

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/10/2020	Ref: 65901/FUL
Registration: 01/09/2020	LDFC: 02/10/2020	Expiry Date: 27/10/2020
Site Visit: 08/10/2020	Site Notice: N/A	Press Date: 17/09/2020
Objections: 1	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no. 2 (approved plans) of p/p 64552:
The building has been amended to incorporate loft rooms with roof lights and changes to the external works

Location: Rear of 85 Carr Street, Ramsbottom, Bury, BL0 9EG

Description

The application relates to the rear garden of 85 Carr Street, a detached two storey house on the corner of Carr Street and Tanners Street. The rectangular plot measures 0.14ha and has a frontage onto Tanners street of approximately 32m. It comprises a central lawned area with a mix of shrubs small trees around the boundary. The main lawn area is at a lower level and slopes up to Tanners Street and at the rear, drops away quite steeply down towards Grant Mews. The site is within a residential area to the west of Ramsbottom Town Centre and characterised by a mix of stone built houses. Although the site is not within the Conservation Area it is adjacent to it. To the north, at a lower level, is the applicant's house. To the west are the gardens of properties on Grant Mews. To the south, fronting Tanners Street is a small private parking area and across Tanners Street to the west are the gardens running up to a pair of semi-detached houses. To the south of the gardens are a row of two storey stone terraced houses (12-24 Tanners St).

The application proposes alterations to the previously approved scheme to site a 3-bed detached house on the site. The changes are as follows:

- Amended site layout to incorporate bin store, located adjacent the two car parking spaces resulting in a minor change to the gabion wall.
- The original application indicates an external staircase on the south side adjacent the decking area. This staircase has now been removed and access to the garden will now be via a flight of external steps within the landscape. Added to this the staircase on the north side has been moved marginally to accommodate the gas, water and electric services.
- The revised proposal is for a masonry wall with piers but with timber infill panels, similar to the existing streetscape.
- Lower ground floor plan - amendments now showing bi-fold doors. Added to this we have indicated air source heat pumps adjacent the workshop wall.
- It was the original intention to have paving to the surface of the balcony as shown. This has now been amended to decking which now runs around the east and south elevations. Added to this there are minor amendments to kitchen layout.
- The loft would be converted to show a new landing area and 3 loft rooms and bathroom. The rooms are all contained within the previously approved roof form requiring no alteration to either the eaves or ridge heights. Added to this we have shown Velux roof windows to provide natural light.
- The parapet upstand at the front of the balcony would be replaced with a glazed balustrade with stainless steel uprights and handrail.

The design and appearance of the house would remain largely as approved.

Relevant Planning History

01882/E - Proposed building of 4/5 bed house in existing garden - Enquiry completed 13/09/2016

64552 - Erection of 1 no. dwelling with vehicular access off Tanners Street - Approved 18/12/2019

20/0051 - Breach of conditions 4, 5 (landscaping/trees) and 6 (drainage) of planning permission 64552 - No commencement of development - site preparation.

Publicity

Immediate neighbours notified by letter dated 11/09/20. One objection from the occupier of No.48 Rostron Road who states that further amendments to the externals of the property simply offer further intrusions to the surrounding areas.

The additional windows proposed in the loft to accommodate additional rooms are intrusive of my privacy. There are still areas of the original proposal that still have concerns outstanding and have remained unanswered.

Already extensive shrubbery and established trees have been removed and or cut down meaning the view from my garden and property has been fundamentally ruined leaving me with an unsightly view of the proposed build and now to have further extensions to that build are simply unacceptable and unnecessary.

I continue to fully object to this build and any additional alterations proposed. This is an unsightly build which is already intrusive to the local area and topography of the land.

Statutory/Non-Statutory Consultations

Conservation Officer - No comment.

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/1	Visual Amenity
EN2/1	Character of Conservation Areas
EN7	Pollution Control
HT2/4	Car Parking and New Development
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
HT4	New Development
HT6/2	Pedestrian/Vehicular Conflict
EN7/5	Waste Water Management
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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.

Visual amenity - The overall footprint and dimensions of the house remain as previously approved. The proposed alterations are not considered so significant so as to impact on the overall design and appearance of the proposed house or its setting within the streetscape and adjacent conservation area. It is noted that some trees and shrubbery have been removed from the site. This did not require planning permission but it is also noted that the proposal includes a landscaping scheme. The proposed alterations are acceptable and comply with the NPPF and UDP Policies, including EN1/2, H2/1 and H2/2 and associated guidance listed.

Residential amenity - The only possible impact the alterations would have on residential amenity would relate to the additional velux rooflight on the rear roof plane. However as the rooflight is set back from the main rear wall and other habitable room windows, it is not considered that it would significantly impact on overlooking and privacy beyond that already proposed. In terms of residential amenity, the alterations would be acceptable and comply with the NPPF and UDP Policies H2/1 and H2/2 and associated guidance.

Objection - The issues raised by the objector have been addressed in the above report. Overlooking would not be made significantly worse by the additional rooflights and tree replanting and landscaping would mitigate the impact of the development within the locality.

All conditions and informatives attached to the previous approval 64552 have been attached to the decision notice.

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 numbered R-429-SLP, R-0429-103/M, 105, 10/B, 11/D, 12/C, 13/C, 14/B, 15/B, 16/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 Details/Samples of the materials to be used in the external elevations, boundary walls and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
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.
- 4 Prior to the commencement of the development, a landscaping scheme shall be submitted to, and approved by the Local Planning Authority. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building 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.
- 5 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.

- 6 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and 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). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. The scheme should take account of flows from adjoining land and shall not increase flows onto adjoining land considering the topography of the site and details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. 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 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 E 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.

- 8 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:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials.
- If proposed, site hoardings/inward opening gate positions to be located clear of visibility splays required to be provided at any temporary site access onto Tanners Street.
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.
- The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. 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, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 Townscape and Built Design and HT4 New Development.

- 9 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.

- 10 Following the provisions of condition 9 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.

- 11 The formation of the proposed access/footway crossing onto Tanners Street indicated on approved plan reference R-0429-103/M, incorporating the retention/provision of edgings to demarcate the limits of the adopted highway following removal of the affected boundary wall, driveway material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway, provision of a sliding gate and all associated footway remedial works abutting the site required as a result of the proposed development and statutory undertakers connections to the dwelling, shall be implemented to a scheme to be submitted and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellinghouse.

Reason. To secure the satisfactory development of the site in terms of highway safety and maintain the integrity of the adopted highway.

- 12 The visibility splays indicated on approved plan reference R-0429-103/M shall be implemented in accordance with the approved plan before the driveway is brought into use and subsequently maintained free of obstruction above the height of 0.6m.
- Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety.

- 13 The turning facilities indicated on approved plan reference R-0429-103/M shall be provided before the dwelling is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety.

- 14 The car parking indicated on approved plan reference R-0429-103/M shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety.

- 15 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

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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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/10/2020	DM	27/10/2020