

DELEGATED REPORT

Report by Helen Leach	Date of report: 28/06/2023	Ref: 69523/FUL
Registration: 10/05/2023	LDfC: 07/06/2023	Expiry Date: 05/07/2023
Site Visit: 16/05/2023	Site Notice: 16/05/2023	Press Date: N/A
Objections: 9	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 2 no. dwellings

Location: Land adjacent to 11 Walter Street, Prestwich, Manchester, M25 3HJ

Description

The site comprises an area of land, which is 10 metres by 23.5 metres and fronts onto Walter Street. The site was formerly occupied by a number of garages, which were accessed from both Walter Street and the back street at the rear of Harold Street. The garages have been cleared, but the area is still used for parking and the accesses remain on site.

The site is bounded by residential properties to all boundaries. Almost all are terraced properties with no off-road parking.

The proposed development involves the erection of 2 semi-detached dwellings on a land adjacent to 11 Walter Street. The proposed dwellings would be two storeys in height with a living accommodation in the roofspace. The proposed development would have a pedestrian access from Walter Street and no parking would be provided.

Relevant Planning History

41822 - Erection of 2 No. two storey semi-detached dwellings at land adjacent to 11 Walter Street, Prestwich. Withdrawn - 28 January 2004

42397 - Erection of 2 No. two storey semi-detached dwellings at land adjacent to 11 Walter Street, Prestwich. Refused - 25 May 2004

43547 - Erection of 1 detached property at land adjacent to 11 Walter Street, Prestwich. Approved with conditions - 13 April 2005

67247 - Erection of 1 dwelling on land adjacent to 11 Walter Street, Prestwich. Withdrawn - 24 November 2021.

Publicity

The neighbouring properties were notified by means of a letter on 15 May 2023 and site notices were posted on 16 May 2023.

9 letters have been received, which have raised the following issues:

- No measurement has been provided from the rear of an adjacent property to the proposed dwelling.
- The photograph provided is out of date and does not give a true picture of the parking problems in the area.
- The proposed dwellings have no parking facilities.
- It is difficult to work out how much gable there would be due to the dormer extension. The front is two storey but the back is a three storey with extended gable, which is not in keeping with the local area.

- Two properties in such a small space seems unreasonable.
- There is very limited street parking. Residents are 1 car families, which would be much worse if families with 2 cars moved in.
- Concern that works so close would cause movement to my property.
- A two storey dwelling would be unfair to adjacent properties and would take light away.
- The sewers in the area are poor and more users would not be good.
- The proposed building would cut off sunlight to my property and garden.
- The proposed dwelling would not comply with the 13 metre aspect.
- The proposed dwellings will extend past the rear of existing dwellings and would make the garden feel blocked in.
- A previous application for 2 dwellings was refused and i don't see how this application can be approved.
- Fire engine access is a concern. Delivery vehicles cannot access properties due to parked cars.
- The plans should provide off-road parking for any proposed dwellings.

Statutory/Non-Statutory Consultations

Traffic Section - Object - loss of existing car parking, proposed parking is inadequate, restrict visibility, insufficient information has been provided.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air quality - No objections, subject to the inclusion of conditions relating to electric vehicle charging points.

Waste Management - No response.

United Utilities - No objections, subject to the inclusion of informatives relating to assets and drainage.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT4	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.

Therefore, in relation to the proposed dwelling, 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.

In this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii 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 the urban area and there is residential development to the east, west and south of the site. As such, the proposed development would not conflict with the surrounding land uses. There would be adequate infrastructure available and there would be access to services. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would provide 2 dwellings and the proposed dwellings would be two storeys in height with rooms in the roofspace. The proposed dwellings would be constructed from red brick and slate, which would match the surrounding properties. The eaves and ridge height of the proposed dwellings would match the eaves and ridge height of the adjacent property. The proposed windows would have a vertical emphasis and the use of brick banding and cills would add visual interest to the elevations. As such, the proposed dwelling would be appropriate in terms of height, bulk and massing and would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - The proposed dwellings would have a rear garden, which would provide a suitable level of amenity space. There would be space within the rear gardens for bin storage and cycle storage. A brick wall would be provided to the front of the proposed dwellings, which would match the existing brick wall along the frontage of the existing dwellings. A timber fence would be provided to all other boundaries, which would match the existing fencing. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case. The aspect standards are based on a two storey building and for each additional storey in height a further 3 metres should be added onto the aspect standard.

The proposed site plan is based upon a topographical base, but does not show the outbuildings in the rear gardens or the boundary wall, which relates to a residential garden. As such, it is not possible to ascertain the impact upon the residential amenity.

There would be 10.7 metres from the rear elevation of No. 39 Harold Street to the gable of the proposed dwellings, which would be below the aspect of 13 metres.

There would be between 10.8 and 11 metres from the rear of the proposed dwellings to the boundary of the garden, which would be in excess of the aspect standard of 10 metres.

There would be 29 metres between the proposed dwellings and the properties on Clifton Road, which would be in excess of the 20 metre aspect standard.

The proposed dwelling would extend 2.1 metres beyond the rear elevation of No. 121 Walter Street, which would be within the 3 metres allowed in SPD6.

Therefore, the proposed development would have an adverse impact upon the amenity of the occupiers of No. 39 Harold Street and would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be located on the site of a former garage colony and is still used for parking. The proposed development would remove this area for parking in a dense residential area, which would create more pressure on the on-street parking spaces. The proposed development would not provide any off-street parking spaces, which would likely lead to vehicles parking and carrying out manoeuvres on the highway.

The location of the proposed dwellings would block visibility from Walter Street onto the back street at the rear of the properties fronting onto Harold Street, which would be detrimental to highway safety.

The proposed development contains insufficient information on the impact upon the proposed dwelling on the adjacent footway crossings and accesses to the garage colony and how any surface water would be dealt with.

The Traffic Section has objected to the proposal and as such, the proposed development would be detrimental to highway safety. Therefore, the proposed development would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum number of parking spaces is 2 spaces per 3 bedroom dwelling, which equates to 4 spaces.

The proposed development would not provide any parking.

The surrounding area is dominated by terraced properties with no off-street parking and on-street parking is heavily used. The proposed development would create demand for a further 4 vehicles, while removing an area of land, which is currently used for parking.

Therefore, the proposed development would not provide sufficient car parking and would conflict with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

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 be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of No. 39 Harold Street, by reason of its size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Dwellings
Policy H2/2 - The Layout of New Residential Dwellings.
- 2 The proposal would result in the loss of existing off-street car parking facilities, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 3 The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy HT2/4 - Car Parking
- 4 The proposals would restrict visibility at the junction of Walter Street with the un-named back street to sub-standard levels, which would be detrimental to highway safety. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 5 The proposals do not incorporate highway remedial works around the perimeter of the site to reinstate redundant footway crossings/former garage colony accesses, which would be detrimental to pedestrian safety and would not maintain the integrity of the adjacent adopted highways. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 6 The application and submitted plans contain insufficient information in order for the impact of the proposed property and boundary foundations, surface water drainage arrangements and relative levels between the site and adjacent adopted highway to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 28/06/2023			