

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 05/04/2022	Ref: 67830/OUT
Registration: 17/02/2022	LDfC: 18/03/2022	Expiry Date: 14/04/2022
Site Visit: 10/03/2022	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Outline application for 1 no. dwelling

Location: Land at 12 Holthouse Road, Tottington, Bury, BL8 3JP

Description

The site relates to the side garden of a dwellinghouse, No 12 Holthouse Road which is located within an established residential area.

The site is an unusual and irregular shape in that it extends from the eastern side of No 12 for a length of 45m to the corner of Claughton Road where it narrows down significantly to a depth of 4.5m.

The site is surrounded by residential properties and shares a boundary with the rear gardens of Nos 8 and 10 Holthouse Road.

The application seeks approval for 1 no. dwellinghouse on the site. The application has been submitted as outline only with all matters reserved for layout, appearance, scale, landscaping and access, although an indicative plan has been submitted showing a single detached dwelling adjacent to No 12 with a separate vehicular access from Holthouse Road.

A previous approval for outline consent for a development of 1 no. dwelling was granted permission in 2017. This permission has now lapsed.

Relevant Planning History

62064 - Outline application for 1 no. new dwelling (all matters reserved) - Approve with Conditions 15/12/2017

Publicity

Letters sent on 24/2/22 to 22 properties on Holthouse Road, Walshaw Walk and Claughton Road.

One objection received with the following issues -

- We have concerns about the proposal of a new house being built on this land, which is next to our garden.
- We are very concerned that a new house will be encroaching on our boundary.
- Due to being on a hill we are already lower than this land. A two storey house being built there would block light into our garden and home.
- We would be greatly overlooked and lose privacy.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

United Utilities - No objection subject to a drainage condition

GMEU - No objection subject to condition/informatives

EH Contaminated land - 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
H1/2	Further Housing Development
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
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
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.

UDP Policy H2/6 - Garden and Backland Development - When assessing proposals, regard will be given to the concentration of such development in the surrounding area; the relative density of the proposal to that of the surrounding area; the 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.

The proposed development would be located within an established residential area and would therefore not conflict with the local environment in terms of character and surrounding uses.

There is existing infrastructure in place to facilitate a residential development.

Although an irregular and unusual shaped site, there could be the potential for a single dwelling with access accommodated on the site.

It is therefore considered that the proposed development would be acceptable and would comply with the principles of the NPPF and UDP policy H1/2.

Layout, appearance, scale and landscaping and access are all matters reserved to be addressed in a subsequent application.

Layout, appearance, scale and landscaping - In terms of these details, the reserved matters application should pay regard to the character of the area whilst also understanding how a development would need to address the site constraints due to the irregular and narrow form particularly at the eastern half of the site and the proximity to the gardens of the adjacent houses at the rear which will also inform the scale and massing of the dwelling itself.

The development will need to make ample provision for garden amenity areas, access and additional considerations of bin storage facilities.

Highways - An indicative plan has been submitted which indicates a new access formed approximately one third along the site frontage from the boundary with No 12. There is a street light column close to the proposed access which may need relocating and the form of the proposed access is slightly odd comparative to the other driveway arrangements along the road. It may therefore be the case that the access indicated may not be the solution to creating a driveway into the site, hence this matter is also reserved for a subsequent application.

In principle, there is no objection to the proposed development with conditions recommended for the submission of full highway related details and a Construction traffic management Plan which are considered to pass the 6 tests in the NPPF for conditions to be necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable, for this particular development proposal.

Air quality - Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, the EH Section recommends a condition to be placed on any grant of permission for the provision of an EV charge point.

Ecology

Summary

There are unlikely to be any ecological issues associated with this development.

Protected Species

The site is a garden that has been cleared of vegetation in the last 5 years, in a suburban location, with no direct links to open countryside. It is highly unlikely that there will be any protected species associated with this site. No further information or measures are required.

Nesting Birds

The site has been cleared of vegetation, just one tree shown on the plan labelled as rhododendron. GMEU are satisfied that the development is very low risk for nesting birds. Given the theoretical risk of a nest in the one shrub on the site GMEU recommend an informative to remind the applicant that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site appears to be currently of only very low ecological value but did based on aerials have a number of trees and shrubs up until 2017 with associated bird nesting habitat. As enhancement GMEU recommend provision of at least one native tree or shrub and a bird box on the new build. The details can be conditioned.

Response to objector - The issues raised by the objector relate to the impacts on privacy, overshadowing and scale of development.

These matters cannot yet be addressed at outline stage given the unknowns about the future development and will be subject to the application for reserved matters.

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 Applications for approval of reserved matters must be made not later than:
- the expiration of three years beginning with the date of the grant of outline planning permission; and
 - that the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Before the development is commenced, the applicant shall submit detailed plans and particulars to the Local Planning Authority, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters; the layout, scale, appearance, access thereto and the landscaping of the site.

Reason. To ensure the satisfactory development of the site and because this application is in outline only.

- 3 This decision relates to the drawings - site location and ownership plan - red/blue edge plan received on 29/11/21 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.

- 4 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.

- 5 Following the provisions of Condition 4 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.

- 6 Prior to occupation the applicant shall provide 1 Electric Vehicle Chargepoint (minimum 7kW*) .

*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.

- 7 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 the planting of at least one native tree and shrub planting and the provision of a bird box within the new development. 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 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.
- 8 Notwithstanding the details shown indicatively on the site plan, full details of the following highway aspects shall be submitted on a topographical survey of the site at first reserved matters application stage:

- Position and level of the proposed dwelling relative to Holthouse Road;
- Proposed means of access to the dwelling from Holthouse Road;
- Parking provision in accordance with the standards in SPD 11
- A minimum hardstanding of 5.5m measured from the highway boundary;
- Replacement/retained parking facilities for the existing dwelling;
- Provision within the curtilage of the site to enable vehicles to enter and leave the site in a forward gear;
- Proposed porous/permeable driveway materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
- Visibility splays measuring 2.4 metres by 33 metres provided at the junction of the proposed driveway with Holthouse Road, with no obstructions above the height of 0.6m within them;
- Boundary details abutting the adopted highway clear of the above visibility splays, incorporating foundations that do not encroach under the adjacent adopted highway.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary development Plan Policies H2/1 - The Form of New residential Development, H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/vehicular Conflict.

- 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/boundary treatment and as a result of any statutory undertakers connections to the new dwelling;

- Access point for construction traffic from the adopted highway;
- Site hoardings (if proposed) clear of the adopted highway;
- Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the residential estate roads leading to 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/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being occupied.

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, 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.

- 10 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.

- 11 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests

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of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and H2/1 - The Form of New residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	5/4/22		