

DELEGATED REPORT

Report by Helen Pressley	Date of report: 28/10/2024	Ref: 70959/FUL
Registration: 20/09/2024	LDfC: 18/10/2024	Expiry Date: 15/11/2024
Site Visit: 17/10/2024	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: Demolition of existing dwelling and erection of replacement attached dwelling

Location: 253 Market Street, Bury, BL9 9JW

Description

The application relates to a two storey semi-detached house on a road of similar styled properties. Driveway to the front and conservatory at rear. The neighbours on either side have not been extended.

Planning permission is sought for a replacement dwelling at the site. The proposal would include the partial demolition of the existing semi-detached property and construction of a new dwelling attached to no. 251 Market Street.

The proposed dwelling would be two storey in height, and would include the provision of loft accommodation through the construction of a rear dormer. The proposed dwelling project approximately 2000mm further towards the boundary with no. 255 Market Street, approximately 5000 mm beyond the ground floor of the attached dwelling (251), and approximately 3000mm beyond the first floor.

The existing dwelling has previously had permission to extended to the side and rear, however this proposal would go beyond a householder extension due to the amount of demolition required to facilitate the proposal.

Relevant Planning History

69931 - Two storey front and side extensions and Part single/part two storey rear extension
- Approve with Conditions 27/10/2023

Publicity

Neighbour letters sent 27th September 2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section Insufficient information has been submitted in relation to access and driveway materials.

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land Request for EV chargepoint condition and Control of Noise Regulations informative.

United Utilities (Water and waste) No comment on this application.

Greater Manchester Ecology Unit No bat roosting assessment has been submitted.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

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

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Principle (Residential)

The 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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

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, 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.

The site is in a sustainable location for housing within the urban area and sitting outside the Green Belt.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

The proposal would see the addition of 1 no. residential unit at the site. Given that the site was recently in residential use (see 2020 permission) the proposed use is considered to be acceptable in principle.

Layout and Design

PfE Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 70 dwellings per hectare at this site. The total area of the site is 254sqm or 0.0254 hectares, which based on a total of 1 dwelling would result in a density of 39 dwellings per hectare. In this instance however, the proposal would provide 1 no. residential unit on the site as previously existed. As such the proposal is considered to be acceptable.

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Due to the nature of the proposal, attached to an existing semi-detached dwelling it is considered that UDP Policy H2/3 and associated SPD 6 are also relevant to this proposal when assessing design. SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

This part of Market Street is characterised by hipped roofs and gaps between properties. The proposal seeks to extend to the boundary with No. 255 Market Street with no set back, and introduces a gable style roof rather than a hipped roof. The proximity of the proposal in relation to the neighbouring property is therefore a concern in terms of character of street scene. This was confirmed to the applicant/agent during the assessment of the previous application and a previous two storey side extension was reduced in size to accommodate

this design consideration.

The introduction of a gable roof, and the 3no. gables to the front of the property are considered to be out of keeping with the character of the streetscene. The 3no. front gables, when assessed alongside the large proposed windows, and proximity to the side boundary lead to a dwelling that appears out of scale and incongruous within the row. This is further emphasised by the projecting central element. It is noted that there are gables on the terraces that directly face the site but these are used to anchor end terraces on corner plots. The dwellings within the vicinity of the site are traditional in scale and massing, with the windows and openings providing a simple rhythm to the frontages. The large windows and gables create an element of vertical emphasis that is not replicated on the neighbouring dwellings. The use of white render for the front elevation would also fail to reflect the building materials found within the row. The style and scale of the flat roof dormer to the rear further highlights the conflicting proportions of the proposed dwelling by creating what is effectively a 3 storey, flat roof building to the rear that is neither reflective of, or in keeping with the neighbouring residential properties.

It is considered that the proposed dwelling would, by reason of its size, position, design and materials proposed be a prominent and intrusive feature in the street scene.

In addition the submitted plans do not appear to be accurate. There is an existing single storey, breeze block construction outbuilding to the rear of the site that is not shown on the proposed or existing plans and appears to have replaced a white outbuilding that is visible on OS mapping. It is not clear if the applicant seeks to retain this building. It may be that the scale of the proposed dwelling, with projecting single and two storey elements to the rear combined with the existing outbuilding would not allow for retention of a garden area suitable for a dwelling of this size.

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

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

The overall GIA of the proposed dwelling would be 175square metres, exceeding the 116square metre GIA required for a 5 bedroom 6 person dwellings. Bedrooms 1, 2 and 3 would meet the minimum widths and floor areas for single bedrooms. Bedroom 4 has a large enough floor area, but would be too narrow to be a double bedroom. This room would therefore also be considered to be a single room. Bedroom 5 is of a suitable floor area and width to be considered to be a double bedroom. At 8.8 square metres the inbuilt storage exceeds NDSS standards.

Compliance with Part M4(2) can be secured with condition if required.

Residential Amenity

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

The proposed ground floor would project more than 3 metres beyond the rear of No. 251 and No. 255 neither of which have existing ground floor extensions. The proposed ground floor is similar in projection to the previously approved single storey rear extension and is therefore considered to be acceptable.

The proposed rear first floor would project more than 1 metre beyond the rear of No. 251

but would not intercept a 45 degree line as taken from the 1 metre point on the boundary complying with SPD 6. The proposed two storey side/rear elevations would not intercept a 45 degree line as taken from the nearest ground floor rear habitable room window of No. 255 complying with guidance as set out within SPD 6.

There are no directly facing habitable room windows within 20 metres of the proposed rear elevation.

It is therefore considered that the proposal would comply with the intentions of SPD 6, which seeks to prevent overbearing relationships, and would therefore be acceptable.

The proposed first floor rear windows would be located approximately 9.6 metres from the directly facing boundary exceeding the 7 metres required by SPD 6. The proposed rear dormer windows would be located approximately 14.6 metres from the directly facing boundary exceeding the 10 metres required by SPD 6. The proposed rear ground floor windows would be screened by any boundary treatments.

There are no side windows facing towards the boundary with No. 251. A ground floor, WC window is proposed within the side elevation facing towards No. 255. As this is a non-habitable room window aspect standards have not been applied.

The proposed front windows would be separated from the directly facing properties by a highway, and area of parking.

The proposal would therefore comply with the guidance contained within SPD 6 in relation to overbearing relationships and aspect standards and is therefore considered to be acceptable.

Access and Parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards, UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

For dwellings with 4 bedrooms and above SPD 11 requires a maximum of 3 spaces per dwelling. The proposal seeks to introduce 2no. parking spaces to the front of the property that are approximately 5 metres in depth. It is therefore considered that in curtilage parking provision is acceptable.

There is an existing dropped crossing to the front of the dwelling that serves the existing parking. This would need to be extended to enable access to the right hand side space, which would be resisted by the Local Highway Authority as it would provide an overly wide access. No details have been provided within the plans to allow an assessment to be made in relation to the proposed materials for this area of hardstanding, to ensure that the proposal would not lead to discharge of surface water onto the adopted highway. As such it is considered that there is insufficient information provided with the application to adequately assess the proposed parking arrangements.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The proposal would need to be built in accordance with Part L of the building regulations. The applicant has stated within the submitted energy statement that they would ensure that at least 10% of the total value of the materials will be derived from recycled products and materials selected. It is therefore considered that the proposal would comply with this policy consideration.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

Due to the location of the site, full fibre is available.

Biodiversity Net Gain and Ecology

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by UDP Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

Self build dwellings are considered to be exempt from statutory BNG and this can be secured via condition.

European protected species are a material consideration. Where protected species are at risk of harm from development an assessment is required prior to determination of an application. No bat survey has been submitted for the dwelling to be demolished and as such it is considered that the proposal provides insufficient information to adequately assess the impact of the proposal on these protected species. Bat surveys need to be undertaken when bats are active and in good weather conditions, usually between May and September.

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

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

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position, materials and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Development Plan.
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
EN1/2 - Townscape and Built Design
JP-P1 - Sustainable Places

National Planning Policy Framework

- 2 The application and submitted plans contain insufficient information in relation to the existing outbuilding to the rear of the property to enable the provision of associated residential amenity space to be properly assessed. The proposed development therefore conflicts with the following policies of the Development Plan:
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
EN1/2 - Townscape and Built Design
JP-P1 - Sustainable Places
National Planning Policy Framework
- 3 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to bat roosting potential. The proposal would therefore fail to provide sufficient information to ensure that no harm would be caused to a Protected Species contrary to Development Plan Policies JP-G8 - A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value and Section 11 of the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient information to ensure that the existing footway crossing would be utilised by the new dwelling and not result in the creation of an overly wide access, or hardstanding incorporates porous/permeable materials and/or measures to prevent the discharge of surface water onto the adopted highway. The proposed development therefore conflicts with the following policies of the Development Plan:
H2/2 - The Layout of New Residential Development
EN1/2 - Townscape and Built Design
JP-C5 - Streets for All
JP-C6 - Walking and Cycling

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	28/10/2024	DM	28/10/2024