

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 29/03/2023	Ref: 69305/FUL
Registration: 01/02/2023	LDFC: 28/02/2023	Expiry Date: 29/03/2023
Site Visit: 19/10/2022	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: Demolition of existing dwelling and erection of replacement dwelling and associated landscaping works

Location: 68 Ringley Road, Whitefield, Manchester, M45 7LN

Description

The proposal relates to a rectangular shaped plot currently occupied by a single storey (split level) detached dwelling, which is located on a main road within an established residential, with no dominant housetype. There is open land beyond the rear boundary to the north west which is designated as Green Belt land and to the north there are houses on Stand Close.

The plot equates to 0.2 hectares and is flanked by red brick and rendered dwellings. The existing dwelling has an 'L' shaped footprint and due to the sloping gradient of the site has a split level arrangement with the ground floor at the same level as the road and the basement at the lower level, which is used for parking and storage. There is a large rear garden which extends around 28m from the rear elevation of the property and which slopes away from the house. Boundary treatments to the sides and rear comprise of timber fencing or brick wall and there is a dwarf wall which runs along the frontage.

There is a single access located to the right handside of the plot which leads to a driveway at the side and parking within the lower basement of the dwelling. There is also a hardstanding area to the front of the dwelling which is also used for parking.

The site appears to be vacant and has become overgrown and unkempt.

The proposal is for the demolition of existing dwelling and erection of replacement 5 bedroom dwelling and associated landscaping works. The proposed new dwelling would be of a flat roof form with accommodation over three levels, including basement. It would have an attached side garage and two first floor balconies to the principal elevation. It would be finished in render, timber, tile and panelled cladding with extensive areas of glazing. The gardens would be landscaped with hard and soft landscaping and existing side and rear boundary treatments would be retained with new grey walling and metal railings would enclose the front garden.

Including the garage space, there would be off-street parking for 4 vehicles. The access to the site would remain as existing but with works to form a wider opening.

Relevant Planning History

66802 - Extension and conversion of existing dwelling to create 5 apartments (4 additional dwellings) - Approve with Conditions 06/10/2021

Publicity

Neighbour notification letters issued on 06/02/2023. One representation received objecting to the proposal and stating that the proposal would be too close to the boundary.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to construction traffic, implementation of access improvements, visibility splays, turning facilities and car parking.

Environmental Health - Contaminated Land: No objection, subject to conditions relating to site investigation, risk assessment, remediation and verification and installation of an electric vehicle charger.

Waste Management: No comments received.

Borough Engineer - Drainage Section: No comments received.

Greater Manchester Ecology Unit: No objection, subject to conditions relating to nesting birds and the provision of bird boxes.

United Utilities (Water and waste): No objection, subject to condition.

The Coal Authority: No objection (response taken from 66802)

Pre-start Conditions - The 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
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury

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

Policies

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.

Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties provides useful guidance in terms of acceptable aspect standards between dwellings and design criteria.

Principle (Residential)

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 proposal is to replace an existing dwelling located in a suburban residential area with a further residential development. The site is located within the urban area, surrounded by established residential areas and close to routes well served by public transport and to

facilities, goods and services. Thus, the principle of the development is established. The acceptability of the proposal thereafter is subject to consideration of the subsequent matters.

Layout, scale, design and appearance

The existing dwelling, whilst 2 storey, has a split level arrangement and from the street where presently the dwelling appears as a bungalow house type. The area and Ringley Road itself is characterised by 2 and 3 storey dwellings and buildings and the existing dwelling is somewhat uncommon to the area.

In terms of its relationship within the streetscene, the proposed development would remain to be lower than both flanking dwellings and on the same general building line as the existing dwelling and would not therefore disrupt the existing rhythm and pattern of development and would not appear dominant within the streetscene. The main mass of the building would be positioned centrally within the plot and the attached garage would be subservient, given the lower height (expressed as single storey).

The proposed dwelling is akin to the extant planning permission in relation to general form, character and finishes. It would be blatantly modernist and contemporary, with extensive areas of glazing and panelling to the main elevations and a flat roof. The dwelling would be set at the same general position of the extant development (which broadly replicates the front and rear extents of the existing dwelling), but would be expressed as a two storey dwelling to the principal elevation, as opposed to three storeys (in relation to the extant development). Fenestration patterns would be fairly simplistic and symmetrical proposing a regular formation of window openings and a full height glazing to mark the extended (upwards) front entrance.

Aside from the glazing, the palette of materials would be of an appropriate quality, whilst contrasting with more traditional form of flanking buildings, which would reinforce the contemporary nature and standalone character of the building. External hard and soft landscaping would be appropriate to the contemporary theme.

The wider area is characterised by a mix of house types and design, from traditional red brick builds to the more modern housing stock including the recently built contemporary dwellings, including one at No 81.

The NPPF makes it clear that creating high quality buildings and places is fundamental and that good design is a key aspect of sustainable development, creating better places in which to work. This is supported by the National Design Guide which states that well designed development is influenced by an appreciation and understanding of the vernacular, including existing built form and local architectural precedents.

It is considered the proposed design would offer an appropriate quality residential development which in terms of the height, scale and massing would not be at odds with the character of the immediate area and would be befitting of the contemporary character and appearance of the proposal. Whilst a more 'unique' approach to new build, there are similar examples in the area of modern development and it is considered that on this particular plot and location, the proposed development would be acceptable.

As such, the proposal would comply with H2/1, H2/2, H2/4 and EN1/2 and the principles of the NPPF.

Impact on the surrounding area

Whilst there is no specific guidance on aspect standards for new residential development, the Council's SPD 6 contains supplementary guidance for assessing relationships to adjacent properties. It is generally advised that minimum distances of 13m should be maintained between a principal window to a ground floor habitable room and a two storey blank wall; 6.5m between a habitable room and single storey blank wall; and a minimum

distance of 7m between first floor habitable windows and a directly facing boundary with a neighbouring property. Where there is a difference in levels or additional storeys, additional separation of generally 3m would be sought.

To No 66 Ringley Road, there would be a distance of approximately 1m from the side elevation of the attached garage. There are no windows on the side of No 66 which would be overlooked. The distance to the fenestrated side elevation No. 72 Ringley Road would be 19.2m and windows in either side elevation of the new building would be to non-habitable rooms and would be of a slimline slotted design. As such aspect standards would be acceptable. Furthermore, the two storey element of the proposed dwelling would extend back into the site and to the east and west (to flanking dwellings) to the same extent as the extant three storey development. The existing dwelling has a rear balcony and fully glazed rear elevation. The proposed dwelling would not therefore have any greater impacts upon amenity to flanking dwellings.

At the rear, No 7 Stand Close is located next to the north east boundary. The front of No 7 has an oblique relationship to the site and views from the rear elevation of the new apartment block would not be direct ones or directly overlook habitable room windows or private amenity space of No 7. As such, aspect standards and the relationship to this property would be acceptable.

It is therefore considered that the proposed development would not cause a significant or detrimental harm to the amenity of the adjacent occupiers and as such would be in compliance with H2/1, H2/2 and H2/4 and SPD6.

Access and highways

Access

The existing access located to the right hand side of the frontage would be utilised and widened to improve visibility and sightlines on egress and as such this would be a betterment compared to the existing arrangements. The bin store would be located next to the entrance adjacent to the parking spaces and its location for collection purposes would be the same arrangement as the other properties on this road.

Parking

The development would deliver the same number of parking spaces as is current.

As Bury has been defined as an area required to significantly improve air quality and in line with good practice, a condition would be included that provision for one EV chargepoint be provided for each residential unit.

The Highway Officer has raised no objection to the proposed access arrangements, parking provision or the layout of the site, and as such the proposed development is considered to be acceptable and would comply with policies H2/1, H2/2, H2/4, HT2/4, HT6/2 and SPD11.

Other matters

Ecology

There are no significant ecological issues. Issues relating to nesting birds can be resolved via condition.

Ground conditions

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

A Coal Report has not been submitted with the application. However, such was submitted in relation to the extant development and The Coal Authority had raised no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building

regulations application.

Response to objectors

The objection states that the proposed dwelling would be too close to the boundary, without explaining what impacts they are concerned about. The proposal has been assessed as being acceptable in relation to impacts upon neighbouring amenity and a distance of at least 1m from flanking boundaries would allow for foundations and maintenance without encroachment on third party land.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The proposal would deliver much needed residential development in a sustainable location and without detriment to the character and appearance of the area, highway safety, amenity or ecology. 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 and Block Plan (Dwg No. DA21093. 001. 2)
Proposed GA Plans (Dwg No. DA21093. 003. 4)
Proposed Elevations (Dwg No. DA21093. 004. 4)
Landscaping and Existing Topo (Dwg No. DA21093. 407.)
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 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 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 footways and carriageways abutting the site in the event that subsequent remedial works are required following demolition of the existing dwelling, construction of the development and as a result of any statutory undertakers connections;
 - Access point for demolition/construction traffic from the adopted highway and all associated temporary works to facilitate vehicular access to the site;
 - Proposed site hoardings (if proposed) clear of the visibility splays indicated on the approved plans;
 - 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.

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 purpose other than the parking of vehicles and storage of 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. The information has not been submitted at application stage. To maintain the integrity of the adopted highway, mitigate the impact of the demolition/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 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 7 The development hereby approved shall not be first occupied unless and until the access improvements, replacement boundary treatment and bin storage arrangements indicated on the approved plans, incorporating the reconstruction of the site access and footway abutting the site required as a result of the works at the interface with the adopted highway/replacement of the boundary wall, demarcation of the limits of the adopted highway, boundary wall foundations that do not encroach under the adjacent adopted highway and new hardstanding 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 a scope and specification to be agreed with the Highway Authority and to the 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 EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 8 The visibility splays at the back edge of the footway and at the junction of the site access with Ringley Road shall be implemented in full accordance with the approved plans before the development is first occupied and subsequently maintained free of obstruction above the height of 0.6m.

Reason. To ensure the intervisibility of the users of the site and the adjacent highways in the interests of road safety, pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 9 The turning facilities indicated on the approved plans 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 Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 The car parking indicated on the approved plans shall be made available for use to the written satisfaction of the Local Planning Authority prior to the development 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.

- 11 The dwelling hereby approved shall be provided with 1 electric vehicle (EV) charge point (minimum 7kW*) prior to its occupation.
*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 61851-1:2019 to be used.

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 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.

- 13 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, which shall be drained on a separate system to foul sewage. The drainage scheme shall be implemented prior to first occupation of any 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 Section 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 14 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.

- 15 The development hereby approved shall not be occupied unless and until two bird boxes have been installed and made available for use and which shall thereafter be retained.

Reason. To secure the satisfactory development of the site and in the interests of the natural environment pursuant to Chapter 15 - Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	29/03/2023	DM	29/03/2023