

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 29/09/2025	Ref: 71800/FUL
Registration: 07/08/2025	LDFC: 29/08/2025	Expiry Date: 02/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

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

Location: 299 Middleton Road, Manchester, M8 4LY

Description

The application relates to an existing single detached dwelling. The property sits on the boundary with Manchester City Council (MCC). The dwelling and front garden/driveway are located in the Bury Borough and the footway and road in front of the house located in the jurisdiction of MCC.

The dwelling sits within a row of 4 other detached properties and there are dwellings to the rear on Edgeware Avenue.

The dwelling is a 2 storey red brick detached build with a cat slide roof form at the side and bay window frontage. Accommodation comprises 4 living spaces at the ground floor and 3 bedrooms and a bathroom at first floor. There is a garden at the rear which extends 10.8m to the boundary and a driveway at the front where 3 cars can park.

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

The dwelling would be set back from the footway by 5.6m and extend into the site by 14.2m. leaving a garden depth of 6.3m at the rear. There would be a driveway at the front for 2 cars to park and cycle store at the rear for 6 bikes.

The new dwelling would be 2 storey in height with room in the roof space and a rear dormer. The new dwelling would be a red brick double fronted property with a covered central arched porch flanked by glazing either side and piked roof form. At the rear would be glazed bi-fold doors at ground floor, windows above and the flat roof dormer would span across the length of the roof.

Accommodation would comprise kitchen/diner, living room and two reception rooms at ground floor, 4 en-suite bedrooms at first floor and 2 en-suite bedrooms in the roof space and dormer.

Relevant Planning History

N/a

Publicity

Letters sent to 14 properties on 7/8/25.

No response received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal on insufficient parking and insufficient information

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection

United Utilities (Water and waste) - No objection. Recommend a SuDS drainage strategy

Greater Manchester Ecology Unit - Object as further bat surveys are required.

Manchester City Council - No response received

Pre-start Conditions - Not relevant

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
EN1/7	Throughroutes and Gateways
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations)

have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - residential

The site has a residential use and a replacement dwelling would be acceptable in principle.

Layout and design

Density

PfE Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. Policy JP-H4 sets out minimum densities that should be considered and the site falls in an area where a minimum density of 50 dwellings per hectare should be had regard to.

The development would be a replacement dwelling and the site requires 1 dwelling for the size of plot.

The proposal would therefore accord with JP-H4.

Layout

The proposed dwelling would be set back from the footway by approx 5.6m and project rear wards by 14.2m. It would be set slightly forward of the building line on Middleton Road by 1m but this is considered not to be excessive to disrupt the pattern of the streetscene.

The front of the property would be partly bounded by a wall at the back of the footway with an opening for cars to access the 5.6m deep driveway which would be sufficient to accommodate the length of a car. However, the development proposes only 2 parking spaces. The current property can provide 3 spaces for the 3 bed roomed house and as the proposed development would double the number of bedrooms, 3 parking spaces in compliance with SPD11 should be provided and as such the proposal would not be acceptable.

At the rear, would be a garden which would extend 6.3m to the rear boundary. SPD6 requires 7m to be provided from a first floor habitable room window and additional 3m for every additional storey or change in level. As the proposed dwelling would have a dormer with habitable rooms, the garden length would be sub-standard.

It is proposed to provide 6 cycle spaces to the rear of the house which would be acceptable.

Internally, accommodation would comprise living areas of a kitchen/diner, living room and 2 reception rooms with 4 en-suite bedrooms at the first floor and 2 en-suite bedrooms in the 2nd floor roofspace/dormer.

PfE Policy JP-H3 also states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The proposal would comply with minimum space standards and each bedroom exceed the minimum floor areas and widths.

The applicant states that the properties on Middleton Road have raised floor level and therefore compliance with accessible and adaptable standards may not be fully achievable.

The development proposes a significantly larger build in terms of footprint and scale comparative to the existing 3 bedroomed property and the increase in footprint would result in a sub-standard rear garden and separation distance to the rear boundary and sub-standard parking provision for a 6 bedroomed property.

It is therefore considered the proposal would result in the over development of the site and as such would be contrary to policies EN1/2, H2/1, H2/2, SPD6 and SPD11.

Design and appearance

The proposed dwelling would be two storey in height and whilst there would be additional accommodation in the roofspace and rear dormer, the ridge height of the dwelling would align with the two adjacent properties and as such considered to continue the rhythm within the streetscene.

The overall design follows a modern and contemporary approach and a design which has become increasingly popular to provide fully glazed pike roof gables either side of a central entrance way, with the remaining elevations built in red brick. Whilst the new build would be more striking within the streetscene than the relatively modest existing dwelling, it would be similar to other new developments or alterations which have been carried out in the area and on this part of Middleton Road and as such considered acceptable.

At the rear, the property would have standard bi-fold openings at ground floor and windows at the first. The rear dormer would have a grey clad finish and window openings.

In terms of design, on balance the proposed development is considered to be acceptable within the streetscene and character of the area and would comply with H2/1, H2/2 and EN1/2.

Impact on residential amenity

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case. The aspect standards are based on a two storey building and for each additional storey in height a further 3 metres should be added onto the aspect standard. The proposed dwelling would be 2 storey with a rear dormer incorporating habitable room windows and as such 10m separation would be required.

The proposed dwelling would be marginally forward of the building line of the 2 adjacent properties but not significantly to impact on outlook or light.

At the rear, there are properties on Edgware Avenue whose rear gardens form a boundary with the site. There would be a distance of 6.3m from the rear elevation of the proposed dwelling to the rear boundary and as such aspect standards and separation would be sub-standard.

The proposed development would have a detrimental impact on the adjoining occupier by virtue of the scale and proximity of the build which would result in an overbearing relationship and overlooking of the neighbour.

The proposed development would therefore be contrary to policies H2/1, EN1/2 and SPD6.

Highway issues

There is an existing access from Middleton road and this would be utilised for the proposed development.

The access into the site would be from the jurisdiction of MCC who have been consulted on the application but no response has been received.

However, as the proposed situation would be no different from the existing, the proposed arrangement in principle is considered acceptable.

The existing driveway can provide parking for 3 cars, albeit the arrangement is not ideal with one car side on the road and 2 forward facing. However, the existing dwelling only has 3 bedrooms comparative to the proposal to double the number of bedrooms to 6. SPD11 requires 3 spaces per four-bed dwelling and greater and as such the development would under-provide for the scale of development proposed.

Garages are counted as a parking space and the applicant would be advised to integrate this space within the dwelling house itself.

The Highway Authority have been consulted and recommend refusal on insufficient parking and insufficient information to assess the impacts on the access and driveway arrangements.

The proposed development would therefore be contrary to policies H2/2, HT2/4, JP-C5 and JP-C8.

Ecology

Bats

Three buildings were surveyed, the detached two-storey residential dwelling (B1) that is being demolished, a single-storey brick-built outbuilding (B2), and a small timber-framed shed (B3). The PRA report assessed B2 to have 'negligible' roosting potential and B3 had no described bat roosting potential but would be retained. B1 had a 'moderate' roosting potential, and therefore two emergence surveys will need to be conducted during the active bat season on B1 (as per Section 5.5 and 7.4 of the PRA).

It should be noted that whilst surveys can be conducted between May and September, inclusive, that at least one emergence survey should be between May and August, inclusive, in line with the Bat Surveys for Professional Ecologists Good Practice Guidelines (2023). No such assessment appears to have been submitted with the application currently and Defra Circular 01/2005 gives guidance to local authorities on how these issues should be considered, including that surveys for protected species should not be left to conditions. Therefore, the application should not be determined until a bat report detailing the further surveys has been provided. It should be noted that as at least one survey must take place between May and August, there is only a short amount of time to fit the survey in during the 2025 bat season.

Biodiversity Net Gain (BNG)

With regards to Biodiversity Net Gain, the application is described as exempt as it is 'existing dwelling being extended'. The application appears to be for the full demolition of the building on site and erection of a new dwelling, and this is therefore inaccurate. In any case, it is unclear which exemption is being applied (i.e. self-build or de minimis).

As such, further clarity will be required to reassure the LPA that the statutory Biodiversity Gain Condition will not apply. If the application is not exempt from BNG, the scheme will be required to achieve a 10% net gain in biodiversity units. In this case, we would expect that an excel metric including the baseline and predicted post development biodiversity value of

the site is submitted, along with a statement or report that provides adequate information for the LPA to be satisfied that a 10% net gain in biodiversity units is achievable, either on or off-site.

Despite requested (email of 27th August), no further bat surveys have been submitted or clarification on BNG.

As such, the application contains insufficient information to assess potential impacts on the ecological value of the site.

Digital connectivity

Development will aim to have full fibre connection if achievable. This can be confirmed at a later date depending on if available in the area.

the proposed development therefore accords with Policy JP-C2.

Carbon and energy

As the property will be a new build, the highest specification will be used therefore achieving all the relevant standards/specifications and U values for a residential property. The development would comply with 2022 Part L Building Regulations and would accord with Policy JP-S2.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for amenity space for the dwelling and providing adequate parking for the size of dwelling. The proposed development therefore conflicts with policies H2/1, H2/2, EN1/2, HT2/4 and SPD6 and 11.
- 2 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupiers of Nos 1 and 3 Edgeware Road by reason of the size of the development and proximity to the boundary which would result of sub-standard separation distances. The proposed development therefore conflicts with the policies H2/1, EN1/2 and SPD6.
- 3 There is insufficient car parking provided within the site to comply with the Council's SPD11 parking standards in respect of the proposed development and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to policies H2/2, HT2/4, JP-C5 and JP-C8.
- 4 The application and submitted plans contain insufficient information to properly assess the impact of the proposed development, demolition and construction works and its access and driveway arrangements on the adopted highway with the Manchester City Council borough boundary. The proposed development would therefore be contrary to policies H2/2, JP-C5 and JP-C8.

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- 5 The application contains insufficient information to determine the impacts of the development on a protected species and insufficient information to ensure appropriate biodiversity net gain is achieved for the development and the site. The proposed development would therefore be contrary to policies EN6/3 and JP-G8.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	29/9/25		