

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/11/2023	Ref: 70021/FUL
Registration: 10/10/2023	LDFC: 02/11/2023	Expiry Date: 05/12/2023
Site Visit: 26/10/2023	Site Notice: 26/10/2023	Press Date: N/A
Objections: 5	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing dwelling and erection of a replacement dwelling and four no. dwellings together with car parking, landscaping and associated works.

Location: 2 Cliff Avenue, Summerseat, Ramsbottom, Bury, BL9 5NT

Description

The site relates to a 4 bed detached dwelling which is located on a large corner plot which is designated as Green Belt, Special Landscape Area and River Valley in the adopted Bury UDP.

The site is bordered to the north by a footpath which links Bass Lane to Hill Street, a bungalow to the west (No 4 Cliff Avenue) and is positioned on the junction of Cliff Avenue (to the south) and Crag Lane (to the east). There are TPO trees in the eastern part of the site and substantial conifer and hedge planting to the frontage facing Cliff Avenue and trees along the eastern boundary to Crag Lane.

There are 2 existing access points, a driveway off Cliff Avenue adjacent to No 4 and a driveway to the rear of the site off Crag Lane which drops down quite steeply into the site and leads to a detached garage and carport.

The site comprises 0.22 hectares and varies in levels with the dwelling itself being a split level design, comprising single storey to the frontage and 2 storey and single storey to the rear with a single storey carport/garage set at the lower part of the site which is attached to the main dwelling. The dwelling is set within generous grounds.

The application proposes the demolition of the existing dwelling and re-development of the site to provide 5 no dwellings (1 detached and a pair of semi-detached) with car parking, landscaping and associated works.

The applicant states the development would involve 1 no replacement dwelling and 4 no infill dwellings.

Detached dwelling (House Type B, Plot 5)

The proposed dwelling would be the larger of the 5 houses and positioned in the northern part of the site on the footprint of the single storey rear element of the existing dwelling. It would be orientated with the front elevation facing eastwards towards the existing driveway off Crag Lane. The dwelling would comprise 2 storeys with a single storey rear extension to provide living accommodation at ground floor and 4 en-suite bedrooms at first floor.

The front elevation would have a double pitched roof form with a central recessed 2 storey pitched roof entrance. Square windows at the ground floor would be framed by a wide surround which would protrude from the main elevation. At the first floor windows and on the remaining elevations windows would be varying shapes and sizes. A chimney would extend from within the central part of the dwelling with chimneys also located on both side elevations.

Materials would comprise two contrasting multi bricks with an artificial blue/grey slate roof.

The garden would be to the rear and side of the dwelling and parking for 3 cars would be provided on the existing driveway which is served by the access from Crag Lane.

Pair of semi-detached dwellings (House Type A, Plots 1-4)

The proposed 4 dwellings would be arranged in a row fronting Cliff Avenue and would be set further forward of the footprint of the existing dwelling by approx 8.8m

The dwellings would be 2 storey with a single storey rear extension and provide living accommodation at ground floor and 3 bedrooms (one en-suite) and bathroom at first floor.

The front elevations would have pitched roofs with a canopied porch entrance with large window openings on the front and rear elevations defined by a panel of contrasting brickwork to the main elevations. The roof would be artificial blue/grey slate.

Gardens would be at the rear with 2 parking spaces provided for each dwelling at the front (8 spaces in total).

In terms of tree removal, the existing conifers/trees to the front of the 4 new dwellings and trees to the rear would be removed with the 12 no TPO trees in the eastern part of the site retained.

Comparative volume of development

Existing dwelling - 1349.5 cubic m.

Proposed 'replacement dwelling' (plot 5) - 693 cubic m

Proposed 4 no 'infill' dwellings - 1484 cubic m

Total development - 21770 cubic m.

Total increase on site - 61.32%

Relevant Planning History

00942/E - Change of use from residential to children's day nursery - Enquiry completed 10/10/2011

02743/E - Demolition of the existing detached dwelling, construction of a replacement dwelling and erection of two infill dwellings, together with car parking and assoc. landscaping - Enquiry completed 08/08/2022

54800 - Change of use from residential (Class C3) to childrens day nursery (Class D1) - Refused 01/03/2012

Publicity

Letters sent to 20 properties on 11/10/23.

Site notice posted 26/10/23.

5 objections received.

Scale and design

- Believe there to be a restricted covenant on the height of the buildings to be constructed on this previously agricultural land.
- Height & design - houses are too tall in relation to surrounding bungalows, design is too imposing at first floor level, needs to be dormer style.
- Overdevelopment - plots too close together, not spaced out like the rest of the street.
- Roofline of new properties appears out of keeping with existing housing stock and size of development requires the destruction of numerous trees.
- The plans are an overdevelopment/unacceptable high density of building on the site. It involves loss of garden land and would have a negative impact on the character of the neighbourhood.

- We would like to see this site developed to provide housing but we object to the proposals as they currently are as they do not seem right for the site, the properties look too close together and parking would cause problems at the junction of Crag Lane. In terms of fitting in with the rest of the street scene, the surrounding properties are all bungalows with dormers with roof space housing the first floor rather than having brick facing up to the first floor and then the roof height. If dormer style properties were proposed they would fit better in with the surrounding homes.
- Sections 1 and 3 of the National Design Guide says the development should be 'visually enhancing its context and responding positively to the existing urban grain and adjacent built form' and provide a balance between open space and development density'. These proposed plans show the properties are too close together and plot 1 is too close to 4 Cliff Ave, to meet this criteria and are not in keeping with the spacing of properties on the rest of the street.
- Misleading images - drawings show a tree in the front garden of 4 Cliff Ave that does not exist - it gives a misleading impression on the existing height of the streetscene

Highways issues

- Vehicle access is a concern for myself as a Summerseat resident, with yet more vehicles on narrow roads.
- The top of Cliff Ave its already bad at rush hour and when any visitors to other homes park on the road, causing issues for turning into Cliff Ave and restricting bus access/turning, 8 cars parked here plus their visitors would make this dangerous.
- Vehicles already park entirely on the pavement on both roads, meaning certain pedestrian users are forced to walk into the traffic.
- Drive position/slope into the main property already requires residents to park on Crag Lane in slippery conditions.
- Please note I do agree that the site needs development, though would suggest that the plan to increase to 5 properties results in an overall parking/traffic issue, as opposed to 2 dwellings with separate individual access.
- Cliff Avenue and Bass Lane are heavily trafficked and the creation of a roll on roll off access serving four dwellings and the widening of the existing access on Bass Lane junction is prejudicial to highway and pedestrian safety and would result in an intensification of congestion which would have a detrimental impact on the free flow of traffic especially in relation to Bass Lane.
- The addition of 4 homes at the top of the street would worsen congestion and further limit visibility at the junction if they park on the road outside their homes - which would happen as it already happens with just one family living on the site. When any neighbours have visitors and their cars are parked on the street at the top of Cliff Ave it already causes problems at the junction of Crag Avenue and restricts the turning space for the bus service and is dangerous for cars.

Residential amenity

- Loss of privacy to property and overlooking should be considered due to the unacceptable scale and dominance of the four 2 storey units on Cliff Avenue.
- Too close to 4 Cliff Ave removing all light from side window and overlooking bedrooms to rear.
- The development would harm the amenity of the houses opposite along Cliff Avenue and on Crag Lane with loss of privacy, overlooking and overshadowing.

Wildlife

- There are protection orders in place on number of the trees on this site.
- There's evidence of owls roosting & bat activity in the garden of the site in addition to a number of rare native birds including green woodpecker, nuthatch, tree creeper, lesser spotted woodpecker.
- Planned removal of trees and potential loss of others, some covered by TPO's due to digging footings, erection of on-site temporary buildings and storage of building materials is at odds with climate control targets.
- Unclear how the development would protect the wildlife present.

Flooding

- 2 Cliff Ave regularly floods from rain water run off from Bass Lane and the fields, this would be a serious issue for Plot 5 - they use sandbags on the drive and at the front door when there is heavy rain running off Bass Lane and the surrounding fields - this would continue to cause a problem for the detached property planned at Plot 5 as it is below the ground level and would be a low point for rain water to collect.

Other

- Previous application refused on grounds of highway safety, pedestrian safety and inadequate visitor parking and the same consideration should be applied in this case.
- Understand that Radon levels may pose a risk to health for residents of the proposed development.
- Local knowledge of the site going back to before the existing property was built is that there was a builder who used the site to dump/tip construction waste. Poor foundations for the existing bungalow were built over this tipping site and is now the reason why the current property has bad subsidence and needs to be demolished. I do not know to what extent site surveys have been done to understand the ground conditions and if this has been picked up, but this is likely to cause problems for the development.

Statutory/Non-Statutory Consultations

Traffic Section - Object and recommend refusal.

Greater Manchester Ecology Unit - Require further bat surveys and clarification of bat roosting potential in trees prior to determination.

Environmental Health - Contaminated Land - No objection subject to conditions

Waste Management - No response received.

Borough Engineer - Drainage Section - No response received.

United Utilities (Water and waste) - Request a detailed drainage plan prior to determination or alternatively recommend a condition for the submission of a drainage scheme and a condition to establish the exact location of a combined water sewer.

Pre-start Conditions - Not relevant

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
EN1/1	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
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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 would 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 would 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.

Policies

Housing policy

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 would contribute to the five year supply calculations as many sites would 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.

In this case, due to the sites location on land within the Green Belt, the 'titled balance' does not apply. Paragraph 11d)i of the Framework therefore applies in this case with the policies relating to development affecting the Green Belt being of 'particular importance' in the assessment and determination of this application providing a clear reason for refusing development. This would be assessed throughout the report and the proposals compliance with paragraph 11d) determined within this report.

UDP Policy H1/2 - Further Housing Development would have regard to the following factors:

- the need to direct development towards the urban area;
- the availability of infrastructure;
- the need to avoid the release of peripheral open land;
- the suitability of the site in land use terms with regards to amenity, the nature of the local environment and surrounding land uses;
- other policies and proposals of the Plan.

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.

H2/6 - Garden and Backland Development. The Council would not permit proposals which would result in the loss of private gardens and backland for infill development unless such proposals can be shown not to adversely affect the character and amenity of the area.

When assessing proposals, special regard would be given to:

- a) the concentration of such development in the surrounding area;
- b) the relative density of the proposal to that of the surrounding area;
- c) the impact on neighbouring properties and the local environment;
- d) access arrangements.

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

Green Belt Assessment

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 considers the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include:

- d) replacement of a building provided the new dwelling does not result in disproportionate additions over and above the size of the original building;
- e) limited infilling in villages.

Plots 1-4 The erection of four new dwellings

Paragraph 149 specifies that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt except in certain circumstances. This includes (at part e) limited infilling in villages. The site is located within the village of Summerseat. There is established residential development to the east, south and west. Therefore the broad principle of limited infilling would be acceptable.

The Bury UDP provides further detail on this aspect of Green Belt development at policy OL1/3 regarding infilling in existing villages in the Green Belt. The policy recognises accepted limited infilling in Summerseat. However, the policy is quite clear that proposals which are out of scale and would adversely affect the character or surroundings would not be supported.

The proposal for four new dwellings would represent a significant intensification of the site by way of the scale of an uplift of development for 4 dwellings and the massing and form of the dwellings. This part of Summerseat is represented by low profile dwelling, relatively well spaced in proportion to each other, set back from the highway and predominantly bungalows. The scale of development is stark in difference comparatively.

Para 41 of the National Design Guide places emphasis upon not only the appearance of new development but also the way in which it would assimilate into any given area. In considering how the dwellings are proposed in height, form and density, the development appears to be more of an exercise of maximisation rather than consideration of pre-existing form and layout. As such, due to the stark difference proposed by the scheme, it is considered that the dwellings would not be in-keeping with the character of Summerseat or the site's surrounding contexts and therefore representing an inappropriate vast over-development of the site.

Given the above, in the context of local planning policy OL1/3 the proposed residential development by way of its impact on the character and surroundings would not be supported. This should be afforded substantial weight.

Plot 5 - Replacement dwelling

Paragraph 149 specifies that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt except in certain circumstances. This includes (at part d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This approach is reiterated in UDP policy OL1/2.

Plot 5 would be predominantly within the footprint of the existing dwelling and would be two storeys, which is taller than the existing building on this part of the site. However, the dwelling would be single storey at the rear where it extends beyond the existing footprint. In

terms of volume, the replacement dwelling would be approximately 48% smaller than the existing dwelling.

The principle of the demolition and erection of a replacement dwelling, that is not materially larger than the one it replaces, is in accordance with Paragraph 149 and UDP policy OL1/2. Therefore, in principle, redevelopment of Plot 5 has the potential to be acceptable.

River Valley principle

The site is located within close proximity (approximately 50-60m) of the River Irwell.

UDP Policy OL5 specifies that the Council would maintain and preserve the open character of the Borough's river valleys. Policy OL5/2 adds that within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land would not be permitted. The only exceptions considered acceptable would be those where the development would not lead to the division of the open parts of the valleys into sections and where the area is designated as Green Belt the established Green Belt policies would apply.

The proposal will not lead to the division of the River Valley into Sections however, as referred to above, the established Green Belt policies apply.

Special Landscape Area

UDP Policy EN9/1 states that in those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted would be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping would be expected. Unduly obtrusive development would not be permitted in such areas. Any development on the site should be subject to strict control to protect or enhance the character of these areas.

UDP Policy EN1/1 regarding Visual Amenity also states that development would not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys. The site is designated as all three of these areas.

The submitted Planning Statement does not include any thorough assessment of Policy EN9/1.

The proposed development of four new homes on the garden of 2 Cliff Avenue together with the erection of a replacement dwelling is considered to be unduly obtrusive which would not be sympathetic to its surroundings in terms of visual impact and is inappropriate by reason of its siting and design. Therefore, the proposal would be in conflict with Policy EN9/1 and Policy EN1/1.

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Given the advanced stage in the preparation of PfE, it is already considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against PfE (as proposed to be modified).

River Valley

As mentioned above, the site is located within close proximity of the River Irwell.

PfE policy JP-G3: River Valleys and Waterways states that River valleys and waterways would be protected and improved as central components of our Green Infrastructure Network and a vital part of a Nature Recovery Network, making a major contribution to local identity, quality of life and the natural environment. Point 9) states that development should relate positively to nearby rivers, taking advantage of opportunities to integrate green infrastructure.

The proposal seeks to retain the existing trees to the north and eastern boundaries to integrate with the river valley.

Green Belt

As noted previously, the site is designated as Green Belt. PfE policy JP-G10: The Green Belt reiterates the five purposes of Green Belt and states that the beneficial use of the green belt to enhance its green infrastructure functions is encouraged. Therefore, the proposed development would conflict with Policy JP-G10.

The policy does not provide further commentary on any exceptions listed in NPPF Paragraph 149 and as such, the position with respect to national and local policy is unchanged.

Landscape Character

The site is located within GM Landscape Character Area: River Irwell (north Bury) and Kirklees which is an Incised Urban Fringe Valley.

PfE policy JP-G1 Landscape Character states that development within a landscape character area should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

The proposal does not reflect and respond to the special qualities and sensitivities of the key landscape characteristics in terms of the settlement and perceptual qualities.

Summary

The proposal is considered to be unacceptable, owing to its conflict with UDP policies OL1/3, EN9/1 and EN1/1.

The proposal is also considered to be in conflict with emerging PfE policy JP-G1 which should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Scale of development and layout

The area is characterised by a distinctive and defined urban grain. The adjacent dwellings, Nos 4 and 6 Cliff Avenue are set on the same building line but the rest of the properties on this row are staggered with the majority of the houses set well back from the street with gaps between dwellings. The dwellings to the south east on Crag Lane are similarly separated and the properties on the opposite side are also set apart from each other. Overall, there is a sense of openness and space between built development.

The housing stock surrounding the site is typified by a mix of detached and semi detached bungalow and dormer bungalow types and as lower profile builds, the dwellings relate well to the steep topography and gradient of the area. To the east, stone two storey units represent former agricultural workers dwellings, which although two storey, are simple and modest in form, scale and appearance.

The development proposes 1 detached 2 storey dwelling as a 'replacement' for the existing and a pair of semi detached 2 storey dwellings (4 no in total) as 'infill'.

The National Design Guide states that development should understand and relate appropriately to the site and its local and wider context. Well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary, taking into account the existing built development including layout, scale and appearance.

Proposed semi-detached properties

The 4 semi-detached dwellings would be located at the front of the site set back from the road by 5m long driveways.

Comparative to the character of the area as described above, the pair of semis would be positioned very close together set only 0.7m apart and linear in form along the road. The dwellings would also be 2 storey and positioned closer to the road frontage than other properties on this side of the street and as such the development would feel uncomfortably 'crammed in' and appear oppressive and over-bearing within the setting of the streetscene and character of the area.

There are no other examples of a row of 4 semi-detached 2 storey properties sited 'side-by-side' and so closely together in the vicinity and as such the proposed development would not integrate with the urban grain or the character of the area and are considered to be discordant additions in the streetscape and over-development of the site.

The location and expanse of 8 driveways to the front of the 4 dwellings would further accentuate the scale and over-development of the site.

It is therefore considered the scale of development and intensification of this part of the site for a development for 4 semi detached properties as proposed would be unacceptable and would be contrary to policies H2/1, H2/2, H2/6 and OL1/3.

Proposed detached dwelling

The detached dwelling would be located deeper into the site towards the northern boundary. The applicant states the replacement would predominantly sit within the footprint of the existing, although the new dwelling would only occupy the footprint of the existing single storey extension, with the proposed rear elevation projecting beyond.

The dwelling would be 2 storey in height and comprise a volume of 693 cubic m which would be 48.6% less in volume comparative to the existing dwelling. The dwelling would be orientated to face eastwards.

The position and orientation of the proposed dwelling would be at odds with the general character of the area as it would be set back into the site compared to the general character of the area and Cliff Avenue in particular, where the rear gardens are fairly long. That said the dwelling would be sited in a similar position within the urban grain to those houses at Crag House, Hill Street further to the west. There is also the scope for neighbours to erect a detached outbuilding in their garden without the need for planning permission. In consideration of this, and viewed on these merits alone, on balance, it is considered the siting of the replacement dwelling could be considered acceptable.

In terms of the scale of this property, it would be almost half the size in terms of volume and 48.6% smaller in volume and located at a lower level to the street which would better assimilate better with the bungalows which surround the site.

However, the replacement dwelling is only one element of the scheme and should be considered as a part of the whole re-development of the whole site. Together with the over-sized scale and position of the 4 dwellings the proposal would intensify the use of the site to an unacceptable degree and would be at odds with the character and form of the urban grain of the area .

It is therefore considered the proposed development would be obtrusive and unsympathetic to its surroundings in terms of visual impact and would be inappropriate by reason of it's scale and layout.

Therefore, the proposal would be in conflict with Policies EN9/1, EN1/, OL1/3, H2/1, H2/2 and H2/6.

Design and appearance

The National Design Code states that well-designed new development is influenced by an appreciation and understanding of vernacular and local character, the characteristics of the existing built landform, the composition of streetscene, the height, scale and massing and relationships between buildings, scale and proportions of buildings, streets and spaces and facade design.

At para 126 of the NPPF, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Proposed semi-detached properties

There is a steep rise along Cliff Avenue, more so at the lower part of the street with the existing houses stepped along the road to follow the gradient of the road. The houses on Cliff Avenue and those on the surrounding streets are characterised by pitched roof and piked gables and are predominantly bungalow/dormer bungalow types. The front elevations are broken up by the addition of dormers or change in materials.

The proposed dwellings would be 2 storey and incorporate similar pitched type roofs. The dwellings would be a red multi brick build with a contrasting red multi brick in triangular and square patterns to areas around the windows which would vary in sizes at both the upper and ground floors.

As a row of 4 x2 storey builds set close the road frontage, the properties would appear strident, have an overbearing and dominant appearance and this would be exacerbated by the use of brickwork up to the roof without any break in the elevations. This would further exacerbate the massing of the properties and their prominence in the streetscene.

As such the scale, design and appearance of the 4 no. dwellings would appear overbearing, discordant and incongruous within the streetscene setting and character of the area and therefore would be contrary to Policies H2/1, H2/2, OL1/3, EN9/1 and the principles of the NPPF.

Replacement dwelling

The proposed dwelling would incorporate a double pitched roof with a central recessed pitched roof entrance. Large square, solid blocks would form surrounds to the ground floor windows, protruding forward from the front elevation. It is also proposed to include a central chimney, a chimney either side of the elevations and a single storey flat roof rear extension. Red multi bricks be used in the elevations.

Whilst design can be subjective, there appears to be no legibility or cohesion to the build and the front elevation in particular which comprises a number of different design elements. The square blocks at the ground floor over-dominate the front elevation and appear disproportionate adding to the scale and massing of the build. The double pitched roof with pitched entrance and 3 chimneys add to the mix of shapes and heights. Overall, the front elevation has a disjointed and incoherent appearance.

This dwelling would be positioned within the site and less visible to the surrounding area. However, the National Design Code states that well-designed new development should be influenced by an appreciation and understanding of the local vernacular and characteristics of an area and just because a building is less visible does not mean to say design should be compromised.

It is therefore considered the proposed development would be inappropriate to the setting of Summerseat Village and would be contrary to Policies H2/1, H2/2, H2/6, EN1/1 and EN9/1.

Impact on residential amenity

SPD 6 advises on acceptable separation distances between properties.

To the adjacent property No 4 Cliff Avenue, the proposed semi detached dwellings would not project past the front or rear elevation of this property and as such would not impact on the outlook from No 4 or cause issues of overshadowing or privacy.

The proposed detached dwelling would be 17m away from the dwellinghouse at No 4 and set at an oblique angle. There would be a distance of 14m from the rear elevation of the detached dwelling to the garden boundary to No 4 and as such aspect standards would be policy compliant and there would not be an impact on the amenity of the occupier of No 4.

To the other properties surrounding the site on Cliff Avenue and Crag Lane, aspect standards and separation distances of the proposed would be satisfied in compliance with SPD6.

The proposed development would therefore comply with H2/1, H2/6 and SPD6.

Highway issues

Access

The detached property, plot 5 would be accessed via the driveway off Crag Avenue which currently serves the existing dwelling. As this access would not be intensified to any greater degree than the current use, this aspect of the development would be acceptable.

In terms of the 4 new semi-detached dwellings, it is proposed to provide a double driveway to each house and each pair of semis would be served by an extended dropped crossing. This would result in extended drop crossings onto the highway the full length of the development.

The driveways would be located close to the junction with Crag Lane which is heavily trafficked at peak rush hour time making its way through Summerseat and Bass Lane to the motorway in the morning, and conversely back again in the evening which occurs on a daily basis. Cliff Avenue is also set on a steep incline and vehicles are often forced to a standstill along the upper part of Cliff Avenue directly in front of the site in time of heavy traffic.

There would be 8 driveway points at this location and the proliferation of accesses in this hazardous location on Cliff Avenue would result in the creation of sub-standard access and parking arrangements and would result in manoeuvres and conflicts on the highway which would not only be detrimental to the free flow of traffic but unsafe for pedestrians due to the overly long footway crossing proposed to be created.

The Highway Authority confirm that they would not support the provision of such long dropped crossings to serve 4 houses and more so in this particular location.

There is also insufficient information submitted to assess whether adequate visibility would be provided at the junctions with Cliff Avenue and at the back edge of pavement.

The proposed development would therefore be contrary to policies H2/2, H2/4 and HT6/2.

Parking

SPD11 states that 2 spaces for a 3 bed property and 3 spaces for 4 bed property in a high access area would be required.

Two parking spaces for the semi detached properties and three spaces for the detached dwelling are proposed and as such it is considered that the parking provision for the dwellings in this location would be acceptable.

There would be no dedicated parking for visitors. The detached house at the rear of the site would have a large driveway where there would be room for visitors to park and as such this would be acceptable.

For the semi-detached properties, there would be no dedicated visitor parking although there is on street parking on Cliff Avenue. The length of the dropped crossings in front of the dwellings would result in the loss of some on street parking as cars could not park on street and as a result, block the new driveways.

Although visitors could use the opposite side of the road to park, this part of Cliff Avenue is close to the junction with Crag Lane and cars parking on the road would block the flow of traffic at this point and also add to existing on street parking pressures in the area.

There is no consideration of visitor parking in the applicant's submission.

It is therefore considered that the scale of development would be unacceptable in terms of making satisfactory provision for visitor parking which would be detrimental to highway and pedestrian safety.

As such the proposed development would be contrary to Policy H2/2 and HT2/4.

Ecology

Summary

GMEU are not satisfied that the bat survey information is adequate or valid. Other issues relating to nesting birds, other wildlife, invasive species and biodiversity mitigation can be dealt with via condition.

Bats

A valid bat assessment has been provided that assessed the building as moderate risk for bat roosts. GMEU have no disagreement with this report, which recommended two further surveys between May and August. Two emergence survey have been carried out by a different consultancy and no bat roost found, however one was in mid - September and the other in early October. ie both surveys are contrary to the recommendations of the initial assessment and contrary to national guidance which recommends that at least one survey has to fall between May and August.

Whilst accepting the above is guidance, the consultant need to justify why a late was justified for this site, which GMEU do not believe they have done. GMEU also do not believe it is possible to justify for this site given the very high risk location, with regards foraging habitats adjacent to the site and connectivity to other high value habitat and with regards the desk top evidence of recorded roosts nearby including maternity roosts. GMEU therefore do not believe adequate survey information has been provided to demonstrate that "...the extent that they (bats) may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005) " ie whilst bats may not be present in mid - September to October they have not established that bats are not present during the peak activity season.

GMEU therefore recommend that at least one further dusk survey and preferably two are carried out during the peak bat activity season as recommended in the original bat assessment and by National guidance.

Second, the initial assessment also identifies a number of trees with moderate bat roosting potential and recommends further survey if removal is required. It is not clear from the information supplied whether all these trees would be retained, with at least one of the trees appearing to require removal.

GMEU therefore recommend that prior to determination clarification is provided upon whether any of the trees with moderate bat roosting potential as identified are to be lost and if so further bat survey information provided.

Other Protected Species

The preliminary assessment checked for all other likely or potential protected species, found no evidence of any such species and concluded that it was very unlikely that any other protected species such as badger, reptile or great crested newts were present. GMEU have no reason to disagree with this assessment. No further information or measures are required.

Nesting Birds

Trees and shrubs would be lost as a result of the development, potential bird nesting habitat. Evidence of birds nesting on one of the buildings was also recorded and an owl box recorded on one of the trees. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU recommend a condition to restrict tree and shrub clearance.

Other Wildlife

The preliminary ecological appraisal assessed the site as having potential to provide habitat for hedgehog, a UK Biodiversity Priority Species, with desk top records indicating that this species was present nearby. Reasonable avoidance measures were recommended for site clearance (and for other wildlife such as amphibians). GMEU have no reason to disagree with this recommendation and therefore recommend a condition that reasonable avoidance measures method statement for mammals and amphibians be provided to and agreed in writing by the LPA.

Invasive Species

Rhododendron and monbretia were recorded on the site. Both species are listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to cause such species to be spread in to the wild. Whilst the site in question is not the wild, there is a risk during construction of movement of these species off-site in spoil and transfer to a site that may be classed as wild. GMEU therefore recommend a condition along the following lines is applied to any permission for the submission of a method statement detailing eradication or avoidance measures for rhododendron and monbretia should be supplied to and agreed in writing to the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

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 site consist of the existing buildings and vegetated garden to be replaced with new buildings and gardens. Wildlife issues appear to be restricted to nesting birds and potentially bats.

GMEU recommend that any trees lost are replaced with native species and that mitigation for bats and nesting birds are provided. The details can be conditioned.

Drainage - United Utilities have been consulted and recommend a drainage strategy be provided prior to determination. Alternatively a condition is recommended for a strategy to

be submitted prior to commencement of development.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment would not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the new building regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section recommends a condition for provision of EV chargepoints for the dwellings.

Response to objectors

- Separation distances and aspect standards to adjacent properties would be policy compliant.
- Issues raised have been covered in the above report.

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 would represent a significant intensification of the site by way of the scale of development for 4 dwellings and the massing and form of those dwellings and would be inappropriate in consideration of the character of the area and is therefore considered to be over-development of the site. The proposed development would therefore conflict with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development, OL1/3 - Infilling in Existing Villages in the Green Belt, EN1/1 - Visual Amenity, EN9/1 - Special Landscape Area, the principles of the NPPF and the emerging policies of Places for Everyone (policies JP-G10: The Green Belt and JP-G1 - Landscape Character).
- 2 The proposed development, by reason of the design and appearance of the detached dwelling and height, design and appearance of the 4 no dwellings would result in over-bearing, disproportionate and discordant additions which would be out of character and seriously detrimental to the surrounding area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1 - The Form of New Residential Development, H2/6 - Garden and Backland Development, OL1/3 - Infilling in Existing Villages in the Green Belt, EN1/1 - Visual Amenity, EN9/1 - Special Landscape Area and the principles of the NPPF.
- 3 The proposal would result in the creation of sub-standard access and parking

arrangements including visitor parking spaces and a proliferation of accesses in a hazardous location on Cliff Avenue, which is highly likely to lead to the carrying out of manoeuvres and subsequent conflicts on the adopted highway to the detriment of the free flow of traffic and road safety, and would be detrimental to pedestrian safety due to the overly long footway crossing proposed to be created. The proposed development would therefore be contrary to Bury Unitary development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 4 The application and submitted plans contain insufficient information to assess whether adequate visibility can be provided at the junctions with Cliff Avenue and at the back edge of the footway in accordance with the standards in Manual for Streets. The proposed development would therefore be contrary to Bury Unitary development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The application and submitted plans contain insufficient information to assess the physical impact of the proposed development on the adopted highway in relation to measures to prevent the discharge of surface water onto the adopted highway. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/6 - Garden and Backland Development and EN5/1 - New Development and Flood Risk.
- 6 The application and submitted plans contain insufficient and adequate survey information to determine the impacts of the proposed development on bat roosting potential of the site in line with UK Government Guidance within the ODPM Government Circular 06/2005. The proposed development would therefore be contrary to Bury Unitary Development Plan Policy EN6/3 - Features of Ecological Value and the principles of chapter 16 of the NPPF - Conserving and Enhancing the Natural Environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/11/23		