

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/04/2022	Ref: 67976/FUL
Registration: 12/01/2022	LDfC: 04/02/2022	Expiry Date: 09/03/2022
Site Visit: 21/01/2022	Site Notice: 21/01/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. two storey dwelling with off street parking

Location: Land adjacent to 1 Lancaster Avenue, Whitefield, Manchester, M45 6DX

Description

The application relates to a linear plot of land which is currently habited by trees and vegetation and forms part of the Wildlife Link and Corridor as defined in the Bury Unitary Development Plan, Policy EN6/4.

The site is located between the metrolink embankment and tram line to the west and a residential property, No 1 Lancaster Avenue directly adjacent to the east. To the north are the gardens of houses on Wilmur Avenue and in front of the site is Lancaster Avenue which terminates at the end of the plot and is bounded by a palisade fence and which continues along the frontage of the piece of land.

The surrounding area comprises residential dwellings which form part of an established residential estate.

The application seeks full planning consent for a new dwelling with associated access, parking and garden area.

The front elevation of the proposed dwelling would be set slightly further back from the adjacent row of houses, and form a linear footprint L 11.8m x W 4m x H 7.3m and a gap of 0.9m retained to the boundary with No 1.

Two parking spaces would be formed on a new driveway in front of the property and at the rear would be a 7.8m deep garden with provision for bin storage. a 1.8m high timber boarded fence would define the side and rear boundaries.

The dwelling would be a contemporary style with a rectangular formation, a single pitch sloping roof and a modern feature in the form of a first floor oblong overhang on the front elevation. Materials would comprise facing brickwork to the lower half to match the adjacent properties, render above with the oblong overhang in a dark stained timber cladding. The roof would be a standing seam type.

Relevant Planning History

63568 - Application for permission in principle for the construction of 1 no. two storey dwelling with off street parking - 6/2/19

Publicity

Letters sent on 20/1/22 to 7 adjacent neighbours.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No objection subject to conditions

Waste Management - No response received

United Utilities (Water and waste) - No objection

Transport for Greater Manchester - No objection subject to conditions

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN7/2	Noise Pollution
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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 - 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.

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

The site is located within an established residential area and would therefore not conflict with the local environment in terms of the nature and character and surrounding land uses and there is existing infrastructure in place to facilitate the proposed development.

As such, the proposed development is considered to be acceptable in principle and would comply with UDP Policy H1/2 and the principles of the NPPF.

Layout - The site is located at the end of a cul de sac and comprises a fairly narrow and linear plot, constrained by the metrolink embankment to west. This presented a challenge to developing the site for residential purposes and therefore the solution proposed a similarly linear dwelling to reflect the form of the plot.

The front elevation would be slightly set back from the adjacent row of houses but as an end plot the relationship to the streetscene and adjacent properties is considered to be acceptable.

The garden at the rear would extend 7.8m and this would satisfy policy guidance for amount of amenity provision. This area would also facilitate the storage of bins.

Whilst a relatively tight site, the plot would be capable of providing 2 parking spaces at the front on a new driveway, utilising the existing dropped kerb.

The dwelling would be off set from the western boundary to avoid encroachment onto the metrolink link land and a 1.8m high boundary fence would define this area of the site.

Transport for Greater Manchester (TfGM) Metrolink have been consulted on the development and raised no objection to the principle of the development. However, there could be the potential to impact on the stability of the embankment by the works on site and conditions for the submission of a CTMP to ensure the embankment is not de-stabilised during construction works has been recommended by TfGM.

The proposed layout plan demonstrates that a dwelling and its associated requirements of parking, bin store and amenity areas could be successfully accommodated on the plot, and subject to conditions would comply with H2/1, H2/2 and H2/6.

Design, visual amenity and streetscape - The frontage would have a slight back from the adjacent row of houses but as an end plot on a cul de sac, it is considered this would not have a detrimental impact on the streetscape.

In terms of design, the proposed dwelling would introduce a contemporary and quite distinctive addition to the street scene, by virtue of the single pitched slope roof and oblong overhang at the front. That said, the roof would reflect the angle and pitch of the existing row and the build positioned in a slight set back position on an end plot, and as such would not be highly visible on approach to the site from the east of Lancaster Avenue. Although the build would deviate from the more traditional dwellings in the area, a modern addition in this location would not detract from or be considered harmful to the area, if anything, adding an element of interest and diversity to the housing stock.

Materials however, would be more in keeping with the proposals for redbrick and render to the external elevations and a standing seam roof. the timber clad overhang would add the element of interest, as a signature to the modern approach.

It is therefore considered the proposed development would be acceptable and would not have a detrimental impact on the streetscape or visual amenity of the area and would comply with H2/1, H2/2, EN1/2 and H2/6.

Residential amenity - The footprint of the proposed dwelling would extend approx 6m beyond the rear elevation of the adjacent property, No 1. However, the new dwelling would be set some distance away from No 1, and by approx 5m and the proposed site layout plan shows that the first floor of the new build would not encroach the 45 degree line from the nearest habitable rear ground floor window of No 1.

The proposed dwelling would have the same eaves and roof height as the adjacent row and given the angle of the pitch roof, it is considered there would not dominate the neighbouring property.

At the rear, there would be a garden depth of 7.8m to the rear boundary with the neighbouring property and as such would comply with policy guidance.

It is therefore considered that there would not be a detrimental impact on the residential amenity of adjacent occupiers and as such the proposed development would comply with H2/1, H2/2.

Parking and access - The development would provide 2 driveway parking spaces to the front of the property and for a modest 3 bed dwelling, this provision is considered acceptable. there is an existing dropped kerb to the site and works to re-instate areas of the adjacent footpath would be relatively minimal.

The Highway Section have raised no objection subject to conditions and as such the proposed development would comply with H2/2, HT2/4 and HT6/2.

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 Location Plan 1392-PL01; Existing site layout 1392-PL02; Proposed site layout 1392-PRE-03A; Proposed house 1392-PL04; Indicative street scene 1392-PL05; Proposed site with existing topographical survey 1392-PRE-06 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 No development 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.
- 4 Following the provisions of Condition 3 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.
- 5 Prior to occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) for each dwelling.
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
Reason. In accordance with 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.

- 6 Prior to the commencement of development, a scheme for the provision of foul and surface water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans during the development and shall be thereafter retained and maintained for the duration of the approved use.

The scheme should 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. Details of proposed maintenance arrangements should also be provided.

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.

- 7 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), with detailed method statements of construction and risk assessments, has been submitted to and agreed in writing by the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester). The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall confirm/provide the following:

- Photographic dilapidation survey of the footway and carriageway abutting the site in the event that subsequent remedial works are required following construction of the development, works to the site boundary and as a result of statutory undertakers connections to the site;
- Hours of operation and number of vehicle movements;
- Storage on site of plant and construction materials, including any requisite phasing of the development to accommodate this;
- Site hoarding position if proposed;
- Measures to ensure that all mud and other loose materials are not spread onto the adopted highway by the ground works 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 parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway); and
- measures to control the emission of dust and dirt during construction.

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 storage of construction materials.

Reason. Information not submitted at application stage. 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, to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system, and 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.

- 8 The access and parking arrangements and bin storage facilities indicated on the approved plans, incorporating the provision of a 5.75m long hardstanding in a either a porous/permeable material (not loose stone) and/or measures to prevent the discharge of surface water onto the adopted highway, demarcation of the limits of the adopted highway, resurfacing of the abutting footway and all associated highway remedial works required as a result of the construction of the proposed dwelling and statutory undertakers connections, shall be implemented to the satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied and thereafter maintained at all times
Reason. To allow adequate space to maintain a vehicle and refuse bins clear of the highway in the interests of highway safety and to maintain the integrity of the adopted highway pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 9 No construction works shall take place greater than 1m deep within 1m of the Metrolink land boundary.
Reason. To protect the integrity of Metrolink infrastructure pursuant to policies EN1/2 - Townscape and Built Design and the principles of the NPPF.
- 10 Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by Bury Council as local planning authority.
The approved noise insulation scheme shall be implemented prior to first occupation of the development hereby approved.
Reason. To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance, pursuant to policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and EN7/2 - Noise Pollution.
- 11 No development shall take place until full details of the boundary treatment adjacent to the Metrolink tramway have been submitted to, and approved in writing by Bury Council. The approved details only shall be implemented and thereafter maintained.
Reason - To secure the satisfactory development of the site and mitigate trespass onto the tramway pursuant to Policies EN1/2 - Townscape and Built Design of Bury Unitary Development Plan and H2/6 - Garden and Backland Development.
- 12 The external materials for the development hereby approved shall be carried out in accordance with the materials detailed on proposed elevations and footprint plan 1392-PL04 .
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

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