Ward: Bury East - Moorside Item 04

**Applicant:** Mr Rrizman Suleman

**Location:** Land adjacent to 35 Hilton Street, Bury, BL9 6LT

**Proposal:** Erection of 2 no. terraced dwellings

**Application Ref:** 69459/Full **Target Date:** 12/06/2023

**Recommendation:** Approve with Conditions

#### **Description**

The application relates to a small open grassed triangular piece of ground (200sqm) at the end of a row of terraced houses along Hilton Street. The site is surrounded by red brick terraced residential properties with the small commercial neighbourhood shopping centre to the west, across Chesham Road and fronting Walmersley Road. There is chevron parking along this side of Hilton Street.

Historically the site had two residential properties on it that formed the end of the terrace until they were demolished over 50 years ago.

It is proposed to build two end terraced 2 bedroom properties fronting Hilton Street, along the general footprint of the original properties. The new properties would be brick built and extend off the existing terrace and would be two storey with rear dormers. The frontage onto Hilton Street would measure 8m and they would run back 9m to the rear. The inner property, next to No.35 Hilton Street would have a flat roof single storey outrigger extending out 3m at the rearm in line with the outrigger on the rear of No.35. There would be a small front garden with a side garden wrapping around the end property and private yards and bin store at the rear. The boundary along Hilton Road would comprise 1.2m high metal railings that wrap around the side to join a 2m high boundary wall along the Chesham Road boundary at a point behind the front building line.

## **Relevant Planning History**

N/A

#### Publicity

Forty neighbours surrounding the site were notified by letter dated 05/05/2023. Three objections received from residents on Hilton Street. These are summarised as follows:

- Detrimental impact on privacy and light and views.
- Insufficient parking facility for the residents on this street and the possibility of further vehicles will cause major problems.
- Noise and dust created by construction.
- Has the historic subsidence issue been considered?

Three comments received in support of the proposal:

- The site is in the urban area and ideal for new houses.
- The area is a magnet for litter.

Those making representations have been notified of the Planning Control Committee.

#### **Statutory/Non-Statutory Consultations**

Traffic Section - Any response shall be included within the Supplementary Report. Public Rights of Way - No objection.

Environmental Health - No objection subject to conditions.

Drainage Section - No objection.

United Utilities (Water and waste) - No objection.

Waste Management - No objection.

## Pre-start Conditions - Agreed.

#### **Unitary Development Plan and Policies**

NPPF National Planning Policy Framework

EN1/2 Townscape and Built Design H1/2 Further Housing Development

H2/1 The Form of New Residential Development H2/2 The Layout of New Residential Development

HT2/4 Car Parking and New Development

EN7 Pollution Control

SPD11 Parking Standards in Bury

SPD16 Design and Layout of New Development in Bury

SPD7 DC Policy Guidance Note 7 - Managing the Supply of Housing

#### **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.

**Policy and Guidance** - 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.

H1/2 - Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure:
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

H2/1 - The Form of New Residential Development. All new residential development will be expected to make a positive contribution to the form and quality of the surrounding area. Factors to be considered when assessing proposals will include:

- a) the height and roof type of adjacent buildings;
- b) the impact of developments on residential amenity:
- c) the density and character of the surrounding area;
- d) the position and proximity of neighbouring properties;
- e) the materials to be used in proposed developments, especially their colour and texture.

H2/2 - The Layout of New Residential Development. New residential development will be required to demonstrate acceptable standards of layout. Factors to be considered when assessing proposals will include:

- a) car parking provision;
- b) access for both vehicles and pedestrians, and provision for public transport;
- c) the possible need for traffic calming measures;
- d) density:
- e) space about and between dwellings;
- f) landscaping and screening;
- g) protection/provision of trees and hedgerows;
- h) open space/children's play areas;
- i) design for safety and security:
- i) access/facilities for the disabled;
- k) the existence of any public rights of way.

EN1/2 - Townscape and Built Design. The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

**Principle and Housing Policy** - 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 fives 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.

A residential development of this nature would support the windfall requirements on smaller parts of land in Bury which are not considered to be of high-quality amenity land and contributes towards the housing demands within Bury. This application also supports Part 11 / 120 (b) of the NPPF which promotes and contributes towards housing where supply is constrained, and sites could be used more effectively.

**Visual amenity and streetscape** - With a red brick finish, similar eaves, roof line and window arrangement, the development generally reflects the character of the frontage along Hilton Street. The line of the front elevation is consistent with the adjoining properties and at the rear, the adjoining property has a single storey extension in line with a similar outrigger on the back of the adjacent proposed property.

The proposed dormer roof arrangements to the rear are similar proportioned to those that would normally be 'permitted development' on existing properties and would not have a significant impact within streetscape.

The proposed boundary along Hilton Street would be railings to match other properties along the road. The railing would wrap around the side until it joins with a brick wall which runs to the rear. At the rear the wall drops to less than 1m in height to allow visibility at the corner.

In terms of design, siting and visual amenity, the proposal is acceptable and complies with the NPPF and UDP Policies EN1/2, H2/1 and H2/1 and guidance with regard to visual

amenity and streetscape.

**Residential Amenity** - At the front, the new properties would be just over 18m away from house across Hilton Street. This would be a similar relationship to the existing houses on the row and therefore considered acceptable. At the rear the properties would look down Chesham Road and as such there are no direct overlooking issues arising. Across Chesham Road to the north is the gable of No.1 Hanson Street with side windows facing the site at a distance of 12-14m. Given the separation distance and the nature of the windows, this relationship would not raise any serious amenity issues.

There is no loss of privacy / daylight encroachment given the fence line extends low level to the rear garden and an added metal fence along the pavement site of Chesham Road.

**Traffic** - The proposal does not include on-site parking but would rely on-street parking in the immediate area as do most of the properties in the immediate vicinity. Given the predominance of on-street parking in the area, although the development would generate a small amount of domestic traffic, it would not be considered reasonable to refuse planning permission on grounds of lack of on-site parking.

Appropriate visibility splays out of Hilton Street and from the back street are required and will be subject to suitable conditions attached to any approval. This may mean that the current proposed boundary wall along Chesham Road would need to be realigned slightly but this would be a reletively minor amendment.

**Waste Management** - The bin storage arrangements to be provided in the form a combined bin store with four bins per property, at the rear of the site, adjacent to the back street and enclosed by a low wall are considered to be acceptable.

**Land Contamination/Ground Conditions** - It is considered appropriate to attach suitable conditions to any approval that would require any developer to carry out site investigations to determine levels, if any of land contamination and take necessary steps to mitigate and remediate as appropriate. The development would also require Building Regulations consent which would deal specifically with ground suitability as the area does not readily present difficulties associated with unstable land.

**Permitted Development Rights** - Given the size of the site and its siting at the corner of Hilton Street and Chesham Road, it is considered appropriate to remove 'permitted development' rights by a suitable condition of approval. This would restrict further extensions, alterations and boundary treatments.

**Public Representations** - The issues raised by those making representations have been addressed in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

#### Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date

of this permission.

<u>Reason</u>. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2. This decision relates to drawings numbered Location Plan, 2a/B, 3B, 5/B, 5a/B, 6/B, 7/B and 8/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. Details of the materials to be used in the external elevations, and boundaries, 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

<u>Reason</u>. 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. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 and Class A of Part 2 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
  - <u>Reason</u>. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 5. 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.

<u>Reason</u>. 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.

- 6. Following the provisions of Condition 5 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.
  - <u>Reason</u>. 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.
- 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

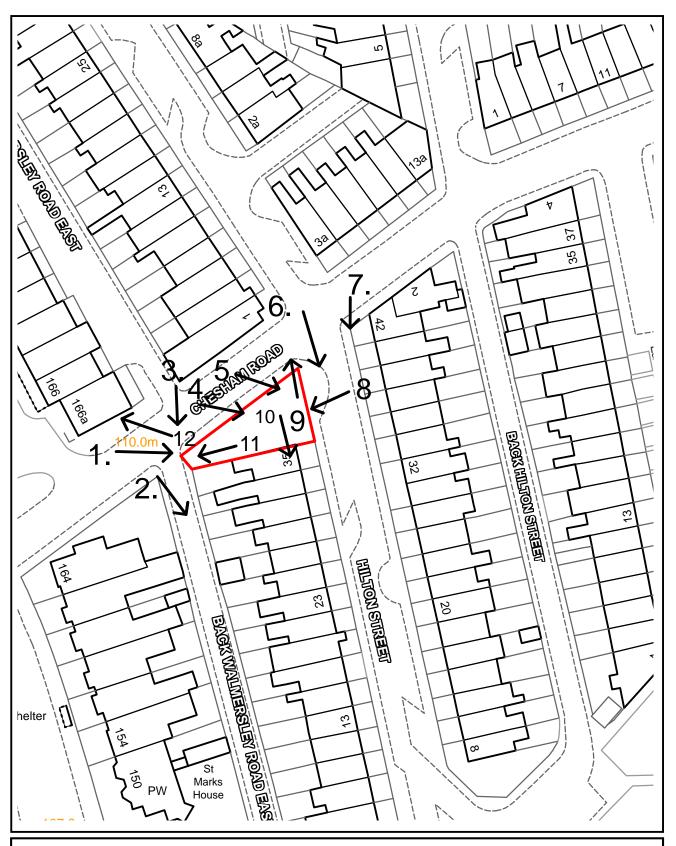
Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options 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.

<u>Reason</u>. 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. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The approved scheme shall thereafter be implemented not later than 12 months from the date the dwellings are first occupied or within the first available 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.

For further information on the application please contact **Tom Beirne** on **0161 253 5361** 

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 69459

ADDRESS: Land adjacent to 35 Hilton Street,

Bury,

Planning, Environmental and Regulatory Services

(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.







Photo 2





Photo 4





Photo 6





Photo 8





Photo 10





Photo 12







Block PLAN @ Scale: 1: 500



LOCATION PLAN @ Scale: 1:1250



Bury, Lancashire, Bury (161 8717405)

Location and Block Plans of Land next to 35 Hilton Street, Bury, BL9 6LT

SHT 1 of 9

Existing



Proposed Block PLAN @ Scale: 1: 500

Janning Services

2A Cook Street,
Bury, Lancashire,
email: iosuk@live.co.uk

2BL9 0RP, email: ipsuk@live.co.uk

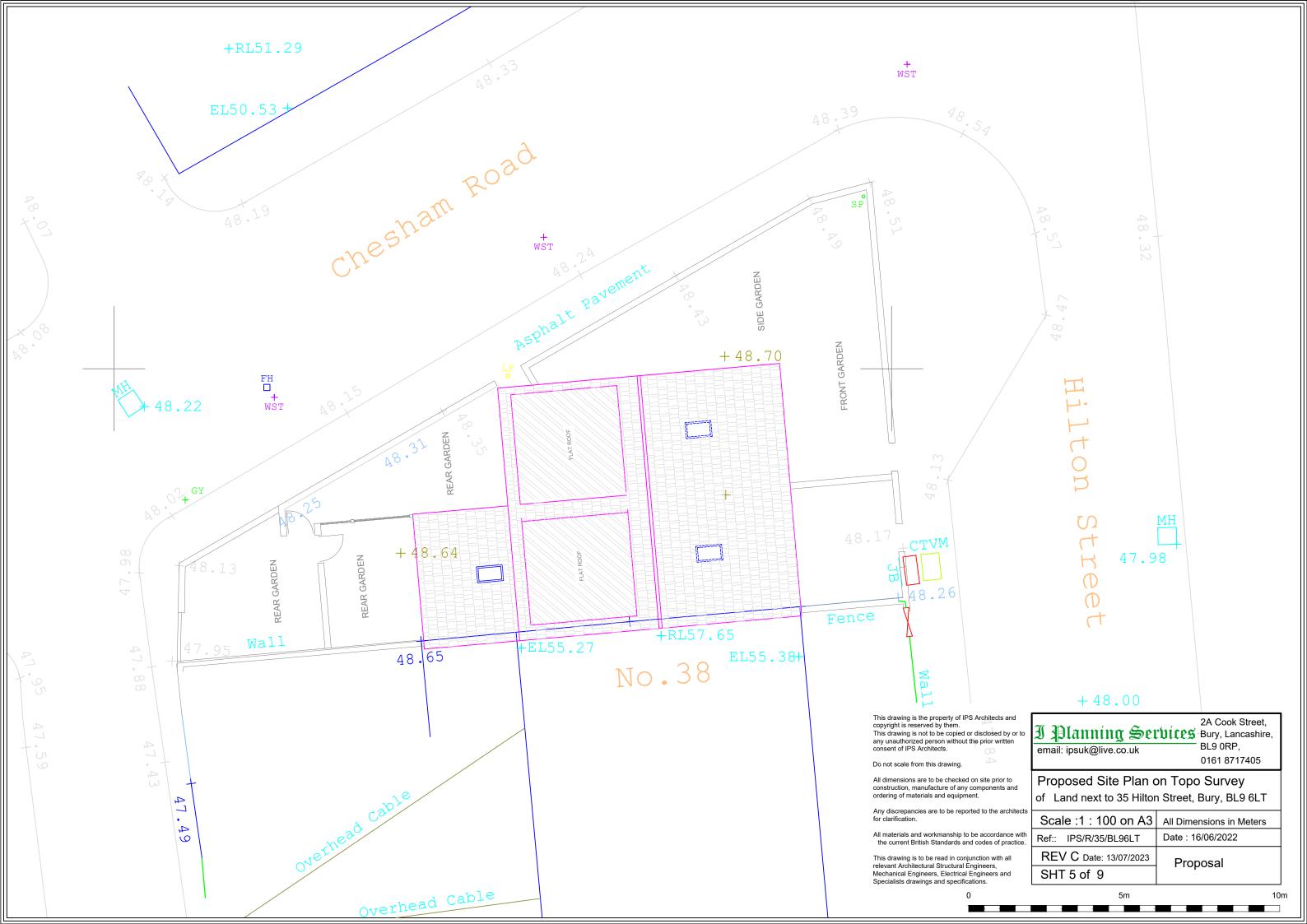
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Proposed Block Plans

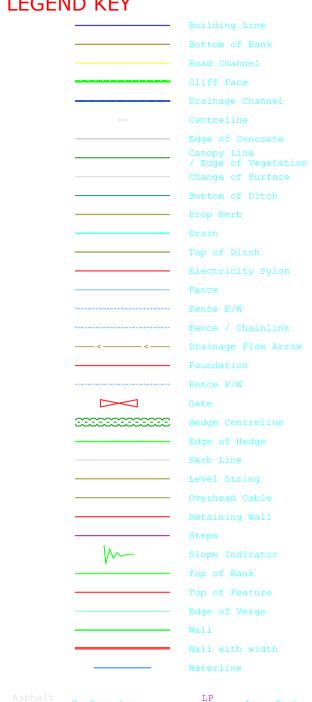
of Land next to 35 Hilton Street, Bury, BL9 6LT

REV C Date: 013/07/2023 SHT 4 of 9

Proposal





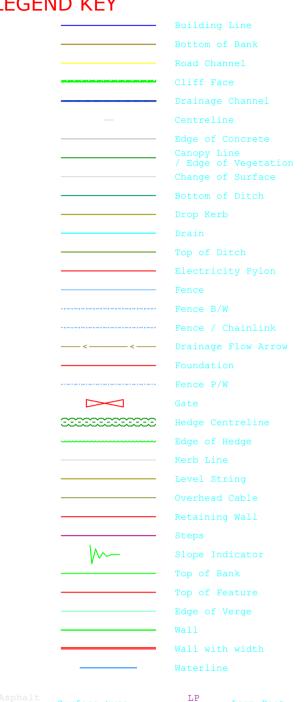


| BE<br>•    | Building ine        | MH          | Manhole    |
|------------|---------------------|-------------|------------|
| Bollard    | Bollard             | O/H         | Overhead c |
| Concrete   | Surface type        | PO          | Post       |
| CŢV        | Cable TV            | RE          | Rodding ey |
| $\bigcirc$ | Tree canopy         |             | Road sign  |
| •          | Downpipe            | •           | Stump      |
| EP         | Electricity<br>Pole | sc          | Stop cock  |
| FL         | Floor level         | SP          | Sign post  |
| Gas        | Gas Valve           |             | Stay       |
|            | Gate Post           | sv          | Stop valve |
| Grass      | Surface type        | $\bigcirc$  | Tree       |
| GY         | Gully               | V.P         | Vent pipe  |
| IC .       | Inspection cover    | Water Level | Water leve |
| ir         | Invert level        | <b>A</b>    |            |





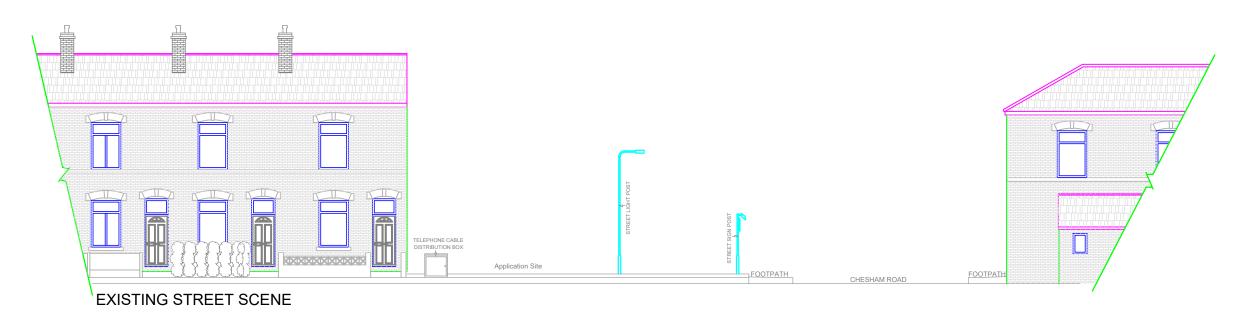




| •        | Bullding ine        | •           | Mannole    |
|----------|---------------------|-------------|------------|
| Bollard  | Bollard             | Ο/H         | Overhead c |
| Concrete | Surface type        | PO          | Post       |
| CŢV      | Cable TV            | RE          | Rodding ey |
|          | Tree canopy         |             | Road sign  |
| •        | Downpipe            | o           | Stump      |
| EP       | Electricity         | sc          | Stop cock  |
| FL       | Pole<br>Floor level | SP          | Sign post  |
| Gas      | Gas Valve           |             | Stay       |
|          | Gate Post           | sv          | Stop valve |
| Grass    | Surface type        | $\bigcirc$  | Tree       |
| GY       | Gully               | VP.         | Vent pipe  |
| IC<br>•  | Inspection cover    | Water Level | Water leve |
| ir       | Invert level        | <b>A</b>    |            |
|          |                     |             |            |







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All materials and workmanship to be accordance with the current British Standards and codes of practice.

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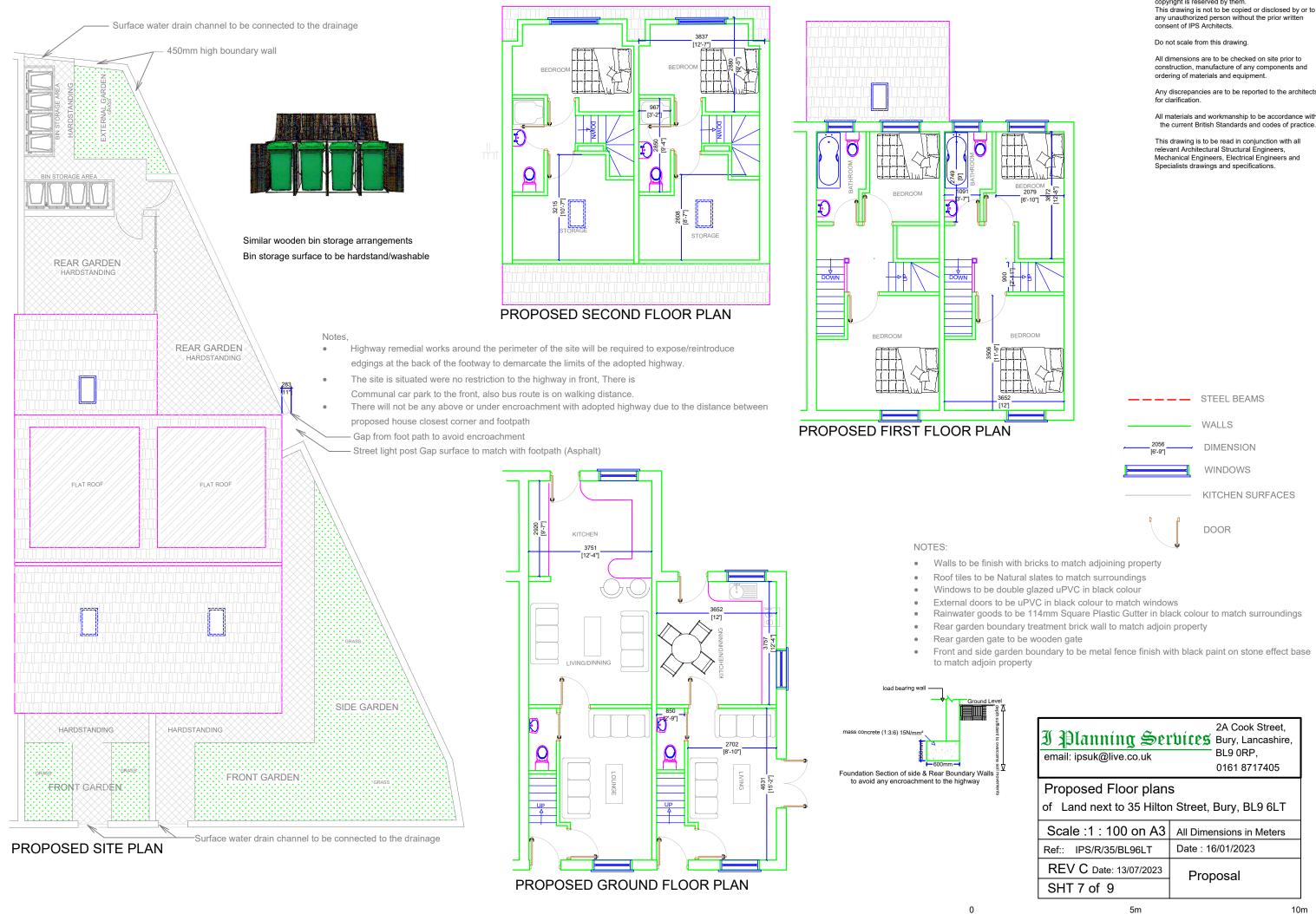


2A Cook Street, BL9 0RP, 0161 8717405

Existing & Proposed Street Scenes of Land next to 35 Hilton Street, Bury, BL9 6LT

Scale:1:150 on A3 All Dimensions in Meters Date: 16/06/2022 Ref:: IPS/R/35/BL96LT

REV C Date: 13/07/2023 Proposal SHT 6 of 9



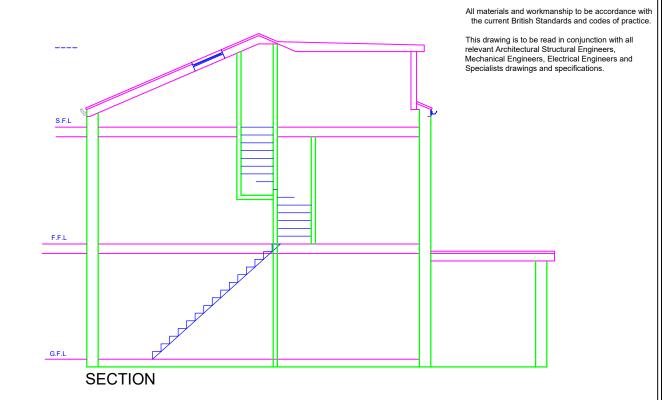
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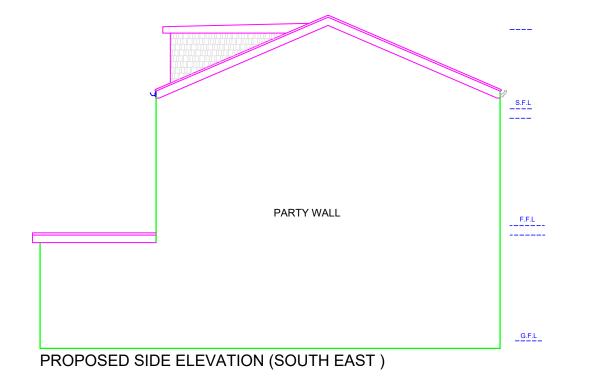
construction, manufacture of any components and

the current British Standards and codes of practice.











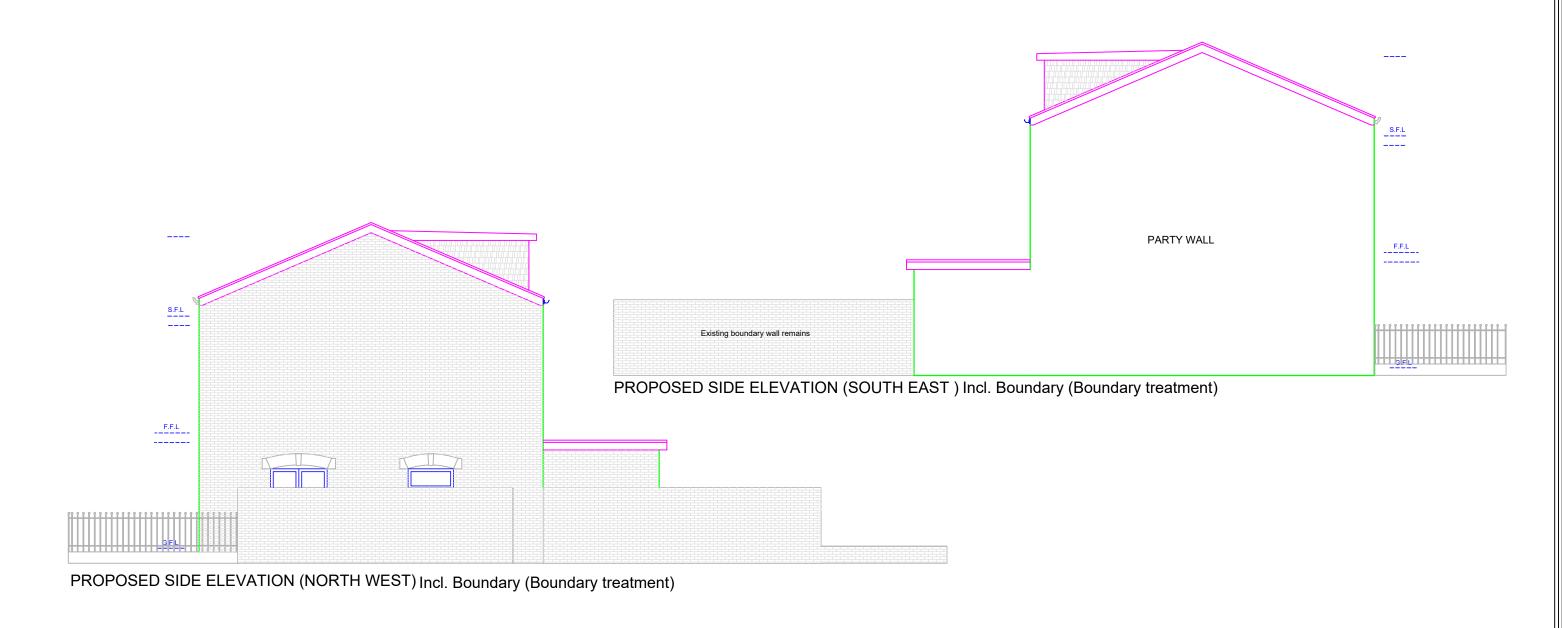
10m

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PROPOSED REAR ELEVATION Incl. Boundary (Boundary treatment)



PROPOSED FRONT ELEVATION Incl. Boundary (Boundary treatment)

- Walls to be finish with bricks to match adjoining property
- Roof tiles to be Natural slates to match surroundings
- Windows to be double glazed uPVC in black colour
- External doors to be uPVC in black colour to match windows
- Rainwater goods to be 114mm Square Plastic Gutter in black colour to match surroundings
- Rear garden boundary treatment brick wall to match adjoin property

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Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications

Do not scale from this drawing.

for clarification

ordering of materials and equipment.

- Rear garden gate to be wooden gate
- Front and side garden boundary to be metal fence finish with black paint on stone effect base to match adjoin property



2A Cook Street, BL9 0RP, 0161 8717405

10m

Proposed Elevations Incl. Boundary of Land next to 35 Hilton Street, Bury, BL9 6LT

Scale:1:100 on A3 | All Dimensions in Meters Date: 16/06/2022 Ref:: IPS/R/35/BL96LT the current British Standards and codes of practice.

REV C Date: 13/07/2023 SHT 9 of 9

Proposal

5m