

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 15/01/2021	Ref: 65846/FUL
Registration: 27/10/2020	LDFC: 25/11/2020	Expiry Date: 22/12/2020
Site Visit: 13/11/2020	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of roof space to create 5no 2bed 3person self-contained units with front and rear dormers and new enclosed external stairwells. Associated refuse and bike storage.

Location: Singleton Court, Bury Old Road, Prestwich, Manchester, M25 8FX

Description

The application relates to an existing flatted development which is located on the boundary with Salford Council. The flats front directly onto Bury Old Road. To the north the site is adjacent to Parkhill shopping parade, to the south are two storey residential flats which directly face the rear of the development site and are separated by a timber fence. The access to the site is from the south east, on the corner of Bury New Road and Singleton Road which leads to the rear of the site and an existing car park.

The flats themselves comprise of 3 no separate buildings. They are arranged in a split level formation, being two storey along the frontage and three storey at the rear where the level drops one storey lower. There are 16 existing flats in a mix of one and two bed. The lower ground floor at the rear of two of the buildings are used as garages/storage with the residential accommodation above.

The application proposes the conversion of the roofspace and new dormers to the front and rear to create 5 no x 2 bed flats, new external stairwells and associated refuse and cycle storage provision.

There would be 10 individual pitched roof dormers which would be located across the front roof plane of the 3 buildings and constructed of red brick with tiled roofs. At the rear, flat roof dormers would span the entire length of the roof plane of each of the properties and would be a timber structure with a red tile exterior.

There would be 3 new stairwells which would provide the access to the new flats. They would be partially enclosed and located in between the buildings with an additional smaller stairwell attached to the northern stairwell. The stairwells would be clad in composite panelling to the north and south elevations. Access to the stairwells would be directly off Bury Old Road.

The bin store facilities would be provided in the space of two garages which are located at the lower ground level and the cycle store in a separate storage shelter in the northern part of the car park.

Relevant Planning History

65638 - Conversion of roof space to create 5 no. 2 bed 3 person self-contained units with front and rear dormers and new enclosed external stairwells; Associated refuse and bike storage - Withdrawn - Invalid 23/07/2020

Publicity

Letters sent to 50 properties on Singleton Road, Ainsdale Avenue, Bury Old Road, Singleton Court.

One comment received from No15 Singleton Court -

- I submit my support of this application provided that the plan can be executed in a fair and considerate fashion.
- The position of the car park entrance crosses Singleton Road very close to its junction with Bury Old Road. Cars entering and exiting the car park both obstruct and are obstructed by the queuing traffic which is present at various times of most days. Additional vehicles will only exacerbate the problem.
- Perhaps a clear 'Keep Clear' marking would provide the answer; combining this with alternative lane markings (e.g. to more clearly encourage left-turning traffic to pass a right-turning vehicle) could reduce standing traffic whilst also giving the required access to the car park.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on loss of existing parking facilities and inadequate parking provision for the additional development.

Environmental Health - Contaminated Land - No objection

Borough Engineer - Drainage Section - No response received

Greater Manchester Ecology Unit - Bat emergence surveys required prior to determination

United Utilities (Water and waste) - No response received

Salford - Urban Vision - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
H1/2	Further Housing Development
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value

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 existing flats are located within a sustainable urban area and mix of commercial and residential properties. There is existing infrastructure in place to facilitate the development and the use would be compatible with the character of the area.

In terms of providing additional residential accommodation in existing buildings of flats, the proposed development would be acceptable in principle and comply with UDP Policies H1/2 and the principle of sustainable development in the NPPF.

Layout - The proposed development would not result in any significant changes to the existing arrangements. The only apparent addition would be to locate a cycle store adjacent to the north boundary and this would not impact on the parking area.

The existing car park is not currently demarcated with spaces and the proposed site layout plan shows the proposed arrangement for 18 parking spaces.

The existing flatted development does not provide any private amenity space and there is non proposed. Due to the site's limitations and constraints, it is not possible to provide any areas of amenity space and given the lack of existing provision, in these circumstances this is considered acceptable.

In terms of the layout of the accommodation, occupiers would access the proposed flats by the front of the flats and the external stairwells located between the buildings. The proposed plans show that the access stairwells would be open and as such anyone could gain entrance to the upper floors. This could be a security and safety issue for occupiers and visitors to the new flats and securing this part of the frontage should be seriously considered by the applicant.

Accommodation for each unit would comprise 2 beds, living spaces and bathrooms.

Whilst the proposed layout is not necessarily an issue, there are matters relating to the access to the stairwells which would need to be addressed in a future application.

Design and appearance - In terms of alterations and extensions, the application proposes dormers to the front and rear, external stairwells and cycle store.

Proposed front dormers - There would be 10 individual pitched roof dormers located across the front of the existing flats. The existing elevations have a regular fenestration pattern and relatively modest and 'unfussy' elevations. The dormers would be wider than the existing windows on the frontage, with some in a slightly off-set position. It is considered that the size of each dormer and positions would therefore result in 'top heavy' and disproportionate additions which would be discordant to the existing fenestration pattern along the buildings. The appearance of the dormer features would be further emphasised by the cumulative impact of 10 in totality which would run across the entire frontage, creating a weighty and irregular pattern of development.

It is therefore considered that while a dormer solution may be acceptable along the front of the buildings, the design approach to the number, size and position of the proposed would be incongruous to the street scene.

Rear dormers - At the rear, views and particularly public views of the development would not be as apparent. That said, there are residential properties opposite the site. There would be 3 dormers located within the roof plane of each of the buildings. The dormers would project from the existing roof and from the rear walls of the buildings and span the entire width of the roof slopes.

The design of the flat roof dormer is not necessarily the cause for concern, but the size and scale of the dormers overtaking the whole of the roof plane and cumulatively, would add an excessive massing and bulk to the rear of the buildings which would also result in disproportionate additions. A lesser visible built development should not necessarily result in poor design.

External stairwells - There would be 3 stairwells in total, 2 located in between the buildings and 1 positioned on the northern elevation of the flats adjacent to the parade of shops. The structures would be set back from the front elevations by approximately 4.8m. The stairwells would be partially clad in composite panelling, which would more or less enclose the structures but would allow for some light and visibility through. The stairwells would be constructed of a metal frame and the application suggests the finish would be in black.

Although set back from the front elevation of the buildings, the proposed design and colour would appear to be solid from the frontage and the street scene and industrial in appearance rather than being associated with a residential development. Whilst connecting the buildings may not necessarily be problematic, the appearance of the stairwells would be dark and imposing and form strident features to the front elevations.

Cycle store - There is no detail of the provided but the store is shown to be located in the rear car park directly adjacent to the northern boundary and screened from view from the high wall along this boundary. Given the size and position of the store, it is considered there would be no impact to the visual amenity of the area and as such the development is considered to be acceptable.

It is therefore considered that due to the size, position, scale, massing and design, the proposed dormers and stairwells would introduce discordant and disproportionate additions which would be harmful to the visual amenity of the area and as such be contrary to UDP Policies H2/1 and EN1/2.

Impact on the surrounding area

H2/1 - The Form of New Residential Development states that one of the factors to consider for new residential development is the position and proximity of neighbouring properties. In addition, it is essential that reasonable standards of privacy and residential amenity are maintained for neighbouring residents.

H2/3 states that regard should be had to the character of the surrounding area and amenity of adjacent properties.

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

The properties most affected by the development would be the dwellings to the south of the site on Ainsdale Avenue. These properties are 2 storey in height.

At the rear, the existing flats are 3 storey in height. The proposed dormer extension would add an additional storey of development resulting in a 4 storey build at the rear. There would be habitable room windows along the rear elevations of the dormers.

Whilst SPD6 does not refer to a specific requirement for distances between habitable room windows, for new residential development, 20m is generally the accepted separation between directly facing habitable room windows. Assessment will also need to take into account changes in levels.

In this case as the proposed building would be 4 storeys in height comparable to the neighbouring 2 storey properties, a distance of 26m would be required.

There would be a distance of 19.6m between the most northerly flats and the directly facing windows to the properties opposite and as such separation distances would be considerably sub-standard. From the middle building, there would be a distance of 23.8m separation to the properties at the rear which would also be sub-standard.

SPD6 states that extensions should maintain adequate privacy standards by minimising overlooking into adjacent neighbouring properties from new windows, balconies and areas of raised decking. There should be a minimum distance of 7m between first floor habitable room windows of any extension and a directly facing boundary with a neighbouring property. Assessment will also need to take into account changes in levels.

A distance of 7m plus 6m (for the 2 additional storeys) would be required to the rear boundary.

There would be a distance of 12.8m from the proposed dormers to the rear boundary which would be just short of the required standards. Arguably, this would be minimal and the deficiency would not be of such detriment.

That said, there would be 10 habitable room windows which would span across the length of the dormers. As such, it is considered that the level of overlooking and the perception of being overlooked from the numbers and extent of windows which would be formed in the dormers along the entire roof extension would be intensified and the degree of overlooking increased which would create a dominant and overbearing relationship between the flats and the properties to the south on Ainsdale Avenue.

It is therefore considered that the proposed development would be detrimental to the residential amenity of the occupiers of the properties to the south on Ainsdale Avenue and as such contrary to policies H2/1 and SPD6.

Highways

Parking - The application form states that there are currently 24 spaces which serve the site

The D&A Statement states that the site provides 22 spaces with 14 garages at the ground level.

The site is not formally laid out for parking spaces and so assessment of existing provision is not established.

The proposed site plan shows a parking layout for 18 cars.

The application does not propose any additional parking spaces for the new development. It is stated that the existing parking provision is more than sufficient for the existing residents and that 5 of the existing spaces would be allocated for the new accommodation. Effectively, 17 spaces would serve the existing residents with 5 allocated to the new flats.

SPD11 provides guidance on parking standards. For the existing flats, a maximum of 21.5 spaces would be required. Based on the proposed site layout plan the site would already under provide for parking. However, the site is located in a sustainable and high access area, and it is considered the existing parking is acceptable.

For the proposed development, 10 additional spaces would be required equating to a total of 31.5 parking spaces for the whole site. Again, referring to the proposed site plan, there would be a shortfall of 13.5 spaces for the whole development. Although located in a high access area, the shortfall would be fairly significant and given there would also be a loss of existing parking provision for the existing flats, the total amount of parking is considered to be inadequate.

The access into the site is taken from the corner of the junction of Bury Old Road and Singleton Road. The access to the car park is fairly narrow and can only accommodate a single vehicle at one time. The development would result in an increase in traffic to this site and at a fairly hazardous junction. As the car park would under-provide for the development, this could result in cars reversing back down the access and onto the highway, causing highway safety issues at this already awkward junction.

The Highway Section have recommended refusal on the loss of the existing parking, under-provision for the new development and the impacts from the carrying out of manoeuvres on the highway.

The proposed development is therefore considered to be detrimental to highway safety and would be contrary to Policies H2/2, EN1/2, HT2/4 and HT6/2.

Ecology

Summary

Bat emergence surveys have been recommended. These should be provided prior to determination. The only other likely issue is nesting birds which can be dealt with via condition and or informative.

Bats

The building has been assessed by an experienced bat consultant known to the GMEU. The building has been assessed as moderate risk owing to the presence of potential access points for bats and proximity to foraging habitat. Whilst its location on a busy well lighted main road would tend to reduce the risk, GMEU accept the findings of the report, which were also hampered by the covid outbreak and an inability to access the buildings. Current guidance 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. GMEU therefore recommend that prior to determination bat emergence surveys are provided

Given that such surveys cannot now occur until end of April beginning of May, the application cannot be supported for ecological reasons.

The applicant has clearly not referred to the conclusions of the bat survey report prior to the submission of the application and as such it is considered reasonable the application be refused on the lack of information for a protected species.

Nesting Birds

Species such as house sparrow and starling are known to nest in the eaves of domestic dwelling. The issue can be dealt with via condition and or informative.

Salford

Salford City Council raises no formal objection to the proposed development.

It is requested that you take into account any representations received from residents of the City of Salford in determining the application, particularly occupiers of neighbouring properties on Singleton Road and Ainsdale Avenue. It is note that the development proposals would increase the height of the subject buildings to four-storeys at the rear and therefore request that the relationship to the existing two-storey properties adjacent to the site is carefully considered.

The assessment and conclusions of the proximity of the proposed development to the dwellings at the rear has been carried out in the above report.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would result in the loss of existing parking facilities for the existing residential development and the proposed resultant car parking provision for the overall development would be inadequate, and likely to lead to vehicles parking and carrying out manoeuvres on an already constrained part of the highway to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1 - The Form of New residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Access.
- 2 The proposed development would, by reason of its size, position appearance and design and numbers of the front and rear dormers introduce prominent, discordant and intrusive features 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 Bury Unitary Development Plan - H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development and EN1/2 - Townscape and Built Design.
- 3 The proposed development would be seriously detrimental to the privacy and residential amenities currently enjoyed by the occupiers of the residential dwellings to the south on Ainsdale Avenue by reason of the size, position and numbers of the rear dormers. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and EN21/2 - Townscape and Built Design.
- 4 The application and Preliminary Bat Roost Assessment by Pennine ecological dated

DELEGATED REPORT

19th September 202 contain insufficient information to enable the proper assessment of the impact of the proposed development on a Protected Species. As such, the proposed development would be contrary 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	15/1/21		