

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/04/2022	Ref: 67977/FUL
Registration: 12/01/2022	LDfC: 17/02/2022	Expiry Date: 09/03/2022
Site Visit: 17/02/2022	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: Erection of 4 no. dwellings

Location: Land adjacent to 34 James Street North, Radcliffe, Manchester, M26 1LL

Description

The application relates to a piece of land which is located on a residential street of predominantly red brick terraced properties. There is no-through vehicular access along James Street from Outwood Road to Stand Lane with bollards being located outside No 34 James Street North.

The application site is vacant land, rectangular in form and located between No 40 James Street and No 34 James Street North. The site is overgrown with what appears to be self seeded trees and shrubs and is bounded by a wooden fence to the frontage and side boundaries, and at the rear by a palisade fence beyond which is a line of mature tree planting and a dept on Lodge Road.

Planning permission was granted in 2007 for a residential development for 3 dwellings. In 2011, this permission was renewed in 2011 9ref 53416) but the development was not built out.

In 2021, another planning application was submitted for redevelopment of the site for 3 no dwellings (ref 66984) .

In summary, these applications proposed a row of 3 terraced properties fronting James Street North in a similar alignment to the adjacent houses. The dwellings were to be 2 storey in height with dormers at the rear and internal accommodation comprise living space at the ground floor and 3 beds at the first floor and roof space. Bins for all 3 properties were to be stored at the front and at the rear would be the private amenity space.

On-street parking was accepted as the site is located at the point of the no-through access which provides an adequate turning area and capacity for on street parking in this location. Being a similar arrangement for other terraced properties in the area, located in a sustainable and high access area and a short walk to the town centre with good transport links, the highway section did not raise an objection due to the scale of the development.

Additional land has now been acquired by the applicant which would increase the size of the plot and therefore this application seeks to incorporate an additional dwelling to the previously approved developments, proposing a development for 4 no. dwellings.

The scheme would be broadly similar to the approval in 2021, proposing a terrace format, 2 storey in height with a dormer space on the rear elevation. The dwellings would be set back from the pavement and more or less reflect the front building line of the houses either side.

Accommodation would comprise living areas at ground floor, two beds at 1st floor and a bedroom in the roof space/dormer.

There would be a small front garden where bins would be stored for plots 2 and 3 with garden areas to the rear and bin storage for the outer properties, plots 1 and 4. The front boundary would be defined by black railings and the side and rear boundaries by a 2m high timber fence. All parking would be on-street.

Materials would comprise brick elevations and grey roof tiles with dark grey windows.

Relevant Planning History

48707 - Three no. dwellings - Approve with Conditions 03/12/2007

53416 - Application to extend time limit for implementation of planning permission 48707 - Approve with Conditions 26/01/2011

66984 - Development of three new dwellings (use class C3) - Approved 23/7/21

Publicity

Letters sent on 26/1/22 to 26 adjacent properties.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Waste Management - No response

Environmental Health - Contaminated Land - No objection subject to conditions

Environment Agency - No response

Greater Manchester Ecology Unit - No objections subject to conditions/informatives

Property & Technical Services - Estates Consultancy - No response

United Utilities - No objection subject to submission of a sustainable drainage scheme

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/3 Extensions and Alterations

EN1/2 Townscape and Built Design

EN1/3 Landscaping Provision

HT2/4 Car Parking and New Development

HT6/2 Pedestrian/Vehicular Conflict

EN6/3 Features of Ecological Value

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 - A development for 3 new dwellings was approved on site in 2007 and the permission was renewed in 2011 for the same development for 3 houses. Planning permission was also granted in 2021 for the development for 3 terraced properties.

There have been no changes in circumstances or planning policy since this time and as such the principle of a residential development on this site is considered acceptable and would comply with H1/2.

The main issue of the application is with regard to the proposal for the additional dwelling and its associated development on the site in relation to visual and residential amenity and parking.

Layout - The proposed development would comprise a row of 4 terraced properties which would front James Street North.

At the front, there would be a small garden bounded by 1.1m high wrought iron railings to provide an attractive frontage. A bin store would be provided at the front of the two middle properties (plots 2 and 3) but in terms of visual amenity, this would be a betterment than the previously approved scheme where bin stores were to be located at the front for all dwellings.

At the rear, private gardens 2.5m deep would be provided and whilst relatively small areas, there would be a further 3m of open land to the boundary with the site to the north and as

such there would be a sense of space and relief. Future occupiers would be aware of the level of amenity space. Bins for plots 1 and 4 would be located at the rear. The side and rear boundaries would be defined by 2m timber fencing which would be similar to other dwellings in the locality.

There would be no capacity for parking within the curtilage of the properties but there is on-street parking in front of the houses, and this would be the same as the arrangements for the other terraced properties on the street, and also the same as the previously approved development for 3 dwellings (discussed further below).

It is therefore considered that the layout of the proposed development for 4 dwellings on this site would be acceptable and comply with EN1/2, H2/1 and H2/2.

Visual amenity and impact on streetscape - The row of 4 dwellings would be set on the same building line as No 34 to the east and slightly forward of the houses to the west by 0.6m but given there would be a separation of 4.8m from these properties, the position of the dwellings is considered to be in keeping with the existing street scene.

The eaves and ridge height would largely align with adjacent properties and considered not to look out of place within the locality.

In terms of fenestrations, the proposed dwellings would broadly reflect the design and appearance of the existing street, and more so the newer properties which have been built opposite. Materials are proposed as red brick elevations and grey roof tiles and again, this would complement the appearance of the street scene.

Larger window openings and dormers to all properties would be formed on the rear elevations which are not unusual additions to terraced properties and are considered acceptable design features.

It is considered the additional dwelling above that of the originally approved scheme would be acceptable in terms of the design and appearance of the proposed development and comply with EN1/2, H2/1 and H2/2.

Impact on residential amenity - SPD6 provides guidance on aspect standards between residential properties and is considered to be relevant in the case for assessing new dwellings. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.

The proposed development would be sited between two existing residential properties. There are no openings on the side elevation of No. 40 James Street. On the side elevation of No. 34 James Street North, there is a single window at first floor level, which is not the principal habitable room window. As such it is considered there would not be a significant impact on neighbouring properties.

Opposite, there is a row of dwellings and there would be a separation of approx 16m. This would be sub-standard in terms of assessing aspect standards. However, the relationship between other directly facing properties along most of the street are sub-standard (16m/17.8m) and given there is an extant permission on the site for houses in the same position and therefore would have the same relationship to neighbours, in this instance, it is considered the proposed development would be no more harmful than the previously approved scheme or the existing situation in the area.

As such, it is considered the proposed development would be acceptable and comply with H2/1 and SPD6.

Highways -

SPD11 states that there should be a maximum of 2 spaces per 3 bedroom units, which

equates to 8 spaces.

The previously approved schemes did not propose any off street parking as there is on street parking directly in front of the site and on street in the locality. The site is also located at the point of the no-through access which provides adequate turning areas. The site is also located in a sustainable and high access area. It would be a short walk to the town centre and there is good access to public transport. The provision of on-street parking would be the same as the arrangement for the other terraced properties in the area.

It is the Highway Section view that as parking was previously approved on-street for 3 dwellings, it is considered that one additional property would not add significant additional pressure to parking to the area, and especially given the need for housing in the locality.

The Traffic Section has no objections to the proposal.

Therefore, in this instance the proposed development is considered to be acceptable and would not conflict with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Ecology

Summary

The site had been cleared prior to the ecological assessment, which is the same as provided as for the current permission. The only ecological issue is mitigation for loss of a small area of trees and scrub.

Protected Species

The ecological consultants reasonably discounted all likely species, the shed all regarded as having negligible bat roosting potential. GMEU have no reason to doubt this assessment. No further information or measures are required.

Nesting Birds

Whilst the site had been cleared prior to the ecological assessment, the site has been slightly increased to include land that appears to still have some vegetation along the frontage. GMEU therefore recommend a condition along the following lines is applied to any permission.

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 LPA.

Invasive Species

The site had been cleared prior to the survey and the survey occurred early in the year before such species would be readily visible. The site is also located in a moderate risk location. GMEU therefore recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

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 site appears to have been previously covered by trees and scrub, streetview indicating they were primarily ornamental species. At the time of the survey just minor remnants of vegetation was present. The development proposal includes planting to front and rear and a number of

bird boxes. If the planting is native eg a beech hedge. GMEU are satisfied given the nature of the site that this has the potential to mitigate. The planting details can be conditioned.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 - Site location plan 2163 EX 100; Existing site plan and proposed plans and elevations 2163 PL 200 A; Existing and proposed street scene 2163 PL 300 A; Landscaping plan 2163 PI 400 A; Extended Phase 1 Habitat Survey by Rachel Hacking Ecology 2021; Arboricultural Impact Assessment with Tree protection measures by Godwins Project AIA 13274.01 dated 23rd November 2021; Phase 1 and Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy, James Street North, LKC, Reference: 20 1984, November 2021; Construction Traffic Management Plan by Mairose Property Group; Technical Information Sheet - sample of bricks - Newlyn Heritage Blend 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 The approved Remediation Strategy (found in Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy, James Street North, LKC, Reference: 20 1984, November 2021) 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.
- 4 The development hereby approved shall be carried out in accordance with the submitted landscape plan - 2163 PL 400A. The proposed planting shall be of a native type (example, beech hedge). The approved scheme shall thereafter be implemented not later than 12 months from the date the dwellings are 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.

- 5 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.
- 6 The development hereby approved shall incorporate a sustainable drainage scheme and must 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). The system 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.
- 7 The development hereby approved shall be carried out in accordance with the Technical Information Sheet for bricks - to incorporate Newlyn Heritage Blend and elevation materials shown on plan 2163 PL 200 A
Reason. 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.
- 8 The development hereby approved shall be carried out in accordance with the submitted Construction Traffic Management Plan by Mairose Property.
The plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and 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 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 10 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, the dwellings

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hereby approved shall be used for a Class C3 (a) use dwellinghouse only and for no other purpose of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the submission and approval of a relevant planning application.

Reason. To secure the appropriate scale and intensification of use of the development given the restricted space of the site with no parking and restricted amenity space pursuant to policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions and HT2/4 - Car Parking and New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/4/22		