

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 11/03/2022	Ref: 67856/FUL
Registration: 11/01/2022	LDfC: 01/02/2022	Expiry Date: 08/03/2022
Site Visit: 09/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing dwelling and erection of replacement dwelling with front boundary wall and gate together with associated landscaping works

Location: 12 Ten Acre Drive, Whitefield, Manchester, M45 7LP

Description

The proposal relates to an existing single storey suburban dwelling with an asymmetrical roof which falls within a residential area made up of dwellings of a broadly similar character and appearance. The site is flanked to the north by a three storey block of flats (with an intervening side garden/driveway/parking area).

The proposal is for a replacement four bedroom dwelling following demolition of the existing. The proposed dwelling would be two storey with a staggered front elevation, single storey flat roofed projection at the rear and hipped main roof. It would incorporate significant levels of glazing to the front and rear elevations and would be finished in a mix of grey render, brickwork and stone to elevations (with complementary grey windows and doors) and natural slate. A new brick and aluminium slatted front boundary with electric sliding gate would be installed to front boundary. Two parking spaces accessed via the existing dropped kerb crossing would be provided upon new grey stone paving.

Some ornamental conifers would be felled.

Relevant Planning History

67173 - Construction of new first floor, single storey extension at front, garage conversion, external material changes inclusive of front elevation flat roofs and new electronic front gate and wall. - Withdrawn - Invalid 25/08/2021

Publicity

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions requiring a Construction Traffic Management Plan and relating to the installation of the driveway, parking, boundary wall and bin storage.

Borough Engineer - Drainage Section: No comments received.

Environmental Health - Contaminated Land: No comments received.

United Utilities (Water and waste): No objection.

Greater Manchester Ecology Unit: No objection, subject to conditions concerning implementation in accordance with the bat survey, avoidance of bird nesting season and biodiversity enhancement measures.

The Coal Authority: No objection, subject to conditions relating to past coal mining and remediation should this be found to be necessary.

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

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN5/1	New Development and Flood Risk
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
HT6/2	Pedestrian/Vehicular Conflict

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

The proposal is to replace an existing dwelling located in a suburban residential area with a substitute replacement single three bedroom dwelling. Thus, the residential use of the site is established and the principle of the development is therefore acceptable.

Layout and Design

UDP Policy H2/1 requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. Policy EN1/2 seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The site is flanked by a two storey dwelling to the south and a three storey block of apartments at the north. Two storey dwellings oppose the site and there is not a cohesive and uniform style established in the street scene. The ridge of the proposed dwelling would step between the flanking buildings and the it would be positioned generally over the footprint of the existing dwelling, projecting around 0.8m further forward, but with a lesser projection into the rear garden or relative to the side boundaries.

The proposed dwelling is considered to be of a suitable scale, and whilst it's appearance would be of a bespoke contemporary appearance, it would appropriately assimilate with the existing passive suburban character of the host street.

In this instance it is considered that the proposal would not have a detrimental impact on the character of the street scene and would therefore comply with UDP Policies H2/1, H2/2 and EN1/2.

Residential Amenity

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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

Due to the relative position of the proposed dwelling compared to flanking and opposing dwellings and the arrangement of fenestration and the rooms they would serve, the development would not impinge upon existing neighbouring residential amenity to an unacceptable degree. The proposal would also be compliant with the Technical housing standards - nationally described space standard.

The development would therefore comply with the above stated policies.

Access and highway safety

The proposal would utilise the existing dropped kerb access, with new boundary wall and gate. There would be two parking spaces, with turning facilities, to serve the proposed 3 bedroom dwelling.

The Highway Officer has not objected to the proposal, subject to conditions requiring agreement of a Construction Traffic Management Plan (CTMP) and implementation of the site layout details. As such, the proposal would comply with UDP Policies HT2/4 and HT6/2 and SPD 11.

Ecology

The accompanying bat survey identified no evidence of bats and the building was assessed as having very low bat roosting potential. There would also be some minor loss of ornamental conifers, potential bird nesting habitat. The GMEU have advised that due to the nearby location of a high value foraging area, that conditions requiring reasonable avoidance measures, avoidance of the bird nesting season and requiring biodiversity mitigation and enhancement.

Ground conditions

The proposal is supported by a Coal mining Risk Assessment and the Coal Authority does not object to the proposal, subject to conditions requiring further intrusive investigations/remediation and verification that mitigation measures have been implemented.

The Environmental Health Section has not provided comment. However, as is now standard practice, it would be appropriate to apply a condition requiring the installation of an electric vehicle charging point.

Drainage

United Utilities advise the imposition of a condition requiring that a surface water scheme be delivered based on the hierarchy of drainage options in the National Planning Practice Guidance. As no scheme has been submitted with the application, such would be required by condition.

Conclusion

The proposed dwelling is acceptable in principle and would not have unacceptable impacts on the character and appearance of the area, highway safety or residential amenity. As such, the proposal would comply with the above policies of the Local Plan and the NPPF. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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:
Location Plan (Dwg no. 2021-1576-P-106)
Proposed Site Plan (Dwg no. 2021-1576-P-108 B)
Proposed floor & roof plans (Dwg no. 2021-1576P-103B)
Proposed front & side elevations (Dwg no. 2021-1576P-104C)
Proposed rear & side elevations (Dwg no. 2021-1576P-105C)
Proposed Boundary Wall Section (Dwg no. 2021-1576-P-112)

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 materials used in the construction of the development hereby approved shall be as detailed within the Material Specification received 04/03/2022.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

- 4 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 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. As the information has not been submitted at application stage and to maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent adopted highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/2.

- 5 The development hereby approved shall not be first occupied unless and until the car parking, driveway and boundary wall alterations and bin storage arrangements

indicated on approved plan references 2021-1576-P-108 Revision B & 2021-1576-P-112, incorporating the provision of edgings at the back of the footway to demarcate the limits of the adopted highway, accommodation works in front of the proposed boundary wall and all associated footway remedial works to reinstate the footway to its former condition prior to commencement of the development, sliding gate and new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, 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 Bury Unitary Development Plan Policies HT2/4 and HT6/2.

- 6 No development, other than demolition works, site clearance, ground investigations and the erection of any fences or hoardings around the site, shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

- 7 Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason. To mitigate against risks associated with coal mining pursuant to paragraphs 183 and 184 of the National Planning Policy Framework.

- 8 The development shall be carried out in accordance with the details contained in the submitted Bat Survey: Preliminary Roost Assessment, Verity Webster dated January 2022 Section 9.01.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

- 9 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.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 10 A biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of trees shrubs, bat roosting and bird nesting habitat. The approved plan shall be implemented in accordance with the approved details.

Reason.

- 11 Prior to the occupation of the dwelling hereby approved, one electric vehicle (EV) charging point (minimum 7kW*) shall be installed.

*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. 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 pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 12 The development hereby approved shall be carried out in accordance with a surface water drainage scheme which shall 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 provision of potential SuDS options for surface water drainage. The drainage scheme shall be implemented prior to first occupation of the dwelling and thereafter maintained.

Reason. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	11/03/2022		