

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 20/01/2023	Ref: 69027/FUL
Registration: 01/11/2022	LDFC: 01/12/2022	Expiry Date: 27/12/2022
Site Visit: 22/02/2022	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: MIOT

Proposal: Variation of condition 2 (approved plans) of planning permission 67944 - Amend the footprint of the dwelling with rear conservatory removed and front bays amended.

Location: 305 Middleton Road, Manchester, M8 4LY

Description

The proposal relates to a corner two storey detached dwelling located on the inside of the junction of Middleton Road and Sheepfoot Lane, opposite Heaton Park to the north. The existing dwelling features bay windows with a hipped roof and has previously been extended at the rear.

The proposal is for the erection of a replacement seven bedroom two storey dwelling of a larger footprint and incorporating a second floor in the roof space.

The proposal is for the variation of condition 2 (approved plans) of planning permission 67944 to amend the position and footprint of the dwelling, omission of the rear conservatory and the squaring of the front bays (previously curved). All other aspects would remain as approved under planning permission 67944.

The existing access from Middleton Road would be retained with off-street parking for 3 vehicles. The existing brick wall and hedge boundary would be retained.

Relevant Planning History

67944 - Demolition of the existing detached two storey dwellinghouse on site and its replacement with a new two storey dwellinghouse - Approve with Conditions 09/09/2022

66679 - Demolition of existing dwelling to be replaced with 1 no. new dwelling - Refused 28/10/2021

65784 - Demolition of existing dwelling and erection of new three storey dwelling - Withdrawn by Applicant 18/09/2020

64892 - Dropped kerb; New driveway - Withdrawn by applicant 03/01/2020

64566 - 1 No. new dwelling - Withdrawn - Invalid 25/09/2019

Publicity

Advertised by direct neighbour notification. No comments received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition requiring adherence to the CTMP

submitted in relation to 67944.

Manchester City Council: No comments received.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to contaminated land implementation of remediation strategy and site verification report and requiring an electric vehicle charging point.

Greater Manchester Ecology Unit: No objection. Previous ecological considerations would still be applicable.

Environment Agency: No comments received.

Environmental Health - Pollution Control: No comments received

Borough Engineer - Drainage Section: No comments received

United Utilities (Water and waste): No objection, subject to a condition concerning drainage

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) 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.

ASSESSMENT

The principle of the replacement of the dwelling is established by the extant planning permission 67944, which this application seeks to amend.

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.

Aside from the position, which would be set back 1.5m from the approved building line, form of the bays to the principal elevation and the arrangement of the windows to the first floor rear elevation, the scale, design, proportions and materials of the proposed development would be the same as that approved under 67944. As viewed from flanking roads, the alterations in the context of the whole building and site would be negligible.

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.

The proposed dwelling would be set back at the principal elevation 1.5m relative to the previously approved. The proposed rear elevation would project beyond the rear elevation of the neighbouring dwelling by 3.4m, which is around 0.2m less than the maximum projection of the ground floor conservatory relating to the extant permission. However, the first floor rear elevation, due to the amended positioning of the proposed dwelling, would project around 3.4m beyond the rear building line of the neighbouring dwelling, which is 1.8m further than the extant dwelling.

Due to the set in at the side, the proposal would not project beyond the 45 degree line from the nearest windows on the rear elevation of the proposed dwelling.

Due to the repositioning of the proposed dwelling, it would be 1m nearer to the rear boundary (at first floor) than the existing dwelling, which abutts the side of the dwelling to the west, at around 6.5m from the intervening fence. Presently, the first floor of the rear elevation of the existing dwelling is orientated towards the side elevation of the dwelling to the west, which has a rear conservatory, with a separation of around 9m. A reduction in this separation by 1m would not unacceptably further erode neighbouring amenity at the adjacent dwelling.

The development would not therefore conflict with the above stated policies.

Access and highway safety

The amended scheme would retain room for up to three parking spaces within the front forecourt space, but with no turning facility, as would the extant scheme.

Subject to a condition requiring implementation in accordance with the Construction Traffic Management Plan (CTMP) relating to the extant permission, the proposal would comply with UDP Policies HT2/4 and HT6/2 and SPD 11.

Other matters

Due to the nature of the amendments, the proposal would have no additional impacts on matters relating to ecology, ground conditions and drainage. An electric vehicle charging point would continue to be required.

Conclusion

The proposed dwelling is acceptable in principle and would not have unacceptable impacts on the character and appearance of the area, highway safety, ecology 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 09 September 2025.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings
Location Plan (Dwg No. Sheet 1 Rev. A)
Proposed Ground Floor Plan (Dwg No. Sheet 4 Rev. 4 Rev. A)
Proposed First Floor Plan (Dwg No. Sheet 5 Rev. A)
Proposed Loft Floor Plan (Dwg No. Sheet 6 Rev. A)
Proposed Roof Plan (Dwg No. Sheet 7 Rev. A)
Proposed Elevations (Dwg No. Sheet 8 Rev. A)
Proposed Site Plan (Dwg No. Sheet 10 Rev. B)
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 comprising the erection of any external walls shall take place until details of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 A watching brief shall be carried out during earthworks in accordance with the Geo-Environmental Phase 1 Desk Study by Adeptus Consulting submitted in relation to planning permission 67944.

Thereafter, following the completion of site works, a verification report to validate that the work undertaken conforms to the remediation proposals agreed under planning permission 67944 shall be submitted to and approved in writing with the Local Planning Authority prior to the occupation of the dwelling. The report shall include the following:

- Summary of desk study, and any site investigation and remediation carried out.
- Details of who carried out the work.
- Substantiating validation data that should include where appropriate
- Laboratory and in-situ test results.
- Monitoring results for groundwater and gases.
- Summary data plots and tables relating to clean-up criteria.
- Plans showing treatment areas and details of any differences from the original remediation strategy.
- Photographic and other media records.
- Waste management details and records.
- Laboratory and in-situ test results, and source details for any imported materials to be used in garden or landscaped areas; and,
- Confirmation that remediation objectives have been met.

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 The measures contained within the Construction Traffic Management Plan (and Materials Delivery and Materials Storage Plan) approved under planning permission

67944 shall be adhered to throughout the full 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.

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 pursuant to Bury Unitary Development Plan Policies EN1/2 and HT6/2.

- 6 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.

- 7 The development shall be implemented in full accordance with the Biodiversity Mitigation and Enhancement Plan and email from Harry Jackson dated 13/12/2022 (regarding the retention of the hedgerow) agreed in approved in relation to planning permission 67944

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.

- 8 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.

- 9 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> DSC	<u>Date</u> 20/01/2023	<u>Sign off Officer</u>	<u>Date</u>
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