

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/11/2023	Ref: 69684/OUT
Registration: 27/09/2023	LDFC: 19/10/2023	Expiry Date: 22/11/2023
Site Visit: 04/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 4	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Outline application for 1 no. dwelling with access along existing driveway of 45 Ajax Drive (appearance, landscaping, layout & scale matters reserved)

Location: Land at rear of 31-45 Ajax Drive, Bury, BL9 8EF

Description

The application relates to an area of land to the rear of No. 31-45 Ajax Drive. Residential properties are located to the south east, a residential garden to the east and green belt land to the north and west of the site. The boundary of the site is depicted by residential fencing, with trees lining the rear of the site. The fencing for the garden associated with No. 45 Ajax appears to have been removed.

Planning permission is sought for outline application for 1 no. dwelling with access along existing driveway of 45 Ajax Drive . Appearance, landscaping, layout and scale are reserved matters.

Relevant Planning History

None

Publicity

Neighbour letters sent 27/09/2023.

4 objections received in relation to:

- loss of view
- developer has already cut down trees without any consultation
- loss of open space
- loss of ecology
- change in character due to increased density
- loss of space, trees and greenery that will offset greenhouse gas emissions through CO2 absorption and any contribution to tackle the current climate change emergency.
- disruption from building works
- poor access to site
- insufficient parking for No. 45
- road safety concerns
- lack of utility services. Existing drainage services poor.
- roots of trees on boundary of site would be impacted
- loss of privacy
- decrease in house value
- lack of lighting
- breach of security at rear of property
- lighting and noise pollution
- lack of sustainable access
- waste management - how will bins be stored and collected from the property.
- poor access for emergency vehicles.

- previous application nearby refused for Great Crested Newts

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal due to creation of a substandard access, loss of parking facilities for No. 45 Ajax Drive, and insufficient information to in order to ensure that vehicles would be able to enter and leave the site in forward gear.

Drainage Section - no response

Environmental Health - Contaminated Land - requested conditions in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment, remediation strategy and verification report.

Planning Policy Manager - no response

United Utilities (Water and waste) - recommendation for SuDs condition.

Waste Management - no response

Greater Manchester Ecology Unit - The main ecological issue will be biodiversity mitigation and enhancement for loss of what was semi-natural habitat. As part of reserved matters a preliminary ecological appraisal and biodiversity net gain assessment of the site should be conditioned.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2	Housing Environment and Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT4	New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards 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.

Principle (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it 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's Strategic Housing Land Availability Assessment 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.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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.

The site is located to the rear of an established row of residential dwellings. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available.

Policies H2/1, H2/2, H2/6 and EN1/2 consider the relationship of new residential development in relation to their immediate context and expects that they make a positive contribution to the form and quality of the surrounding area. Policy H2/6 states that the Council will not support proposals that will result in the loss of private gardens and backland for infill development unless it can be shown that such proposals would not adversely affect the character and amenity of the area, when considering the relative density, impact on neighbouring properties and access arrangements.

The NPPF states that decisions should ensure that developments will function well and add to the overall quality of an area, visually attractive as a good architecture, layout and appropriate landscaping, sympathetic to local character, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

The area is characterised by a very distinctive and defined urban grain, with houses following a definite linear arrangement on a regular building line along not only on Ajax Drive, but also in the wider area and surrounding streets. Regardless of the size of the plot it is considered that the siting a detached dwelling would not only be out of context and character with the area, but also introduce a discordant built form within this particular site. Routing a shared access via a gap between dwellings positioned within adjoining plots and siting a dwelling such that they have no relationship to any street would jar and disrupt the established pattern and density of the built form in the area contrary to the above UDP policies and the NPPF.

The introduction of a residential plot to the rear of the dwellings along Ajax Drive would result in a scheme that would be out of character with the residential street pattern and the urban grain of the vicinity and would be detrimental to the amenity and character of the surrounding area contrary to UDP Policies H2/1, H2/2, H2/6 and EN1/2 and the NPPF. The

proposal would therefore not be acceptable in principle.

Design and Layout

The indicative plan shows that the site can accommodate 1 dwelling, whilst incorporating areas of private amenity space for the existing and proposed dwelling. Layout and appearance however are not subject to consideration at this outline stage, and but would be a matter for the reserved matters application.

Residential Amenity

UDP policies H2/1 and EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity.

As stated, the layout is not under consideration at present and would be a concern for the reserved matters application however the indicative layout submitted indicates that separation distances can be accommodated.

Amenity for future occupiers

The Local Planning Authority seeks compliance with the 'Technical housing standards - nationally described space standard' in relation to overall floor space and minimum bedroom dimensions in order to provide an acceptable standard of amenity for occupiers. Details of the house types in relation to these requirements should be included within the supporting planning statement at reserved matters stage to determine whether they would comply with the minimum gross internal floor area requirements and the associated minimum bedroom dimensions of the 'Technical housing standards – nationally described space standard'.

Access and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements . Supplementary Planning Document 11 provides parking standards for developments.

The proposal seeks to maintain 2no. parking spaces for No. 45, and 2 no. parking spaces for the new dwelling. This number of parking spaces is considered to be sufficient for the proposed uses.

The proposal seeks to utilise the existing access, and drive associated with No. 45 Ajax Drive. The proposed access adjacent to the gable of No. 45 is narrow at approximately 2.8 metres wide, and it is unclear if this access can adequately serve the proposed site without encroachment over the boundary with No. 43, damage to any vehicles utilising this access, or damage to the gable of No. 45.

The proposal would also result in the loss of the existing parking at No. 45 Ajax drive, with new parking proposed to the front of the site. This would create an overly wide dropped kerb to the front of the site. The traffic section consider that the proposal would result in the creation of sub-standard access arrangements on Ajax Drive, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway.

The proposed parking for No. 45 Ajax Drive would be located to the front of the property. The proposed plans are not accurate, and do not show the proposed bay at No. 45 Ajax

Drive. It is also not clear if pedestrian access to the property can be maintained clear of these parking spaces. As such, whilst the proposed plans indicate that 5 metres can be provided to the front of the dwelling for additional parking, the traffic section consider that the proposal would lead to the loss of existing parking facilities that can be accommodated clear of the adopted highway and the existing pedestrian access route to the property.

In addition to the above, the application and submitted plans contain insufficient information in order to ensure that vehicles would be able to enter and leave the site in a forward gear, which would be detrimental to highway safety.

The proposal would therefore be contrary to the UDP Policies and SPD 11 as set out above.

Ecology

The site has been cleared of trees and scrub within the last few years. Greater Manchester Ecology Unit (GMEU) consider that the likely issues now are invasive species such as himalayan balsam and japanese knotweed along with nesting birds within any areas of scrub that are still remaining. GMEU are satisfied that these potential issues are very unlikely to prevent development and can be dealt with at reserved matters.

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will involve the loss of an area of scrub and ruderal habitats to garden, buildings and hardstanding and if the site prior to clearance was utilised as the baseline, woodland. Now Places for Everyone (PfE) has been through Inquiry, thematic policies in the plan can now be given 'great weight' in planning decisions. This includes the BNG Policy.

Given the size of the site any losses will be relatively small but should still be compensated. As part of reserved matters a preliminary ecological appraisal and biodiversity net gain assessment of the site should be provided to, and this can be secured via condition.

Response to Neighbours

It is considered that the material planning considerations have been addressed within the main body of the report.

Layout, external appearance, landscaping and scale would be reserved matters and as such, only the principle of the development and the means of access are under consideration at this time.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the position of the dwelling to the rear of no. 45 and 43 Ajax Drive with no street frontage and accessed by a shared drive routed between neighbouring linear related dwellings, would constitute an incongruous and inharmonious form of development that would be unsympathetic to the established

arrangement of streets, buildings and spaces. The proposed development therefore conflicts with policies EN1, EN1/2 and H2/1, H2/2 and H2/6 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 2 The proposal would result in the creation of sub-standard access arrangements on Ajax Drive, which would be detrimental to highway safety and maintaining the free flow of traffic on the adopted highway. The proposed development would therefore be contrary to policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.
- 3 The proposal would result in the loss of existing parking facilities for No. 45 Ajax Drive that could be accommodated clear of the adopted highway and the pedestrian access route to the property, which would be detrimental to highway safety and maintaining the integrity of the adopted highway. The proposed development would therefore be contrary to policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and HT2/4 - HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Supplementary Planning Document 11 Parking Standards in Bury.
- 4 The application and submitted plans contain insufficient information in order to ensure that vehicles would be able to enter and leave the site in a forward gear, which would be detrimental to highway safety. The proposed development would therefore be contrary to policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 07/11/2023			