

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 18/01/2024	Ref: 70135/FUL
Registration: 02/10/2023	LDFC: 03/11/2023	Expiry Date: 27/11/2023
Site Visit: 19/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling in side garden of 99 Bury New Road with associated parking

Location: 99 Bury New Road, Ramsbottom, Bury, BL0 0BZ

Description

The proposal relates to the side/rear garden of a semi-detached dwelling positioned on the inside of the junction between Bury New Road and Manchester Road. The site falls at the upper end of similarly designed pairs of semi-detached dwellings, that step up in height uniformly from the west. Manchester Road is set at a higher level than the side/rear garden, which is bounded by robust hedgerows and shrubs. There is an existing vehicular access into the site from Bury New Road.

The site has a maximum width of around 14.5m (12.5m at the midpoint) and a depth of 37m. The site has a curved frontage (accounting for the curvature of the adjacent junction) and is at its widest (around 10m back from the frontage with Bury New Road). Thereafter, the site chamfers to a point at the northern limit close to the garden of the dwelling at the north.

The proposal is for the erection of 1 no. dwelling in side garden of 99 Bury New Road with associated parking. The proposal would comprise:

- Erection of a two storey dwelling with a double hipped roof and incorporating squared bay windows at ground and first floor at the principal elevation. It would have partial underbuild and ramped access to the front door. The ridge level would be stepped up from the level of the adjacent dwelling. To be finished in red/brown brick and K Rend with natural blue/grey roofing slates. Due to the proximity of the dwelling to the steeply sloping boundary with Manchester Road at the east, retaining wall/structures would be installed adjacent to the eastern wall of the proposed dwelling.
- Resin bound permeable driveway with parking spaces for 2 vehicles, utilising and improving the existing access from Bury New Road (to be shared with the adjacent dwelling).

The proposal has been amended since the original submission to alter the principal elevation and the roof form/profile.

Relevant Planning History

69888 - Single storey rear extension; Alterations to vehicular access, front garden and driveway to provide on site vehicle turning - Approve with Conditions 01/09/2023

Publicity

Advertised by direct neighbour notification letter on 13/10/2023. No representations

received.

Statutory/Non-Statutory Consultations

Traffic Section: No comments provided.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to contaminated land and the provision of an electric vehicle charging point.

Waste Management: No comments received.

United Utilities (Water and waste): No objection, subject to a condition relating to drainage. A public sewer crosses the site and building over it would not be permitted. United Utilities require an access strip for maintenance or replacement and this access must not be compromised.

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

Transport for Greater Manchester: No comments received.

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

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
EN6/2	Sites of Nature Conservation Interest LNR's
EN7/3	Water Pollution
EN7/4	Groundwater Protection

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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

The elimination of discrimination, harassment and victimisation;

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

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

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

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

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

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

ASSESSMENT

Policy

Policy H1/2: Further Housing Development - requires the council to have regard for the suitability of proposals for housing development on sites not identified on the Proposals Map.

Policy H2/1: The Form of New Residential Development - requires all new residential development to make a positive contribution to the form and quality of the surrounding area. This is further supported by SPD 16 - Design and Layout of New Development in Bury.

Policy EN1/2: Townscape and Built Design - seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Policy H2/2: The Layout of New Residential Development - seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

Policy HT2/4: Car Parking and New Development - requires all applications for development to make adequate provision for their car parking and servicing requirements. This is further supported by SPD 11 - Parking Standards in Bury.

Principle

The site is unallocated in the Bury Unitary Development Plan. Given that the site pertains to

an existing residential plot within the built up area, the principle of further residential development is acceptable.

The National Planning Policy Framework (NPPF) 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. The Framework maintains the emphasis on identifying 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 of 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.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

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

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban area, surrounded by established residential areas and close to routes well served by public transport and to facilities, goods and services.

As such, the site is the most sequentially preferable for the release of land for housing. Furthermore, the site falls in a sustainable location with regard to services and public transport. Thus, the principle of the development is acceptable, subject to consideration of the subsequent matters.

Layout and Design

The immediate context of the site is characterised by well established interwar semi-detached dwellings of uniform character and appearance that step up between blocks from west to east on the north side of Bury New Road.

The proposed dwelling, due to the narrowing nature of the site, would have a footprint effectively made up of two overlapping blocks, that would step in from the eastern boundary as it chamfers. A distance of around 2m would be retained between the nearest part of the dwelling and the eastern boundary and the building line would be aligned with that established at the adjacent property. It would step up in relation to the neighbouring dwelling to a similar extent to stepped juxtaposition of other properties in the row.

The front elevation has been amended such that the 'rear' block would have an eaves to and ridge that would match and align with the 'front' block (removing the taller front and rear facing gable that would have incorporated a second floor). The bay windows would replicate those exhibited at neighbouring dwellings, as would the majority of the proportions of other main windows. The roof gradient would also align with neighbouring dwellings and materials would reflect those exhibited at neighbouring dwellings. Whilst render does not feature in the immediate vicinity, this would feature on the 'rear' block only and would not therefore be a prominent feature in the street scene.

Given the above and the amendments to the proposal, the proposed dwelling would not have any unacceptable impacts on the street scene and would therefore be compliant with the above relevant policies.

Residential Amenity

Due to the limited set back beyond the rear building line of the neighbouring dwelling of 3m and the layout of windows across the proposed dwelling (all habitable windows would be on the principal and rear elevations).

The principal bedroom would fail the minimum floor area standard of 11.5 sq.m. by 0.75sq.m. In all other respects, 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'.

The rear garden would be of a size to enable the storage of waste and recycling facilities and the to provide a reasonable level of outdoor private amenity space.

Given the above, the proposal would not have unacceptable impacts on neighbouring or occupiers amenity

Access and highway safety

The Highway Officer does not object to the proposal. Upon the submission of more detailed structural information relating to the proposed retaining structures, the Highway Officer has advised that as these would fall within the influence zone of the highway (Manchester Road) and that Technical Approval would therefore be necessary.

Other matters

Ecology

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. GM Ecology Unit have recommended that an enhancement could be delivered by landscaping and the provision of bird boxes, would should be secured by a condition.

Conditions - It is considered to be necessary and reasonable to remove permitted development rights for rear extensions given the limited (but adequate) extent of rear garden.

Given that the site is presently a garden and the owner is free to landscape this area as they wish without local planning authority control, and the limited size of the remaining undeveloped area, it would not be necessary to require a landscaping scheme to be agreed.

The site would have two off-street parking spaces, so it would be reasonable to require the installation of an electric vehicle charging point.

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 and with the attachment of conditions would deliver ecological enhancements. 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 This decision relates to drawings
Location Plan & Existing Block Plan (Dwg No. 23-08-20)
Proposed Ground, First Floor Plans and Roof Plan (Dwg No. 23-08-41 A)
Proposed Elevations (1 of 3) (Dwg No. 23-08-46 A)
Proposed Elevations (2 of 3) (Dwg No. 23-08-47 A)
Proposed Elevations (3 of 3) (Dwg No. 23-08-47 A)
Proposed Retaining Wall Details (Dwg No. 01)
Foundation Layout and Details (Dwg No. 02)
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 No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 6 A landscaping scheme, which shall include a native hedge along the frontage to Bury New Road and one native tree shall be submitted to, and approved by the Local Planning Authority prior to the erection of any external walls of the development. The contents of the scheme should also include the provision of two bird boxes on the eastern and western elevations of the dwelling and these shall be installed prior to first occupation. The approved landscaping scheme shall thereafter be implemented not later than 12 months from the date the dwelling is first occupied or within the first available tree planting season and any trees, hedgerows 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.
- 7 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.
- 8 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 to E of Part 1 of Schedule 2 shall be carried out, unless permission is granted by

the Local Planning Authority.

Reason. The excluded types of development would not be appropriate due to the restricted size of the external amenity area and proximity to existing neighbouring dwellings, pursuant to policy H2/1 of the Bury Unitary Development Plan.

- 9 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 chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

<u>Case Officer</u> DSC	<u>Date</u> 18/01/2024	<u>Sign off Officer</u>	<u>Date</u>
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