result of good architecture, layout and effective landscaping.

Given the above, it is considered that the proposed development would represent an enhancement to visual amenity and to the appearance and character of the street scene and would therefore be compliant with the above UDP Policies and the NPPF.

Residential Amenity

The site has a side boundary to Sharples Drive to the north, the principal elevation is to Brookthorpe Road at the east and the further side boundary addresses a private drive to the south, which appears to serve two dwellings.

9 Sharples Drive

The dwelling to the immediate west of the site, no. 9 Sharples Drive, is set back significantly within that plot, such that most of the rear of the existing dwelling at the application site backs onto the front curtilage area at close quarters (varying between 1m - 2m from the shared boundary). The existing dwelling at the site has a first floor window overlooking the front garden of 9 Sharples Drive. The side elevation of 9 Sharples Drive

opposes the site and this has a high level light window at first floor.

The proposed dwelling would be in the same general position relative to the rear boundary as the existing dwelling (1m from it), but the extent of elevation would be around 4m shorter before it then steps back from the boundary towards the northern end. The existing dwelling varies in height to ridge between 4.3m and 5.5m and has a series of gabled projections close to the common boundary. The proposed dwelling would be 6m, but the additional height would be tempered by its shorter length along the boundary. There would be three windows at first floor on this elevation of the proposed dwelling, two of which would serve a bedroom. However, these would be secondary narrow slit windows, with the main window facing north.

Other neighbouring dwellings

The north facing side elevation of the proposed dwelling would have a first floor bedroom window, but this would be positioned 9m from the north side boundary and over 20m from opposing dwellings. The northernmost part of the side elevation would be over 15m from the same opposing dwellings, but would not contain any habitable room windows.

The third party comments refer to the proposed balcony to the southern elevation.

The side elevation facing south would contain a balcony to a bedroom (with side walls) and narrow slit secondary windows to another habitable room. These would be 13m from the southern side boundary and around 19.5m from the principal elevation of 20 Brookthorpe Road. Dwellings to the east, on the opposing side of Brookthorpe Road would be over 30m distant.

Annex

The annex would be positioned in the south west corner of the plot, immediately adjacent to the vegetated boundary to the adjacent private drive and over 20m from nearest habitable room windows to all surrounding dwellings. Habitable room windows to the annex would pertain to the north and west elevations only (with views across the site curtilage).

Given these circumstances, the proposed dwelling and annex would not have any unacceptable additional impacts upon surrounding neighbouring amenity.

The proposed dwelling would exceed the minimum gross internal floor area requirements and associated minimum bedroom dimensions of the 'Technical housing standards – nationally described space standard'.

Access and highway safety

The Highway Officer does not object to the proposal, given that the proposal would utilise the existing access from Brookthorpe Road and would provide adequate off-street parking spaces and turning facilities.

Ecology and trees

The proposal would result only in the removal of trees that are categorised to be in fair condition at best (category C). The more significant and vigorous trees would be retained and these would serve to reinforce boundaries and soften the appearance of the development in the street scene.

The GMEU is satisfied that the proposal would be acceptable, subject to the conditions as noted above. In such circumstances, the proposal would be compliant with the above Local Plan policies and the NPPF.

Other matters

Waste storage and collection - Concerning the specific objection concerning bin storage and access to collection, side doors into the integral garage would enable access for frontage collection and there would be ample room around the dwelling for alternative

storage.

Conditions - The removal of permitted development rights is considered to be necessary and reasonable given the position of the proposed dwelling in relation to the neighbouring dwelling to the west at 9 Sharples Drive.

Details of boundary treatment (given that it is proposed as 1.8m high timber gates and fencing) should be required by condition.

Response to third party comments

All the supporting plans, which are to scale, and documents relating to the application have been available on the Council's website since the validation of the application.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The proposal would deliver much needed residential development in a sustainable location and without detriment to the character and appearance of the area, highway safety or amenity, ecology or trees. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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 Subject to the requirements of the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
Existing Location Plan (Dwg No. 22018-LP-A)
Proposed Site Plan (Dwg No. 22018-64-A)
Garage & Annex Plans & Elevations 2 (Dwg No. 22018-62-C)
Proposed Landscaping Plan (Dwg No. 22018-68)
Proposed - Floor Plans, Elevations & 3D Visual (Dwg No. 22018-59-G)
Proposed - Street View Elevations (Dwg No. 22018-66-B)
Construction Traffic management Plan (Rev. 1)
and the development shall not be carried out except in accordance with the drawings and documents 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, except for the demolition of the existing dwelling, 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 The car parking and turning area indicated on the approved plans shall be surfaced in pourous materials, demarcated and made available for use prior to the first occupation of the dwelling hereby approved.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 6 The external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 7 The dwelling hereby approved shall be provided with 1 electric vehicle (EV) charge point (minimum 7kW*) prior to its occupation.

*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.

Reason. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 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.

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.

- 9 A landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the dwelling hereby approved. The contents of the plan should include details of boundary fences and gates, native tree and shrub planting and the provision of one bat box and two bird boxes within the new development. The approved fencing and gates shall be implemented in full accordance with the approved details and the approved planting 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.

- 10 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Class A, AA and B of Part 1 of Schedule 2 shall be carried out unless permission is granted by the Local Planning Authority.

Reason - In order to protect the amenity of neighbouring properties and the appearance of the area in general, pursuant to Policy EN1/2 of the Bury Unitary Development Plan.

- 12 The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall 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 provision of potential SuDS options for surface water drainage, which shall be drained on a separate system to foul sewage. The drainage scheme shall be implemented prior to first occupation of any dwelling 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 Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 13 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the principal dwelling at the application site.

DELEGATED REPORT

Reason. To ensure the proposed use remains ancillary to the principle use on the site, pursuant to Unitary Development Plan Policy EN1/2 and Supplementary Planning Document 6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	22/03/2021	HL	22/03/23