

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 07/09/2022	Ref: 67944/FUL
Registration: 04/02/2022	LDfC: 03/03/2022	Expiry Date: 01/04/2022
Site Visit: 22/02/2022	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 the existing detached two storey dwellinghouse on site and its replacement with a new two storey dwellinghouse

Location: 305 Middleton Road, Manchester, M8 4LY

Description

The proposal relates to a corner two storey detached dwelling located on the inside of the junction of Middleton Road and Sheepfoot Lane, opposite Heaton Park to the north. The existing dwelling features bay windows with a hipped roof and has previously been extended at the rear.

The proposal is for the erection of a replacement seven bedroom two storey dwelling of a larger footprint and incorporating a second floor in the roof space.

It would be positioned forward of the existing dwelling such that it would generally align with the building line of neighbouring dwellings to the south. It would incorporate two projecting two storey bays to the principal elevation, a single storey flat roofed 'conservatory' to the rear and a hipped flat roof with rear box dormers. The application is silent on proposed external finishes, but indicates that they would match the existing (brick and tile)). However, the elevation drawing appears to indicate a render finish to first floor.

The existing access from Middleton Road would be retained with off-street parking for 3 vehicles. The existing brick wall and hedge boundary would be retained.

The proposal has been amended since the original submission.

Relevant Planning History

66679 - Demolition of existing dwelling to be replaced with 1 no. new dwelling - Refused 28/10/2021

65784 - Demolition of existing dwelling and erection of new three storey dwelling - Withdrawn by Applicant 18/09/2020

64892 - Dropped kerb; New driveway - Withdrawn by applicant 03/01/2020

64566 - 1 No. new dwelling - Withdrawn - Invalid 25/09/2019

Publicity

Advertised by direct neighbour notification. No comments received.

Statutory/Non-Statutory Consultations

Traffic Section: Bury Council is not the Highway Authority for the access. A Construction Traffic Management Plan should be required

Manchester City Council: No comments received

Environmental Health - Contaminated Land: No objection, subject to conditions relating to site investigation, remediation and verification and requiring an electric vehicle charging point.

Greater Manchester Ecology Unit: No objection, subject to conditions relating to bird nesting, the provision of bat/bird boxes and enhancement of the natural environment

Environment Agency: No objection

Environmental Health - Pollution Control: No comments received

Borough Engineer - Drainage Section: No comments received

United Utilities (Water and waste): No objection, subject to a condition concerning drainage

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

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development 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.

ASSESSMENT

Principle (Residential)

Whilst the housing land shortfall in Bury is well documented, the principle of residential development is established regardless, due to the existence of a single dwelling at the site. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Layout and Design

UDP Policy H2/1 requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. Policy EN1/2 seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The site is flanked by a two storey dwelling to the south, which is an extended version of the dwelling presently in situ at the site, and a bungalow to the west, which is set at a higher level, accounting for the immediate rise of Sheepfoot Lane. The immediate residential character is thereafter made up of two storey dwellings of a traditional suburban appearance.

The general design of the proposed dwelling has been muted somewhat from the original submission such that it would more appropriately assimilate in the street scene, exhibiting projecting gablet bays with a hipped roof (that would disguise the flat roof element), thus reflecting the predominant architectural features. The eaves and building line would align with the neighbouring dwelling to the south and a meaningful undeveloped area would remain to the Sheepfoot Lane frontage. The materials would reflect the palette of materials exhibited in the area.

In this instance it is considered that the proposal would not have a detrimental impact on the character of the street scene and would therefore comply with UDP Policies H2/1, H2/2 and EN1/2.

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 as such, would be a reasonable guide in this case.

Due to the relative position of the proposed dwelling compared to flanking and opposing dwellings, the position of the present dwelling at the site and the arrangement of fenestration and the rooms they would serve, the development would not impinge upon existing neighbouring residential amenity to an unacceptable degree. The proposal would also be compliant with the Technical housing standards - nationally described space standard.

The development would therefore comply with the above stated policies.

Access and highway safety

The proposal would utilise the existing dropped kerb access from Middleton Road. There would be room for up to three parking spaces within the front forecourt space, but with no turning facility. Presently, it would appear that the existing drive could potentially accommodate four off-street parking spaces. The Highway Officer has not objected to the proposal, given that the site is accessed from a highway under the jurisdiction.

SPD11 sets a maximum parking standard of 3 spaces for a four bed dwelling in a high accessibility area. The number of parking spaces would therefore be acceptable. It is also noted that the existing parking arrangement does not allow for turning within the site. Manchester City Council, which has not commented on the proposal.

Subject to a condition requiring agreement of a Construction Traffic Management Plan (CTMP), the proposal would comply with UDP Policies HT2/4 and HT6/2 and SPD 11.

Ecology

The accompanying bat survey identified no evidence of bats and the building was assessed as having negligible bat roosting potential. The GMEU have advised that the proposal is therefore acceptable subject to conditions relating to bird nesting, the provision of bat/bird boxes and enhancement of the natural environment.

Other matters

Ground conditions - The Environmental does not object to the proposal, subject to conditions noted above requiring further intrusive investigations/remediation and verification that mitigation measures have been implemented.

Drainage - United Utilities advise the imposition of a condition requiring that a surface water scheme be delivered based on the hierarchy of drainage options in the National Planning Practice Guidance. As no scheme has been submitted with the application, such would be required by condition.

Electric vehicle charging - It would be appropriate to require the installation of a single charge point as advised by the Environmental Health Officer.

Conclusion

The proposed dwelling is acceptable in principle and would not have unacceptable impacts on the character and appearance of the area, highway safety, ecology or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:
Location & Block Plans (Dwg no. 2021/163-10 E)
Proposed Site Plan (Dwg no. 2021/163-08 E)
Proposed Ground Floor Plan (Dwg no. 2021/163-03 E)
Proposed First Floor Plan (Dwg no. 2021/163-04 E)
Proposed Ground Floor Plan (Dwg no. 2021/163-03 E)
Proposed Loft Floor Plan (Dwg no. 2021/163-05 E)
Proposed Elevations (Dwg no. 2021/163-06 E)
Proposed Roof Plan (Dwg no. 2021/163-07 E)
Proposed Street Elevations - A (Dwg no. 2021/163-11 D)
Proposed Street Elevations - B (Dwg no. 2021/163-12 A)

and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 No development comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

- 4 No development shall commence unless and until:-
 - 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.

- 5 Following the provisions of Condition 4 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.

- 6 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 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 to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

Reason. As the information has not been submitted at application stage and 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 and HT6/2.

- 7 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.
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.
- 8 A biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the local planning authority, prior to the erection of any external wall. The content of the plan should include elements to mitigate for loss of trees shrubs, bat roosting and bird nesting habitat and shall include the provision of a bat and bird box. The approved plan shall be implemented in accordance with the approved details.
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.
- 9 Prior to the occupation of the dwelling hereby approved, one electric vehicle (EV) charging point (minimum 7kW*) shall be installed.
*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. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 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 of the dwelling 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.

<u>Case Officer</u> DSC	<u>Date</u> 07/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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