

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/01/2023	Ref: 69015/FUL
Registration: 09/11/2022	LDfC: 10/12/2022	Expiry Date: 04/01/2023
Site Visit: 20/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1no. dormer bungalow with altered access along Haslam Brow

Location: Land adjacent to 8 Haslam Brow, Bury, BL9 0TS

Description

The application relates to a plot of land between No.8 Haslam Brow, a detached house and the entrance to Bury C of E School. Planning permission is sought for the proposal of a new detached house on the site which measures 480 m². The site makes up part of a larger residential plot (934 m²) which comprised No.8 Haslam Brow. Across Haslam Brow are detached bungalows. There are two protected trees on site, a Lime and a sycamore, both of which are in the front garden, in the north-east corner.

The new 3-bedroom dormer bungalow would be centrally positioned on the site and have a footprint measuring approx 12.6m by 6.7m. The property would be rendered with a tiled, pitched roof. There would be space for two parking spaces to the front/side and a garden surrounding. The dwelling will be accessed from Haslam Brow with adequate site lines in both directions with the existing boundary wall lowered and realigned provide visibility splays from the access.

Relevant Planning History

02604/E - Pre application Enquiry - Detached dwelling - Application received.

Publicity

Immediate neighbours notified by letter dated 18/11/2022. Two objections received from Bury C of E School and occupier of No.3 Bradford Terrace and summarised below:

- The close proximity of the site access to the school's gates may impinge on access for emergency vehicles to nearby school.
- Increasing traffic on a single track road which would increase the risks to pupils and staff moving from the school.
- Construction schedule and material deliveries that may cause an issue with the single road making it dangerous.
- The could become a HMO as with the adjacent property and this has the potential to cause a safeguarding risk to pupils, how are tenants being vetted on a site with a shared access to a high school.
- The house is proposed as three bedrooms and only two parking spaces - should this, like the house in the grounds at present become a HMO there would no parking in the area.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Drainage - No objection.

Environmental Health - No objection subject to conditions.

Waste Management - No objection received.

United Utilities - No objection.

Pre-start Conditions - Agreed.

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
EN7	Pollution Control
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development 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.

Policy - The National Planning Policy Framework 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.

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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

UDP Policy H2/6 - Garden and Backland Development assesses proposals with special regard given to the concentration and relative density of such development in the surrounding area, impact on neighbouring properties and the local environment and access arrangements.

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

Principle - The development would be located within an established residential area and would therefore not conflict with the local environment in terms of character and surrounding land uses. There is existing infrastructure in place to facilitate the single dwelling and the scale of the proposal would be such that there would not be over development of the site. The principle is therefore considered to be acceptable and would comply with the NPPF and UDP Policy H1/2 Further Housing Development.

Design and Appearance - The general design and appearance of the proposed house would be conventional, with a its pitched roof and rendered walls, and would not appear incongruous within the streetscape. In terms of visual amenity, the proposal would be considered acceptable and would comply with UDP Policies EN1/2 Townscape and Built Design, H2/1 The Form of Residential Development, H2/2 The Layout of New Residential Development.

Siting and Layout - The proposed dwelling would sit centrally within the site and set behind the boundary wall and boundary planting. As such it is considered that, in terms on the general residential pattern along the road, it would be acceptable within the context of the streetscene. The garden areas of the new property would provide an acceptable level of outdoor space, comparable with the neighbouring properties.

The siting and layout of the new house, would be considered acceptable and would not conflict with UDP Policies EN1/2 Townscape and Built Design, H2/1 The Form of Residential Development, H2/2 The Layout of New Residential Development and H2/6 Garden and Backland Development.

Residential amenity - The rear elevation of the house would set 3.5m off the rear boundary and would face onto an area of rough scrub and self-seeded trees. The upper windows would be an obscure glazed bathroom and a bedroom window that would have

obscure glazing to a height of 1.7m. This arrangement would reduce direct overlooking of land to the rear to an adequate degree.

At the front, the front elevation of the new house would be set back approximately 8m from the front boundary. Across Haslam Brow, there would be a separation distance of approximately 18m to the property at No.5 Haslam Brow. With this separation and with trees and shrubs on the boundary, there would be no serious privacy issues arising at the front.

The dwellinghouse to the north is set on a higher level and is not seriously impact by the new dwelling. Whilst there are windows facing the site, they are side/secondary windows. The In terms of residential amenity the proposal is acceptable and complies with UDP Policy H2/1 The Form of Residential Development and SPD6 Alterations and Extensions.

Access and Parking - It is noted that there is no footway along Haslam Brow and the entrance to Bury C of E School at the end of Haslam Brow means that the road is used by large numbers of students throughout the day. This situation means that the site's access arrangements needs to be carefully considered and safe. The scheme has been amended to improve access and visibility from the entrance by lowering and realigning the boundary wall. The parking and turning areas are now considered to be acceptable and allows for cars to enter and exit the site in forward gear with adequate visibility. A condition requiring a construction traffic management plan to be submitted would ensure the impact of construction would be minimised.

The proposal in terms of access and parking would be acceptable and complies with UDP Policies H2/2 The Layout of New Residential Development and HT2/4 Car Parking and New Development.

Refuse - The refuse storage area would be to the side of the house within the site and collection would be from Haslam Brow. This is considered to be appropriate.

Trees - Due to the two TPO trees on the site, a tree report was submitted with the application. It concludes that the new dwelling would be set away a sufficient distance from the trees so as to not have a detrimental impact on their continued wellbeing. The protection and retention of these trees is required not only due to the integral value of the trees themselves but to maintain the character of the streetscape. With a requirement to retain the trees and landscape the site, the proposal would be acceptable and comply with UDP Policies EN1/2 Townscape and Built Design and EN8 Woodland and Trees.

Drainage - Proper drainage of the site could be secured by an appropriate condition attached to any approval and this would comply with the NPPF and UDP policies. United Utilities have not objected to the proposal.

Contaminated Land - It is considered that standard contaminated land conditions attached to any approval could secure the proper development of the site in relation to contaminated land and comply with the NPPF and UDP Policy EN7 Pollution.

Permitted Development Rights - Given the size and nature of the site and presence of protected trees, it is considered that removing Permitted Development Rights for extensions and alterations would be appropriate and secure the proper development of the site.

Objections - The issues raised by the objectors have been addressed in the above report. The amendments to the boundary wall and access have mitigated initial highway safety concerns and are now acceptable. Presently the application is for a new build dwelling. That notwithstanding, any house has certain permitted development rights to be used as a HMO with up to 6 persons. Given the size of the house, number of rooms and on site parking, this is not seen a major concern. Vetting of residents is not a material planning

consideration.

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 the following drawings
Existing SI-00-DR-A-1000, 1001, 1002, 1003, SI-XX-DR-A- 1004, 100,
Proposed SI-XX-DR-A-1012D, 1013B, SI-00-DR-A-1010D, 1011E, 1020C,
B1-XX-DR-A-2000D and 2100A 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 Details/Samples of the material to be used in the external elevations, boundary walls, fencing and hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. 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.
- 4 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.
- 5 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.

- 6 Following the provisions of Condition 5 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.

- 7 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 demolition works, construction of the development/boundary wall alterations and as a result of any statutory undertakers connections to the new dwellings;
 - Access routes for construction traffic from the Key Route Network;
 - Site hoardings (if proposed) clear of the adopted highway;
 - Hours of operation/material delivery times taking into consideration school start and finish times, confirmation of demolition, delivery and construction vehicle sizes that can be accommodated on the residential estate roads that serve the site 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 construction vehicles together with storage on site of 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 demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. 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. 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 UDP Policy H4 New Development.

- 8 The development hereby approved shall not be first occupied unless and until the access, boundary wall and driveway alterations, car parking and driveway and bin storage arrangements shown on the approved plans, incorporating the reconstruction/widening of the footway abutting the site and repositioned footway crossing/street lighting column as required to a scope and specification to be agreed, demarcation of the limits of the adopted highway, rebuilding/lowering of the boundary stone wall to provide adequate levels of visibility at the back edge of the

footway and at the junction with Haslam Brow, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated highway remedial works required to reinstate the highway to its former condition prior to commencement of the development, have been implemented to the satisfaction of the Local Planning Authority.

Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to UDP Policy H2/2 The layout of New residential Development.

- 9 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to UDP Policy H2/2 The layout of New residential Development.

- 10 A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works - in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed. Any subsequent variation of the timetable shall be subject to further written notice.

Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 11 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and 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.

- 12 Before the first occupation of the extension hereby permitted the first floor WC and bedroom windows on the rear elevation shall be fitted with obscured glazing (min level obscurity) to a minimum level of 1.7m above floor level and shall be permanently retained in that condition thereafter.

Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 The Form of New Residential Development.

<u>Case Officer</u> TB 19/1/23	<u>Date</u>	<u>Sign off Officer</u> DM 19/1/23	<u>Date</u>
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