

**DELEGATED REPORT**

**Report by** Steven Gunn  
Russell

**Date of report:** 19/07/2022

**Ref:**67580/FUL

**Registration:** 23/05/2022

**LDfC:** 16/06/2022

**Expiry Date:** 18/07/2022

**Site Visit:** 31/05/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 1

**Con Area:** N/A

**Adv Type:** N/A

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** MIDW

**Proposal:** Demolition of existing dwelling and erection of replacement dwelling

**Location:** 474 Bolton Road, Bury, BL8 2DU

**Description**

The application relates to a sizable plot on the A58 containing an existing sizable detached house (no garage) with hipped roof and bays to the front/rear. This is a corner plot with large gardens to the rear and side. There is a mix of house types within the vicinity plus local retail close by.

Planning permission is sought for a large new build dwellinghouse comprising two-stories that would more than double the existing dwelling size. The dwelling would include an attached large single garage plus a gym and large patio doors to the rear. It would be positioned within the Bolton Road front and rear building line with the exception of a single storey rear section that would project 4.5m into the rear garden and would be extended into the east side garden by 8.19m. On the west side the house would be extended by 2.17m. There would also be a front door canopy extending forwards by 1.15m.

The proposal would have a hipped roof carried over from the existing roof and provide a substantial increase in internal space including a large open plan kitchen-dinner family room, large garage, and a gym to the rear.

New external materials are proposed including black facing brick for the ground floor walls with white K rendering to the first floor. The proposed roof will be finished with Sandtoft Rivius Slate, the proposed windows are to be grey Upvc to match style as existing, while the proposed doors are to be grey composite and aluminum doors. Stone details would include Charcoal Wetcast. External paving would be Porcelain Tile and driveway to have a Granite set border.

There would be a separation of the 9.5m/ 14m to the rear (NW) boundary) and there is extensive tree and shrub planting on the NE boundary (alongside Colville Drive).

It should be noted that this application was originally incorrectly submitted as a household extension and made invalid. The updated plans are for a full planning application for a new build dwelling, and shows a slightly smaller proposal reduced in size particularly along the eastern elevation which is now set in from the highway boundary by 2.85m.

**Relevant Planning History**

53575 - Two storey extension at side; roof extension with dormers front and rear - Refused March 2011

53808 - Two storey side extension and new wall with electric gates (Resubmission of 53575) - Approved May 2021

57782 - Two storey extension at side with front dormers; Single storey extension at side; Alterations to existing roof with increase of ridge height at side and pitched roofs to flat roof bays at front/side; Replacement garden wall and gates - Approved Aug 2014  
60945 - Loft Conversion, rear and side extensions and new wall - Approved Feb 2017

### **Publicity**

Immediate neighbours notified by letter dated 06/10/2021 and 15/10/2021 (in response to original application) sent to 10 neighbours, and again dated 26/05/2022 and 27/05/2022 sent to 10 neighbours (in response to current application). One objection was received.

- 1) The proposed new dwelling is three times the size of the existing one.
- 2) The roofline (and rear windows) will be raised to such an extent as to look directly into rear bedrooms of dwellings to the rear.
- 3) Security lighting at rear of vacant property is now angled at such a way as to increase light pollution extending to rear of my rear. the lights are illuminated from dusk until dawn (all night long) and are very intrusive. Will this lighting arrangement continue during demolition phase and on the new property?

Relevant concerns of the neighbours have been addressed in this report.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objection subject to CTMP plus driveway alterations, footway crossing, boundary treatment, hardstanding in a permeable/porous material or appropriate measures.

**Greater Manchester Ecology Unit** - No objection subject to measures to mitigate and enhance the location for bats.

**Drainage Section** - No response

**Environmental Health** - Contaminated Land - Conditions

**Ecologist** - No objection subject to nesting birds and the natural environment.

**United Utilities** (Water and waste) - No objection subject to SuDs condition.

### **Pre-start Conditions**

Surface Water Sustainable Drainage Assessment (SuDS).

Landscape scheme to include bat and bird boxes.

Contaminated land Preliminary Risk Assessment report.

Applicant/Agent has agreed with pre-start conditions.

### **Unitary Development Plan and Policies**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| EN1/2 | Townscape and Built Design                                  |
| EN1   | Built Environment                                           |
| EN1/3 | Landscaping Provision                                       |
| EN1/5 | Crime Prevention                                            |
| H2    | Housing Environment and Design                              |
| H2/3  | Extensions and Alterations                                  |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| HT2/4 | Car Parking and New Development                             |
| 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 of Development (Residential)**

The National Planning Policy Framework should be treated as a significant material planning consideration and emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury Council's Strategic Housing Land Availability Assessment 2020 sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully

developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five-year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore this needs to be treated as a material factor when determining applications for residential development.

The proposed development is located within the urban area and there are residential dwellings surrounding the site plus a small local retail centre a short distance to the north. As such, the proposed development would not conflict with the surrounding land uses and would be in a sustainable location with good access to public transport and services. Appropriate infrastructure would be available and the proposal would result in a dwelling to replace the existing property. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

### **Layout and Design**

The existing dwelling is not in a conservation area or a listed building, nor does it have any particularly exceptional features worthy of retention. Therefore, it is considered that the proposed demolition of the existing building would be acceptable.

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The surrounding street scene is depicted by a mixture of property types, predominantly semi-detached (that appear to have been constructed in the 1930s-1940s) and terraced (pre-war), dwellings (plus one bungalow and one detached). Whilst there are numerous side extensions visible to nearby properties, they are largely subservient to the main dwellings and the original architectural features of the properties has largely remained intact.

The design of any new dwelling within the context of this street scene needs to be carefully considered, especially when reviewing the most recent updates to the NPPF with it's focus on design and the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by " an appreciation and understanding of vernacular... including existing built form, landscape and local architectural precedents."

It is considered that the proposed design generally compliments the surrounding residential

streetscene incorporating a two-storey dwelling, comprising a very similar height with hipped roof, vertical windows, generally symmetrical well balanced main frontage, and associated pitched roof above. The design, appearance, and scale of this development for a new build dwelling would therefore be acceptable within this street scene.

The proposed new dwelling would be readily visible from the public arena. In terms of design and appearance the proposed new dwelling would be generally different to the existing house, although the main roof pitch and eaves would be a similar height with the front gable section being centrally positioned on the front elevation. The applicant has submitted a streetscene that shows the proposed height would be very similar to both the existing house and the neighbouring dwellings, as such the proposed new dwelling would be acceptable in terms of scale.

The footprint of the proposed new dwellinghouse is approximately 2.5 times larger than the existing dwelling and largely surrounded by smaller dwellings in the vicinity. However, there would still remain a large garden to the rear and the first-floor section is considered to be reasonably within the front and rear building lines on this street. As such the development proposal is an acceptable size and not considered to be overdevelopment.

The proposed footprint is not in keeping with the building line on Colville Drive although the nearest properties on this street have an irregular building line and therefore cannot be afforded any significant weight. Additionally, the opposite property at Nr.466 has a side elevation immediately along the highway and is part of a row of terraced houses. Furthermore, the applicant has agreed to reduce the size of the proposed footprint by 2.25m in line with current SPD6 policy on corner plots. The applicant has also confirmed that no trees will be removed as part of the development which will provide adequate screening for the development as viewed from Colville Drive.

New external materials are proposed. The proposed walls are to be finished with a black facing brick to the ground floor with a white K-rendering to the first floor, the proposed roof will be finished with slate, the proposed windows are to be grey Upvc to match style as existing, and the proposed doors are to be grey composite and aluminum doors. Although the external design is different to the existing dwelling it does provide a variation of design with the side sections of the front elevation being set back while the central part is set forwards slightly. Additionally, the ground/ first floor sections have a different external design, and the proposed dwelling would incorporate a centrally positioned front gable roof to add interest. Front windows have a matching consistent style while there are large patio doors at the rear. As such it is not considered there would be any significant harm to the street scene.

With regards to the front space within the curtilage, the existing driveway occupies 178sqm, while the new proposed driveway would occupy 145sqm, and therefore has a smaller area of hardstanding. Additionally, the existing trees and hedge along the eastern boundary would be retained and an area of soft planting provided along the front boundary wall which would also be retained. This reduction in driveway surface area combined with landscaping is considered to be acceptable mitigation to reduce the visual impact on the streetscene.

It is considered that the proposed development would, by reason of its size, position and design, be a positive feature in the street scene. The proposed development therefore compliments the following policies of the Bury Unitary Development Plan - H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, and the National Planning Policy Framework

### **Residential amenity**

UDP policy H2/3 and SPD6 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties.

In terms of overlooking and privacy to the rear, the 9.5m/ 14m separation distance to the rear boundary from the proposed dwelling is considered to be acceptable and complies with adopted guidance in SPD6. The existing tree and shrub planting along the rear boundary would further reduce the impact on the residents to the rear, the nearest neighbour being at an angle on a slightly raised elevation and set apart by over 18m from the proposed main rear elevation. As such there would not be any significant increase in overlooking of any neighbours.

The proposed dwelling would be acceptable in relation to the neighbour at Nr.476 as there are no proposed sections projecting beyond the front/rear building lines, with the exception of the proposed gym which is located away from any shared boundaries. There are no side windows proposed with the exception of the proposed gym which has a separation distance of 14.8m to the side boundary with Nr.476.

There would be no side windows, except for those on the side elevation of the projecting gym which would be over 14m from the shared boundary, and these together with the rear patio doors would only overlook the applicants own rear garden.

In terms of the general prominence and impact on daylight the proposed dwelling is set off the shared side boundary (on the west side) by 1m and is to the north-east of Nr.476. The proposed dwellinghouse would have some impact on part of that neighbours rear garden in the mornings, but any overshadowing would not be seriously excessive above and beyond the existing situation.

### **Ecology**

The applicant submitted a daytime bat survey in December 2021, and the report states "No evidence of bat activity was found within the building. The building is considered to offer negligible potential to support a bat roost" and that "No evidence of other protected species, such as nesting birds, were found within the building. The report recommends that vegetation removal take place outside of the bird nesting season (generally March-August)" and advises that "if the work is delayed by longer than two years from the date of this survey, a further bat survey will be required to update the findings". The council's ecologist has stated that they are satisfied with the report subject to relevant conditions relating to bats, birds, and associated landscaping.

### **Refuse**

The front of the property has a substantial amount of space within which there would be ample space for the storage of bins.

### **Sustainable Development**

The location of the site is within the existing urban area, well-integrated within the existing urban fabric. It would reuse an existing vacant site which has an extant planning permission for a dwelling and considered to make a positive contribution to sustainable development. A condition would be included to require an EV charging point.

### **Highways**

The proposal would affect the existing parking arrangements. The proposal would increase the number of bedrooms from 5 to 6 and SPD6 requires parking spaces as set out in SPD 11 Parking Standards to be considered, which requires the proposal to provide a maximum of 3 parking spaces within this high access area. Existing on-site parking provides 3 car spaces, with 3 spaces being proposed, and there is additional parking available on street although this is the busy A58. It is therefore considered that the parking arrangements are sufficient. The proposed dwelling would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

## **Note to objectors**

Security lighting is not normally a planning consideration for planning applications comprising a single dwelling - on this occasion it is considered that there are no exceptional circumstances to require additional controls. In the event of any problems with light pollution this should be referred to the council's environment team who would deal with any light pollution/ disturbance related issues.

## **Conclusion**

In consideration of the above, it is considered that the proposed development would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development, EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, and H2/3 with associated guidance in SPD6.

## **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 numbered PL-001 P2, PL-002 Rev P5, PL-003 Rev P2, and PL-004 Rev P3, 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 external finishing materials for the proposal hereby approved shall match those of the drawing PL-004 Rev P3 and the material schedule as submitted on 21/12/2021.  
  
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      Before the first occupation of the extension hereby permitted the toilet/bathroom windows shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3

- Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 5 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment 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). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. 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.

- 6 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 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 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.

- 7 Air quality and electric vehicle charging point  
Prior to occupation the applicant shall provide electric vehicle (EV) charging points for each residential unit. EV chargepoints shall be chosen for the Electric Vehicle Homecharge Scheme approved chargepoint model list. The approved scheme shall be available for use prior to first occupation and retained in situ thereafter.

Reason. In accordance with the principles of the NPPF, 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.

- 8 The development hereby approved shall not be first occupied unless and until the car parking and driveway alterations indicated on approved plan reference PL-005 Revision P5, incorporating the retention of the existing access position/footway crossing and boundary treatment shown, hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway and all associated footway remedial works to reinstate the footway to its former condition prior to commencement of the development, have been implemented in full to an agreed specification and to the written 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 policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan..

- 9 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 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: 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, and to ensure a satisfactory development pursuant to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict, HT2/4 - Car Parking and New Development, and SPD 11 - Parking standards in Bury.

- 10 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;

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- 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.

- 11 Following the provisions of Condition 10 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.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| SGR                 | 14/7/22     | DM                      | 19/7/22     |