

DELEGATED REPORT

Report by Helen Leach	Date of report: 26/07/2022	Ref: 68424/FUL
Registration: 10/05/2022	LDFC: 14/06/2022	Expiry Date: 05/07/2022
Site Visit: 12/07/2022	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 bungalow to be replaced with three storey dwelling

Location: 23 Ringley Road, Whitefield, Manchester, M45 7LD

Description

The application site contains a bungalow, which is located off Ringley Road and is constructed from brick and render with a slate roof. The bungalow is set quite far back into the site and there is a large front garden with a drive and parking. There is a detached garage at the rear of the site, which is connected to the main dwelling by a car port.

There are dwellings to all boundaries and all of these are two storeys in height.

The proposed development involves the demolition of the existing bungalow and the erection of a dwelling. The proposed dwelling would be two storeys in height with rooms in the roofspace and would be constructed from grey brick with render and a slate roof.

Access would be taken from Ringley Road.

Relevant Planning History

67656 - Demolition of existing bungalow to be replaced with 3 storey dwelling at 23 Ringley Road. Withdrawn by applicant - 18 January 2022

Adjacent sites

38009 - Two storey extension at front; two dormer windows to front elevation at 21 Ringley Road, Whitefield. Approved with conditions - 17 August 2001

49274 - Extensions and alterations at 25 Ringley Road, Whitefield. Approved with conditions - 15 January 2008

67349 - Replace existing conservatory with single storey rear extension at 7 Ringley Chase, Whitefield. Approved with conditions - 13 September 2021.

Publicity

The neighbouring properties were notified by means of a letter on 23 May 2022. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objection, subject to the inclusion of conditions relating to construction traffic management plan, access improvements, visibility splays, turning facilities and car parking.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality - No objections, subject to the inclusion of condition relating to vehicle charging points.

Waste Management - No response.

United Utilities - No objections, subject to the inclusion of informatives relating to surface water drainage.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats, nesting birds and landscaping.

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

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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 - The National Planning Policy Framework 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. There is a particular emphasis, as in previous national planning guidance, to identify 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 with 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.

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 within the urban area and there is residential development to all boundaries. As such, the proposed development would not conflict with the surrounding land uses. The site was previously in use as a bungalow and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would be two storeys with rooms in the roofspace. The immediate streetscene is depicted by a mixture of detached and semi-detached dwellings of various ages, styles and scales. There have been a number of dwellings that have been demolished and new dwellings built within the vicinity of the site, most notably the properties at Nos 26, 27 and 29.

Whilst there are a number of styles of properties within the immediate street scene the prevailing form and design of the properties consists of substantial two storey detached dwellings of traditional form and construction, with some showing contemporary interpretation. The dwellings within the row tend to be set back from the main road, extending widthways across the narrow plots and retaining an area of private amenity space to the rear.

The plans submitted show a pitched roof, two storey dwelling with additional

accommodation created within the roofspace through the use of rooflights. The proposed dwelling would be constructed from grey brick with render and a slate roof, which would complement the dwellings in the locality. The proposal shows vertical emphasis created through the design of the windows and the pike details.

The proposed dwelling would be slightly higher than No. 21 but would be lower than No. 25. As such, the proposed dwelling would be of a suitable scale and massing when viewed in relation to the adjacent properties and would sit well within the streetscene. The proposed dwelling would be brought forward and would comply with the building line of the adjacent properties. There would be a large rear garden with space for bin storage. The proposed boundary treatments would be a 1.9 metre timber fence, which would be acceptable in a residential area.

Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

The adjacent property at No. 21 has a single storey rear extension and the main dwelling is 2 storeys in height.

The proposed dwelling would have a single storey storey element at the rear, which would project 1.8 metres past the the rear of No. 21, which would be less than the 3 metres allowed in SPD6.

The two storey element of the proposed dwelling would project 3.8 metres past the rear elevation of the two storey element of No. 21. As this relationship would be single storey to single storey, the 45 degree line would be used to assess residential amenity. The proposed development would not comply with the 45 degree rule and would not have a significant adverse impact upon the amenity of the occupiers of No. 21.

The single storey element of the proposed dwelling would have a flat roof and would replace the existing car port and connect to the existing garage. While this would result in the proposed development projecting 19 metres past the rear of No. 25, this would be no worse than the existing relationship with the existing dwelling, car port and garage. The occupiers of No. 25 have no objected to the proposed development and regard must be had to the larger homes extension which allows larger extensions if adjacent properties do not object. As such, given the existing relationship and the use of a flat roof, it is considered that the proposed development would not have a significant adverse impact upon the amenity of the occupiers of No. 25.

The two storey element of the proposed dwelling would project 6.3 metres past the rear elevation of No. 25. The ground floor window to No. 25 is a kitchen window, which is not a habitable room. The proposed development would comply with the 45 degree rule from the first floor bedroom window to No 25 and would not have a significant adverse impact upon their amenity.

There would be 21.9 metres between the proposed first floor and the boundary of the site, which is in excess of the 7 metres required. There would be 57 metres between the proposed dwelling and the properties opposite, which would be in excess of the aspect standard.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Ecology - Bat emergence surveys was submitted with the application and no evidence of

roosting bats was provided. Common pipistrelle bats were recorded as commuting through the site. There are no objections to the findings of the survey, which was carried out at the optimal time of year. GM Ecology Unit has no objections, subject to the inclusion of conditions relating to bats, birds and landscaping. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Highways issues - The site is currently accessed from Ringley Road and the proposed access would be moved 1.6 metres to the east. The proposed access would have acceptable levels of visibility and a turning area would be provided at the front of the site. The proposed access would include a vehicle gate, which would be set back 5.2 metres from the road side, which would allow a car to pull off the highway and would be acceptable. The Traffic Section has no objections, subject to the inclusion of conditions relating to construction traffic management plan, access improvements, visibility splays, turning facilities and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Parking - SPD 11 states that the maximum parking standards for a dwelling with more than 4 bedrooms is 3 spaces.

The proposed development would provide a driveway and turning area at the front, which would provide space for 6 vehicles. As such, the proposed development would comply with the maximum standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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 BA10005 SP02, BA10005 SP01, 23R/07 A - Site plan with ground floor plan, 23R/07 A - Site plan with first floor plan, 23R/01, 23R/02, 23R/03, 23R/04, 23R/05, 23R/06, BA10005 E01 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 Details/Samples of the (materials/bricks) 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/bricks shall be used for the construction of the development.
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 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 EV 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 pursuant to Policy EN7/1 - Atmospheric Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 7 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.

- 8 The demolition shall be carried out in accordance with the details contained in the Bat Survey Report - Presence Absence Survey, Verity Webster dated May 2022 Section 8.0.2 as already submitted with the planning application.
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 11 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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
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 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 native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. 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.
- 11 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Photographic dilapidation survey of the highway abutting the site in the event that subsequent remedial works are required following demolition works/construction of the development, works to the site boundary and as a result of any statutory undertakers connections to the new dwelling;
 - Access point(s) for demolition/construction traffic from the adopted highway;
 - Proposed site hoardings (if proposed) clear of the visibility splays indicated on approved site plan reference 23R/07 Revision A;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - 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;

- Construction method statement for the replacement retaining walls abutting the adopted highway, incorporating appropriate traffic management measures on Ringley Road.

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.

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.

- 12 The development hereby approved shall not be first occupied unless and until the access improvements and bin storage arrangements indicated on approved plan reference 23R/07 Revision A, incorporating the relocation and widening of the site access, reconstruction of the boundary walls in the positions and heights shown with foundations that do not encroach under the adjacent adopted highway, new driveway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated footway remedial works to reinstate the footway to its former condition prior to commencement of the development, 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 the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

- 13 The visibility splays indicated on approved plan reference 23R/07 Revision A shall be implemented before the dwelling is first occupied/access is brought into use and subsequently maintained free of obstruction above the height of 0.9m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

- 14 The turning facilities indicated on approved plan reference 23R/07 Revision A shall be provided before the development hereby approved is first occupied and shall subsequently be maintained free of obstruction at all times

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

- 15 The car parking indicated on approved plan reference 23R/07 Revision A shall be

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made available for use prior to the dwelling hereby approved being first occupied and thereafter maintained available for use at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 26/07/2022			