

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/10/2023	Ref: 70036/FUL
Registration: 04/09/2023	LDfC: 25/09/2023	Expiry Date: 30/10/2023
Site Visit: 21/09/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling

Location: Land adjacent to 173 Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0DG

Description

The application relates to a vacant plot of land located on Whalley Road. The plot is sited between 173 and 179 Whalley Road, and directly fronts the highway. The site appears to have been previously developed, with a building shown on the 1961 map of the area. The site is located within the Green Belt.

Planning permission is sought for the construction of a new dwelling. The proposed dwelling would be 2 storeys in height, with two single pitched roof dormers to the front of the property. Undercroft parking would be provided to the front of the dwelling with an area of residential amenity space located to the rear.

This is a resubmission of application 65762, which has now lapsed.

Relevant Planning History

34406 - Change of use open space to private garden - Approve with Conditions 07/08/1998

34630 - Erection of 2 metre high fence to front of new garden - Withdrawn

64960 - Erection of 1 no. detached dwelling - Withdrawn 05/02/2020

65762 - Erection of 1 no. detached dwelling - Approve with Conditions 17/09/2023

Publicity

Neighbour letters sent 4th September 2023.

1 objection in relation to

- A new dwelling on this land would directly oppose a busy junction where traffic is already an issue and frequent accidents happen (Bye Road/Whalley Road).
- Street parking in the area is already challenging due to parking restrictions, adding further cars into the mix would make this impossible.
- This would also completely block the view and therefore damage house prices for houses on the even side of the street, removing the view of Holcombe moor.

1 representation of support in relation to:

- No objection to a new residential dwelling on this site

Statutory/Non-Statutory Consultations

Traffic Section - No objections subject to conditions in relation to submission of a construction traffic management plan, and the implementation of the parking shown.

Drainage Section - no response

Environmental Health - Contaminated Land - No objections subject to conditions relating to contaminated land.

United Utilities (Water and waste) - request for SuDs condition.

A large diameter trunk main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. Requested more information in relation to this asset and this has been submitted and sent to UU who have returned further comments only requesting a SuDs condition.

Greater Manchester Ecology Unit - It is very unlikely that there will be any significant ecological issues associated with this development.

Waste Management - No response

Planning Policy Manager - No response

Minerals and Waste Planning Unit (Urban Vision Partnership Ltd) - We have no comments to make in respect of the Greater Manchester Joint Minerals Plan or the Greater Manchester Joint Waste Plan.

Pre-start Conditions - Applicant agreed to pre-start conditions

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

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

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

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

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

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

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

Principle (Residential)

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.

In determination of this application, due to the sites location on land within the Green Belt, the 'titled balance' as set out within Paragraph 11d)i does not 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 an established row of residential dwellings. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available. As such, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Principle (Green Belt)

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

It is considered that the proposal would fall under exception e) of paragraph 149 of the NPPF as it is located within a row of established dwellings within a village. The site is also located within the village of Shuttleworth which is listed under Policy OL1/3. It would also

appear that historically the site was occupied by a property (no. 177) as shown on the 1961 historical map. In terms of development within the Green Belt in principle the proposal is considered to be acceptable.

Layout and Design

UDP Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest, or the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

The immediate street scene is depicted by two storey dwellings, with a row of terraced properties to the north and east, a detached dwelling located to the south and open fields located to the rear. Policy EN1/2 seeks to maintain the established architectural details of an area, and ensure that new developments do not have an unacceptable adverse impact on the particular character and townscape of the Borough. Design proposals should respect desirable precedents in the surrounding area and where possible roof pitches should be matched to those of existing buildings and materials should be sympathetic with the location and should consider the local vernacular.

The proposed dwelling would reflect the scale and massing of the neighbouring dwellings, replicating the eaves and ridge height of the dwellings to the north. The proposed dormers to the front and rear are considered to be suitably aligned and would not dominate the principal elevations. The proposed openings are considered to be suitably aligned, and would be sympathetic to the local vernacular.

Whilst the property would not be set against the highway in the same way as the neighbouring properties this has been done so as to create sufficient parking to the front by setting back the ground floor, with the first floor accommodation overhanging and supported by pillars. The location of the property is therefore considered to be acceptable. An area of residential amenity space would be provided to the rear.

It is therefore considered that the proposal would be acceptable and would therefore comply with UDP Policies H2/2, H2/1 and EN1/2.

Residential Amenity

There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

There are no dwellings directly to the rear of the site. The onward view of the front of the dwelling would be of Bye Road. The proposed side windows relate to non-habitable spaces, or are high level secondary windows. As such it is considered that the proposal would not have a detrimental impact on the privacy of the neighbouring properties.

The proposed front elevation would not project beyond the front elevations of No. 173 and No. 179. The proposed rear elevation would not project more than 1 metre beyond the rear of No. 179. The proposed rear elevation would project beyond the rear elevation of No. 173 by approximately 3900mm which exceeds the 1 metre allowed by SPD 6. In this instance however the proposal would not impact on a 45 degree as taken from the nearest ground floor habitable room window of this property and as such it is considered that the property would comply with the intentions of SPD 6 in terms of overbearing.

The proposed dwelling would be located adjacent to the gable of No. 179. This property has recently undergone internal renovations which has seen the introduction of a first floor habitable room window (bedroom) within the side elevation. In this instance however it is considered that as this window is not on a main aspect it would not be protected. The

dwelling at No. 173 has a ground floor door, and side window facing towards the proposal site. These appear to relate to non-habitable rooms and as such are not protected under policy in the same way that principal habitable room windows are.

Access and Parking

SPD 11 identifies the site as being located within an area of High Accessibility. This is considered therefore to be an area that offers a choice of sustainable transport modes. In order to reduce the reliance upon private cars, and encourage the use of more environmentally friendly and sustainable modes of transports SPD 11 requires a maximum of 2 parking spaces for 3 bedroom properties within High Access areas. It is proposed to provide 1 off street parking space, and therefore the proposal complies with guidance.

A single yellow line is located to the front of the site which would restrict parking at this point. The Traffic Section have been consulted as part of the application process and they have raised no objections to the creation of the new access from Whalley Road, or the parking arrangements to the front of the property in terms of highway safety.

Ecology

Protected Species

Greater Manchester Ecology Unit are not aware of any protected species issues within the zone of influence of this development. Whilst bats are likely present in the locality no roosting habitat will be lost and there is sufficient space between the proposed development and adjacent buildings that adverse effects on potential bat roosting features in these buildings are negligible. No further information or measures are required.

Nesting Birds

GMEU are of the opinion that the risks of nesting birds on the site are very low and that an informative in relation to the Wildlife and Countryside Act 1981 as amended is sufficient.

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 development will result in the loss of garden, to building and hardstanding with no soft landscaping shown on the proposed site layout. A very minor negative impact to the Natural Environment. There are unlikely to be any species issues. Without some form of mitigation the development is theoretically contrary to NPPF guidance. I would recommend one landscape tree and a bird or bat box on the new build. The details of biodiversity mitigation and enhancement can be conditioned.

Response to neighbours

It is considered that the representations received have been addressed within the main body of the report. The Traffic Section have raised no objections to the scheme.

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 Location Plan, 1 and 2'A' 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/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 before the development is commenced. Only the approved materials/bricks 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 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. 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.
- 5 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include a native tree, shrub planting and the provision of bat or bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 6 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.

- 7 Following the provisions of Condition 6 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.

- 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:

- Photographic dilapidation survey of the footway and carriageway abutting the site in the event that subsequent remedial works are required following construction of the development, works to the site boundary and as a result of statutory undertakers connections to the site;
- Hours of operation and number of vehicle movements;
- Storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding/inward opening gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway;
- Measures to ensure that all mud and other loose materials are not spread onto the adopted highway as a result of the proposed ground works 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. The areas identified shall not be used for any other purposes other than the storage of 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 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.

- 9 The formation of the proposed parking area indicated on approved plan reference 'Drawing No. 2 A', incorporating the provision of a minimum 3.0m x 5.0m, partially covered parking space clear of the pedestrian route and bin storage area shown in a porous/permeable material (not loose stone) and/or measures to prevent the discharge of surface water onto the adjacent adopted highway, and all associated

footway remedial works abutting the site required as a result of the construction of the proposed development and statutory undertakers connections to the dwelling, shall be implemented to an agreed specification prior to the dwelling hereby approved being occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure adequate off street car parking provision in the interests of road safety and maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT6/2 - Pedestrian/Vehicular Conflict, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11 - Parking Standards in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	20/10/2023		