

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/10/2022	Ref: 68707/FUL
Registration: 25/07/2022	LDFC: 14/09/2022	Expiry Date: 19/09/2022
Site Visit: 24/09/2022	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: Creation of one detached house and two semi detached houses

Location: 72 Park Road, Prestwich, Manchester, M25 0FA

Description

The application relates to a corner plot of land in a residential area. The site is bounded by No 70 Park Road, the adjacent semi detached house and No 71 Brooklands Road, a semi detached house to the rear. Opposite are houses on Park Road and Brooklands Road which are semi detached and detached types of varying styles and design.

The site is generous in size and formally accommodated a large 2 storey single dwelling which has since been demolished. The site has been cleared in preparation for a development which was granted planning permission in 2018 for 4 no. dwellings (2 no. detached and a pair of semi detached). The site is bounded by a brick wall and there is an existing vehicular driveway to the south off Park Road and a pedestrian gated access from Brooklands Road.

The application proposes the erection of 3 dwellings - one x 6 no. bed detached dwelling (plot 1) and a pair of 5 no. bed semi detached houses (plots 2 and 3).

The pair of semis on plots 2 and 3 would be positioned adjacent to No 70 Park Lane and would broadly follow the building line and siting of the houses which are formed along this side of Park Road.

A front garden would be provided and driveway parking for 2 cars for each dwelling accessed off Park Lane, with bins located in a store behind the driveway. At the rear there would be garden amenity space.

The semi detached properties would be 2 storey in height with room in the roof space and dormers which would be formed on the side elevations. Each dwelling would have living accommodation at ground floor, and 5 bedrooms over the first floor and in the roofspace.

The detached property, plot 1 would be located next to and slightly forward of the new pair of semis and would be sited towards the corner of the site at the junction of Park Road and Brooklands Road. There would be a pedestrian access via steps from Park Road and parking for 2 cars would be provided from a new driveway off Brooklands Road with a bin store adjacent. The gardens would be formed at the side and rear.

Living accommodation would be at the ground floor with 6 bedrooms over the first floor and dormer roofspace.

The site would incorporate landscaping and tree planting with a new hedge planted along the front boundaries. A new 1m high front boundary wall would enclose the site along Park Road and Brooklands Road.

In terms of design, the properties would have red brick exteriors with grey roof tiles and black aluminium framed windows.

Relevant Planning History

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01924/E - Demolition of existing house and garage with provision for 4 no. dwellings - Enquiry completed 20/12/2016
02206/E - Erection of 11 no. flats - Enquiry completed 14/11/2018
02734/E - Erection of one detached house and two semi-detached houses. -
62178 - Demolition of existing dwelling and erection of 4 no. dwellings (2 no. detached and pair of semi-detached) - Approve with Conditions 16/01/2018
64642 - Erection of 4 no. storey block of 9 no. flats with basement car parking and landscaping - Approve with Conditions 18/12/2019
67039 - Variation of condition 02 (approved plans) of planning permission 62178 for demolition of existing dwelling and erection of 4 no. dwellings (2 no. detached and pair of semi-detached) - Approved 26/8/22
to add single storey extensions to dwelling types B & C and minor amendments to the external levels. - Approve with Conditions 26/08/2021
18/0087 - Breach of Condition 62178 - 03/05/2018

Publicity

Letters sent to 44 properties on 24/8/22
No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - Need EV chargepoints

United Utilities (Water and waste) - No objection subject to the implementation of a SUDS

Greater Manchester Ecology Unit - No objection subject to conditions

Waste Management - No response received

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

Unitary Development Plan and Policies

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.

UDP 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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

The site is located in an urban and residential area and would not conflict with the local environment in terms of surrounding land uses and character of development for residential purposes. There is existing infrastructure in place to facilitate the development. The site formally accommodated a single dwelling and approval has previously been granted for a residential development for 4 houses. As such the site has an established residential use and the principle for a residential development has been previously accepted.

The proposed development is therefore considered to be acceptable and would comply with the principles of the NPPF and UDP Policies H1/2, H2/1 and H2/2.

Layout - The dwellings would front Park Lane and would be set back from the public highway which would reflect the layout and general character of this road.

Plot 1 would accommodate the detached property which would utilise approximately half the site on the corner. A stepped pedestrian access would be formed off Park Lane leading to the front of the dwelling and 2 parking spaces created from a new driveway accessed off Brooklands Road. Bin and cycle stores would be positioned adjacent to the spaces. A side garden would be formed at the corner of the plot and at the rear would be a patio

and garden amenity space.

Internally, accommodation would comprise living areas at the ground floor with 4 bedrooms at first floor and 2 bedrooms in the roofspace.

The footprint of the property would be fairly sizeable but the plot is generous in its proportions and the proposed layout demonstrates that the dwelling together with the associated parking facilities and amenity area could be comfortably accommodated in this part of the site.

Plots 2 and 3 in the eastern part of the site would comprise the pair of semi-detached dwellings. The footprint and layout of these properties would emulate the adjacent row of houses which are formed along Park Road and as such it is considered the setting of the houses would reflect the pattern of the streetscene and would be acceptable.

Each property would have a driveway which would be formed off Park Road with a lawned area and bin store at the frontage. At the rear a patio and garden area would provide private amenity space.

In terms of accommodation, living spaces would be at ground floor with 5 bedrooms at the first floor and within the roofspace.

The site is currently bounded by a wall, approx 1.3m high which is built of random brick and aesthetically adds a visual quality to the area.

The proposed plans indicate that a new 1m high boundary wall would be constructed around the site, the intention of the applicant being to upgrade the boundary commensurate with the new houses. This approach is understandable given the total redevelopment of the site and that parts of the boundary wall would require removal to facilitate the new driveways. Re-using the bricks to re-build parts of the wall to form and continue the same pattern may in practice not be achievable.

It is therefore considered that a condition for the submission of details for boundary treatment to be submitted for approval be included on the grant of a consent. The applicant has agreed to this approach.

There is existing boundary treatment between the site and No 71 Brooklands to the rear and this would be retained.

The plot is of some considerable size and the proposed layout plan demonstrates that the 3 dwellings could be accommodated within the site with associated facilities of parking, gardens and bin storage. Scale, massing and footprints areas of the pair of semi detached dwellings would reflect the urban grain of the street and area in general and whilst plot 1 would be of a larger scale, the new build would be proportionate within the land available.

As such it is considered that the proposed development would be acceptable and would comply with UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development.

Design and appearance - The houses in the area comprise of various styles and design, some traditional in character with steep roof pitches and gables and mock tudor detail, and some of more striking and notable appearance.

The proposed dwellings would incorporate similarly designed pitched roof frontages and symmetrical fenestration and windows patterns which would integrate and respond to the general design of the housing stock in the area but the scheme would also introduce individual elements such as arched dormer roof styles.

In terms of the scale, height and massing, the ridge and eaves levels of the semi-detached dwellings would be formed in alignment with the adjacent pair of semis, with the detached

property slightly higher. However, this would not be to a significant degree and as this dwelling would be sited towards the corner of the site in a sizeable plot, the dwelling can afford to hold a more commanding position within the streetscene.

The footprints of the semi detached dwellings would generally reflect Nos 68 and 70 Park Road and the layout and general arrangements would follow the surrounding urban grain. Plot 1 would have a bigger footprint but as referred to above, it is considered the position of the dwelling within a generous corner plot would not have a detrimental impact on the streetscene.

Materials are proposed as red brick elevations with grey roof tiles which would integrate within the streetscene where there are a mix of red brick and rendered properties.

It is therefore considered that the proposed development would be acceptable within the locality and would comply with UDP policies EN1/2, H2/1., H2/2 and the principles of the NPPF.

Residential amenity - SPD6 contains supplementary guidance on separation distances to surrounding properties and is used when assessing relationships of existing properties to new development. A separation distance of 13m between a principal ground floor habitable room window and a 2 storey blank wall is generally considered to be acceptable.

A distance of 7m is generally required from 1st floor habitable room windows to directly facing boundaries with additional separation subject to levels changes or additional storeys.

Plot 1 - There would be a separation distance of 15m from the 1st floor and the 2nd floor dormer windows to the rear boundary with No 71 Brooklands Road and as such aspect standards would be satisfied.

Plot 2 - The 1st and 2nd floors of plot 2 would be set back into the rear elevation by approx 2.8m. At the shortest point, there would be a distance of 9.2m between the 1st floor habitable room windows to the directly facing rear boundary which would be acceptable. The 2nd floor would also be 9.2m from the rear boundary and this would be below policy guidance. However given the angle of the rear boundary fence and orientation of plot 2 to the boundary, there would be a very small margin of build which would fall below the required guidance and the majority of the built footprint would be more than 10m away which would be compliant. The proposed elevation plans also show that the windows to the upper floor would be of a slimline design and therefore overlooking would be restricted. As such, this is considered acceptable.

Plot 3 - The rear curtilage of this property would have an irregular and unusual boundary line due to the angled formation of the land and there would be a minimum rear garden depth of 4.2m at the shortest point. The garden would thereon increases in depth to a maximum of 12m. There is an existing 1.8m high boundary fence which separates the site and therefore the ground floor windows to the new dwelling would be predominantly screened by the boundary treatment.

Similar to plot 2, the 1st and 2nd floors of plot 3 would be set back into the rear elevation by approx 2.8m and together with the garden depth of 4.2m there would be a distance of 7m to the closest part of the rear boundary. From the 1st floor rear elevation there would be an acceptable degree of separation to No 71.

From the 2nd floor, the relationship to the boundary with No 71 would be sub-standard. The two windows at the 2nd floor would be slimline narrow types, and as such opportunities for overlooking from these windows would be minimised. In addition, the proposed dwelling would be positioned so that it would be set facing the most southerly corner edge of the garden of No 71 which would likely be less used.

The site is also at a slightly lower level and as such the dwelling at No 71 would sit higher

than the new development.

It is noted that no representation has been received from the occupiers of No 71.

There would be no windows in the side elevation of plot 1 in relation to No 70 Park Road and therefore no impact on privacy or overlooking.

On balance, it is therefore considered that the proposed development would not have a significantly harmful impact on the amenity of the adjacent occupiers and No 71 Brooklands Road in particular and the proposed development would therefore comply with H2/1, H2/2 and SPD6.

Parking - SPD11 - Parking Standards in Bury states that for a development of 5 and 6 bed houses in a high access area, the maximum provision would be 3 spaces per property. The development proposes 2 driveway spaces for each property.

There are parking bays down one side of Park Lane and unrestricted on-street parking on Brooklands Road. The other properties in the area have similar parking provisions as proposed for this development. Given the standards are maximum, that 2 in-curtilage spaces would be provided and the additional parking available on street, the proposals are considered to be acceptable.

The Highway's Section have raised no objection subject to conditions.

Ecology

Summary

Ecological issues associated with bats, nesting birds and landscaping can be dealt with via condition.

Bats

The previous approval required measures to protect bats during demolition and mitigation for loss of bat roosting opportunities, that were agreed prior to determination. The building (and mature trees) have now been removed and the proposed site layout amended from the previously approved scheme. Bat roosting opportunities should however still be produced in-line with what was previously agreed. GMEU therefore recommend a revised bat mitigation and enhancement plan is produced by a suitably experience bat consultant. This could be produced prior to determination or provided via a suitably worded condition.

Nesting Birds

Whilst most of the site clearance has now occurred removal of hedge and scrub is likely to be still required. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition be applied to any permission to restrict the removal of vegetation.

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. The proposed landscape layout appears to provide adequate planting to enable mitigation. GMEU recommend inclusion of native tree and shrub species and also the provision of a bird box on the retained tree. The details can be conditioned.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in

Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Site location and block plan DA22012. 001 rev 1; Street elevations - existing and proposed DA22012. 003 (for street elevation 4 - refer to plan DA22012.3. 001 rev 2) ; Proposed plans and elevations (semi-detached) DA22012.3 001 rev 2; Proposed plans and elevations (detached) DA22012.2 001 rev 1; Masterplan (proposed site layout and landscaping) rev B 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 Prior to first occupation, the development hereby approved shall provide a minimum of 1 EV chargepoint for each new dwelling and thereafter maintained. The EV chargepoints shall be 7kW* as a minimum.

*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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

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.

- 6 The development hereby approved must 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). 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.
- 7 No development shall commence unless and until a bat mitigation and enhancement plan by a suitably experienced bat consultant has been submitted to and approved by the Local Planning Authority. The approved measures and plan shall thereafter be implemented.
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.
- 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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 The development hereby approved shall be carried out in accordance with the landscaping details on approved Masterplan rev B. The development shall also include native tree and shrub planting and the provision of a bird box on the retained tree to be retained and which shall thereafter be maintained.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN1/2 - Townscape and Built Design, EN6/3 - Features of Ecological Value and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan, and chapter 11 - Conserving and enhancing the natural environment of the NPPF.
- 10 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 construction of the development/boundary treatment and as a result of any statutory undertakers connections to the new dwellings;
 - Access point for construction traffic from the adopted highway;
 - Site hoardings (if proposed) clear of the adopted highway;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access;
 - Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
 - Measures to ensure that all mud and other loose materials are not spread onto

the adjacent adopted highways as a result of the groundworks operations or 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 11 The development hereby approved shall not be first occupied unless and until the car parking, driveway, pedestrian visibility splays, boundary wall alterations and bin storage arrangements indicated on approved plan reference 'MASTER PLAN' Revision B, incorporating the demarcation of the limits of the adopted highway, accommodation works in front of the proposed boundary wall and all associated footway remedial works to reinstate the footway to its former condition prior to commencement of the development, and new driveways in porous/permeable materials and/or measures to prevent the discharge of surface water onto the adopted highway, have been implemented in full to an agreed specification and to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Access.
- 12 Prior to the above grounds works to the dwellings hereby approved, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 13 Prior to above ground works, details/samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials/bricks shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.
- 14 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 26/10/22			