

DELEGATED REPORT

Report by Helen Pressley	Date of report: 28/06/2024	Ref: 70470/FUL
Registration: 22/03/2024	LDfC: 22/05/2024	Expiry Date: 17/05/2024
Site Visit: 24/04/2024	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Partial demolition and replacement of 1 no. dwelling

Location: 1 Oxford Street, Pimhole, Bury, BL9 7EL

Description

The application relates to a semi-detached bungalow, which is attached to a two storey property located on Oxford Street. The front boundary is depicted by a low level brick wall with railings, with the rear and side boundaries depicted by fencing. There is an existing paved garden to all three sides of the dwelling.

Planning permission is sought for the partial demolition and replacement of the existing bungalow. The footprint of the building would remain largely similar to the existing property, with a first floor added. It is proposed to construct 2 no. projecting bay windows and single storey porch to the front of the property, and construct a single storey extension to the rear that would project approximately 3000mm.

Relevant Planning History

69979 - Front porch; single storey / two storey extension at rear and addition of first floor to existing bungalow to form two storey dwelling - Withdrawn by Applicant 01/11/2023

Publicity

Letters sent to 23 neighbouring properties on 27/03/2024. 3 objections received from 2no. addresses in relation to:

- Loss of light
- Destructive works
- Purpose built as a bungalow and should not be converted
- What damage/disruption will it cause to the attached property?
- If owner wanted a bigger property, they should have purchased a bigger property.
- Part of a 1980s redevelopment which was built to a ratio of 2 houses to 1 bungalow and this is still the case.
- No other properties within Oxford Mews or Oxford Street have bay windows
- Design of the porch way past the building lines of other properties
- Lack of parking for a 5 bedroom property.

Following receipt of amended plans further letters sent 10th May 2024 and 3 objections from 2no. addresses received in relation to:

- Maintain previous objections in relation to loss of light, building works, retention of bungalow, damage to attached property and size of existing property.
- Objection still stands to the design of the front elevation. Even though the windows have been reduced in size to match the size of the adjoining house the use of bay windows is inappropriate and totally out of character to all other properties within the street.

Statutory/Non-Statutory Consultations

Traffic Section - conditions requested in relation to implementation of the amended access arrangement and storage of materials.

Environment Section - No comment in relation to contaminated land. 1no. EV chargepoint requested via condition.

Property & Technical Services - Estates Consultancy - No response

Drainage Section - No response

United Utilities (Water and waste) - Suds condition requested.

Waste Management - No response

Greater Manchester Ecology Unit - Have considered the submitted information and have no specific comments to make on this application. Conditions requested in relation to bird nesting season and the installation of bat bricks and swift bricks.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant

strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

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, 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.

The site is in a sustainable location for housing within the urban area and sitting outside the Green Belt.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

The proposal would see the retention of 1 no. dwellings at the site as existing. As such the proposal would not lead to a loss or gain in residential properties. The proposal is therefore considered to be acceptable.

Layout and Design

Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 70 dwellings per hectare at this site. The total area of the site is approximately 0.025 hectares, which based on a total of 1 dwellings would result in a density of 40 dwellings per hectare. In this instance however, given that there would be no net gain or loss in dwellings at the site the current density would be maintained and this is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. Policy JP-H3 - Seeks to

provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

The proposed dwelling would replicate the ridge height of the attached dwelling. The proposed windows are suitably aligned when viewed in relation to the attached dwelling. Whilst bay windows are not visible on the adjacent property the newer build dwellings to the west of the site do have projecting elements as such the introduction of bays, and a single storey porch is considered to be acceptable. The proposal seeks to use suitable materials. The proposed windows, and openings are considered to be suitably aligned.

The amenity space proposed to be retained at the site following the construction of the dwelling is considered to be acceptable.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The submitted space standards table states that the proposal would be a 4 bedroom, 5 person, 2 storey property. With an overall floor space of 124square metres the proposal would exceed the minimum standards for this size of property. The floor plans submitted confirm that bedroom 1 has a floor area of 11.9 square metres, and a width of 3601mm exceeding space standards. The remaining 3 bedrooms would comply with space standards for a single bedroom.

A condition will be applied to ensure that the proposal is built to Part M4(2) of the Building Regulations.

Amenity

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case. SPD 6 also provides guidance on overbearing relationships for single storey and two storey extensions that can be applied.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

The property to the rear of the site is a bungalow and as such there would be no directly facing first floor windows between this dwelling, and the proposal site. The proposed first floor rear bedroom windows would be located a minimum of approximately 8 metres from the directly facing rear boundary exceeding the 7 metres required by SPD 6. The rear ground floor utility and kitchen windows would relate to non-habitable rooms. The principal living room window would be located on the front elevation rather than the rear elevation. The rear ground floor windows would be screened by boundary treatments in any event.

The proposed front windows would be separated from the directly facing property by a front garden, highway and parking area and would be located over 20 metres from the front elevation of this property. As such no undue overlooking is foreseen.

There are no proposed side windows.

The proposed first floor would be located approximately 17metres from the original rear ground floor windows of the bungalow to the rear exceeding the 13 metres required by SPD 6. The proposed single storey rear ground floor would be located approximately 14 metres from the rear ground floor windows of the bungalow to the rear exceeding the 6.5 metres required by SPD6.

The proposed first floor would not project beyond the principal front and rear elevations of the attached property. The proposed single storey rear extension would not project more than 3 metres beyond the rear of the attached property and the submitted site plan indicates that it would not impact on a 45 degree line as taken from the nearest ground floor habitable room window.

The proposed first floor would not project beyond the principal front or rear elevation of the dwelling to the west of the site. The proposed single storey extension would not project more than 3 metres beyond the rear of this property as extended.

The proposal would therefore comply with the guidance set out within SPD 6 in terms of aspect standards, and overbearing relationships and is therefore considered to be acceptable.

Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The site would be accessed via an upgraded, existing access to the front of the site. This would incorporate the widening of the existing footway crossing. Highways have confirmed that the maximum width of a dropped kerb is 4.5 metres and this has been complied with. No objections have been raised by highways in relation to the amendments to the existing access subject to a condition that requires the implementation of highways works prior to occupation of the dwelling.

Parking

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

The site is located within a high access area as identified within SPD11. SPD 11 requires 4 bed properties to provide a maximum of 3 spaces per unit. The proposal seeks to provide 2no. spaces. As the standards set out within SPD 11 are maximum standards, and the site is located in a high access area it is considered the provision of 2 off street spaces is acceptable.

Ecology

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough.

Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard

biodiversity. An informative will therefore be required for any permission.

Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken. This can be secured via condition.

Greater Manchester Ecology Unit have suggested that this type of development would be suited to installation of swift bricks and/or bat bricks to ensure that paragraph 180 of the NPPF can be addressed. This can be secured via condition.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The applicant has submitted a statement that sets out the measures taken to meet the above policy and states that this is above the requirements for Building Regulations. As the proposal would need to meet Part L of the building regulations in any event it is considered that the proposal complies with the above policy.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The applicant has confirmed that the proposal would have full fibre connection. As such the proposal would comply with the above policy.

Response to Representations

There is no policy with the adopted development framework that requires bungalows to be retained.

Private matters and matters covered by other legislation, such as potential damage and the Party Wall Act are non-material planning considerations not relevant to the decision.

The proposal has been assessed against the relevant material planning policies and considerations as set out in the above report and a recommendation has been made in relation to this. Conditions have been attached where required including one to ensure the off street storage of materials.

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 numbered Block Plan, A101, AD/2903/24/2/RevD received on the 18th June 2024, Site location plan received 7th March 2024 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 Development Plan listed.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 4 Prior to occupation the applicant shall provide:

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per unit for dwellings with dedicated parking.
- Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of car parking spaces for dwellings with unallocated parking.
- Electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.

Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use.

*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 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 111e, 116e, 180e and 192 of the National Planning Policy Framework (December 2023) and Places for Everyone Policy JP-S5 (Clean Air).

- 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 JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 6 Prior to occupation of the dwelling hereby approved the applicant shall install bat bricks and swift bricks.

Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme 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 Scheme shall be implemented prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, 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.

- 8 The access and boundary wall alterations indicated on approved plan reference RAD/2903/24/2 Revision D, incorporating the widening of the existing footway crossing, demarcation of the limits of the adopted highway/back of footway line, replacement sliding vehicle gate, measures to prevent the discharge of surface water onto the adopted highway and all associated remedial works to reinstate the footway to its condition prior to commencement of the development, shall be implemented prior to the dwelling hereby approved being occupied/widened driveway brought into use.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways, in the interests of road safety and to maintain the integrity of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, JP-C5: Streets for All and JP-C6: Walking and Cycling.

- 9 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5: Streets for All and JP-C6: Walking and Cycling.

- 10 The dwelling hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.

Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	28/06/2024	DM	01/07/2024