

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/07/2022	Ref: 67882/FUL
Registration: 08/12/2021	LDFC: 26/01/2022	Expiry Date: 02/02/2022
Site Visit: 07/06/2022	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: Demolition of existing dwelling and construction of replacement dwelling with associated hard and soft landscaping

Location: 4 Tor Avenue, Tottington, Bury, BL8 4HG

Description

The site relates to an existing detached dwelling within an established residential area which comprises a mixed style of housing with the general pattern being relatively large detached dwellings set in generous sized gardens.

The existing dwelling sits between a short row of two other houses, Nos 2 and 6 which form one side of Tor Avenue. The property is 2 storey and similar in height, scale and layout to the surrounding estate.

There is an existing access and driveway parking with a low brick boundary wall along the frontage.

The proposed development seeks the demolition of the existing dwelling and a replacement dwelling with associated landscaping and parking.

The proposed dwelling would be 2 storey high with dormers at the rear to facilitate accommodation on the roofspace. The dwelling would be approx 1m higher than the existing and the front elevation would be set on the same building line as the existing property. It would extend rearwards by approximately 13.5m with a single storey rear extension projecting approx 5m on the eastern side of the rear elevation.

The front elevation would have a traditional appearance with a projected double frontage and bay window arrangement, with the rear elevation of more modern design with large glazed openings at the ground floor. The roof would be pitched with 2 rear flat roof dormers.

Materials would comprise brick facades with stone detailing to window openings and a slate tile roof.

Internally, accommodation would comprise living areas at ground floor with an integral garage and 5 bedrooms at first floor with 2 bedrooms/ancillary living space in the dormer accommodation.

The access would be retained and widened slightly with a permeable block driveway for parking. The front boundary wall would be retained with the addition of timber infill panels and an inward opening electric gate.

At the rear, an existing raised patio would be removed to facilitate the footprint of the new dwelling and the excavated land used to raise ground levels to form the patio and garden areas. There would be a rear garden length of approx 12m to the boundary.

Relevant Planning History

52259 - Front dormer - Refused 16/04/2010

52507 - Front dormer (resubmission) retrospective amendment. - Approve with Conditions 28/05/2010

52863 - Application for non-material amendment following grant of planning permission

52507 for retention of existing dormer front window - Approve 03/08/2010

Publicity

Letters sent on 4/1/22 to 17 properties.

One comment received -

The eaves height are shown on the plans relating to 2 Tor Ave to be in line with 4 Tor Ave and this is incorrect by over 1 metre. If the property is built in accordance with these plans it will be at least a metre passed our property line and once the house is demolished there will be no point of reference.

We have discussed this with the applicant and have been assured that it will go no further out than the existing building.

Amended letter sent on 6/6/22 to notify neighbours of receipt of revised plans for amendments to align the eaves level and reduce the height of the roof of the dwelling and the proposed access arrangements.

No further responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Greater Manchester Ecology Unit - No objection subject to condition

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to conditions

United Utilities (Water and waste) - No objection subject to implementation of a sustainable drainage scheme.

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

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN1/2 Townscape and Built Design

EN6/3 Features of Ecological Value

HT2/4 Car Parking and New Development

HT6/2 Pedestrian/Vehicular Conflict

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury

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 - The site already accommodates a dwelling, there is existing infrastructure in place to facilitate the development and given the residential character of the area, the proposal to replace the property would be acceptable in principle and comply with the principles of the NPPF and UDP Policy H1/2.

Layout - The proposed dwellinghouse would be located fairly centrally within the plot, more or less reflecting the position of the existing footprint albeit the rear elevation would project further into the rear garden area.

The proposed front elevation would project no further forward than the existing footprint and similarly would follow the frontage of the two adjacent properties which would be acceptable within the streetscape setting. At the rear, the dwelling would project further into the garden area but half of this would be a part single storey element and a sizeable garden area for the size of property would be retained.

A permeable block paved driveway to the front could provide parking for 3 cars as well as the garage and the existing access into the site would be widened to provide adequate visibility levels on exiting the site.

The existing brick wall would be retained with the proposal to install 700mm timber fencing

on top to a total height of 1.4m. The front boundary is set behind a fairly wide grass verge and as such it is considered the position and height of the proposed fence would not be an intrusive addition to the streetscene.

Internally, living accommodation would be at ground floor, including an integrated garage, with 5 bedrooms at the first floor and potential for 2 further bedrooms (or ancillary living space) in the dormer roofspace. Whilst the proposed development would provide a fairly large family home, the proposed layout and size of development would deliver adequate and acceptable levels of amenity, sufficient parking provision and access arrangements.

The scale and size of the proposed development would also be similar and not out of context with the other dwelling which are located within this residential setting.

As such, the proposed development is considered to be acceptable and as such comply with H2/1 and H2/2.

Design and appearance - The proposed dwelling would be approx 1m higher than the existing house and similarly 1m higher than the two adjacent properties. The eaves levels would, however align with the rest of the street frontage and given the intervening space between the properties, the additional height would not be significantly perceptible when viewed from the streetscene.

The proposed dwelling would be detached and the size, scale and massing would be similar to the character of the existing street. It would be brick built with stone detailing and slate roof tiles and this would be reflective of the character and appearance of the surrounding housing stock.

It is therefore considered that the proposed development would be acceptable and would be an appropriate addition within the context of the surrounding area and would comply with policies H2/1, H2/2 and EN1/2.

Impact on residential amenity - The proposed dwelling would not project beyond the existing building line or significantly forward of the two adjacent dwellings and as such impacts considered insignificant.

The proposed access would be widened but this would improve visibility from the site which would improve the existing situation.

At the rear, and in relation to No 2 Tor Avenue, the proposed 2 storey rear elevation would align with the rear of this property and the proposed single storey element would be positioned on the eastern side of the new dwelling and as such would not impact on the outlook or privacy of this neighbour.

With regards to No 6 Tor Avenue, this property has a single storey rear extension and the proposed 2 storey elevation would project approx 1.2m past this building line. This together with the detached relationship and separation of 3.6m between the dwellings, the proposed development would comply with SPD6.

The proposed single storey element would project approx 5.2m beyond the extension of No 6 but given the position of habitable room window to No 6 and the separation between the dwellings, the proposed development would comply with the 45 degree line and SPD6.

There would be a rear garden length of approx 12m from the rear elevation to the boundary and neighbour at No 11 North Avenue to the south which would satisfy aspect standards.

It is therefore considered that there would not be a significant impact on the residential amenity of the adjacent properties and the development would comply with policies H2/1, H2/2 and SPD6.

Highways - It is proposed to install a 700mm timber fence on top of the existing 700mm and widen the existing driveway to provide acceptable levels of visibility on leaving the site.

A permeable block paved surface driveway would be capable of providing parking for 3 cars as well as parking within the integrated garage which would comply with parking Standards in SPD11.

The Highway Engineer has raised no objection and the proposed development is considered to be acceptable and would comply with Policies H2/1, H2/2, HT2/4 and HT6/2.

Air quality - Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, this Section recommends a condition to be placed on any grant of permission for the provision of 1 Electric Vehicle Chargepoint (minimum 7kW*)

Ecology

Summary

Further bat surveys were recommended in the submitted dusk emergence survey. The only other potential issue is nesting birds.

Bats

The building was assessed as having moderate bat roosting potential by a highly experienced bat consultant and one dusk survey carried out, outside the peak bat activity season. No evidence of bats roosting was located but bat activity was recorded around the house and GMEU are aware that the Greenmount area has had a significant number of roosts recorded over the years and therefore have no reason to doubt the recommendations of the report that at least one more dusk and or dawn survey is required prior to determination in line with current best practice for moderate risk buildings. Current guidance also states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005).

The second survey was carried out and also found no evidence of bats roosting in the property. The consultant has therefore concluded the risk is low enough that no further surveys are required prior to determination but has however recommended a further precautionary survey prior to any works commencing. GMEU have no reason to doubt the findings of the report and therefore recommend a condition that prior to the demolition hereby approved the building will be subject to either a dawn or dusk survey during the peak bat activity season. If the demolition does not commence before 30th April 2023, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

Nesting Birds

No evidence of nesting birds was reported by the consultant. As this consultant generally reports supplementary ecological information beyond the bat survey such as nesting birds, invasive species etc. it is assumed none were present on the building. GMEU note however that some minor trees and shrub removal will be required potential bird nesting habitat. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended and GMEU therefore recommend a condition to restrict the timings for 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 development would result in the loss of some potential bat roosting features, potential bird nesting habitat and some garden landscaping. GMEU are satisfied that these can all be replaced on site,

through provision of bat and bird boxes and new landscaping. The details can be conditioned.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Red edge location plan; revised proposed site plan PL_1023_101 B; revised proposed streetscene and front boundary treatment PL_1023_102 A; revised proposed north and west elevations PL_1023303 A; revised proposed south and east elevations PL_1023_304 A; proposed ground and first floor plan PL_1023_301; revised proposed attic and roof plan PL_1023_302 A; Dawn return to roost survey report dated 16/5/22 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 occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) for each dwelling.

*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 Prior to the demolition hereby approved the building will be subject to either a dawn or dusk survey during the peak bat activity season. If the demolition does not commence before 30th April 2023, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

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.

- 7 The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include provision of potential SuDS options for surface water drainage. 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.

- 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 footways and carriageways abutting the site in the event that subsequent remedial works are required following construction of the development/boundary treatment alterations and as a result of any statutory undertakers connections to the new dwelling;
- Access point for demolition/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 demolition/construction vehicles together with storage on site of demolition/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. The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being occupied.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent adopted highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure 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 development hereby approved shall not be first occupied unless and until the access, car parking, driveway and boundary wall alterations, bin storage arrangements and turning facilities indicated on approved plan reference PL_1023_101 Revision B, incorporating the extension of the existing footway crossing, driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated footway remedial works required to reinstate the footway to its former condition prior to commencement of the development, have been implemented in full to an agreed specification.
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.
- 10 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.
- 11 Following demolition and prior to above ground works, a landscaping scheme shall be submitted to, and approved by the Local Planning Authority for approval. The contents of the plan should include native tree and shrub planting and the provision of bat and 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.
- 12 Following demolition and prior to above groundworks, details/samples of the materials to be used in the external elevations, together with details of their

DELEGATED REPORT

manufacturer, type/colour and size, shall be submitted to and approved by the Local Planning Authority. 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 EN1/2 - Townscape and Built Design and H2/1 - The Form of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/7/22		