

DELEGATED REPORT

Report by Tom Beirne	Date of report: 06/01/2022	Ref: 67322/FUL
Registration: 15/11/2021	LDFC: 16/12/2021	Expiry Date: 10/01/2022
Site Visit: 08/12/2021	Site Notice: N/A	Press Date: N/A
Objections: 6	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of detached dwelling

Location: 22 Cockey Moor Road, Radcliffe, Bury, BL8 2HB

Description

The application is a resubmission following a previous approval for a scheme to replace the now demolished bungalow with a larger house. It is understood that the existing bungalow was demolished in 2017 and Building Act 1984 Section 81 Approval for the demolition was obtained from Bury Building Control section. Work was deemed to have commenced on the site unlawfully after the permission had expired and without pre-commencement conditions being satisfied.

The properties along the road are mixed in size and style with large garden areas front and back and form a well established ribbon development linking the west side of Bury with Ainsworth Village. The site is within the Green Belt and the West Pennine Moors and has open countryside to the north, beyond the rear garden boundary. To the west side is a bungalow with an extension at the rear whilst to the east is a two storey house with a hipped roof. There are two dining room windows at first floor and a small window in the gable/ roofspace facing No.20. On the other side there is a first floor bedroom window and a small bedroom window within the gable of the roofspace facing over the roof of the bungalow at No.24. Across Cockey Moor Road, to the south, are two storey houses.

The new house would be centrally positioned, generally in line with properties on either side. The footprint measures D13.6m x W10.5m. There would be a two storey porch on the front measuring 2.9m by 2.3m. The roof would be higher and pitched at a steeper gradient than the previously approved scheme with eaves at 5.4m high and ridge at 8m.

The house would have a relatively conventional design and appearance with a high proportion glazing in the front elevation. At the rear corners there would be single storey sections with a two storey central element set in. The front elevation would be white rendered with stone cladding on the sides and rear. The roof would be cement tiles. The access point onto Cockey Moor Road would remain in the existing position and a new boundary wall and railing would be erected.

Relevant Planning History

01601/E - Demolition of existing bungalow, construction of replacement dwelling - Enquiry completed 23/01/2015

57756 - Demolition of existing bungalow and erection of 2 storey replacement dwelling with additional living accommodation in roofspace - Refused 07/10/2014

58590 - Demolition of existing bungalow and erection of 2 storey replacement dwelling (resubmission) - Approved with Conditions 03/06/2015

14/0331 - Demolishing bungalow - 03/09/2014

16/0144 - Untidy land/buildings - 02/06/2016

17/0161 - Untidy Property - 12/06/2017

20/0389 - Breach of start by date of planning permission 58590 - application submitted

Publicity

Surrounding neighbours were notified by letters dated 24/11/2021.

Objections received from the Ainsworth Community Association and Nos.5, 7, 16, 20 and 24 Cockey Moor Road. Objections are summarised below:

- The design would be out of character with the surrounding properties.
- The height of the proposal also presents concern and will result in a dwarfing effect for neighbouring property.
- The proposed dwelling is too big and would be overdominant in relation to neighbouring properties. It would be contrary to Green Belt policy which only allows replacement dwellings that are proportionate and not materially larger.
- Overdevelopment within the plot.
- Increased overlooking of neighbours from rear windows.
- The new house would block light and views from neighbouring properties.
- Increase in noise levels due to noise reflecting off high walls.
- The footprint represents an increase of almost 80% which is contrary to Green Belt Policy.
- The loss of light to neighbours would lead to increased energy consumption and increased CO2 emissions.
- There is insufficient parking and access to and from the site would be dangerous.

Statutory/Non-Statutory Consultations

Traffic Section - Access not fully unresolved.

Drainage Section - No objection.

Environmental Health - Contaminated land conditions

Environment Agency - possible contamination - Contaminated land conditions

United Utilities - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL7/2	West Pennine Moors
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
EN1/2	Townscape and Built Design
EN7	Pollution Control
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
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
EN5/1	New Development and Flood Risk
EN7/5	Waste Water Management

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - Policy H1/2 Further Housing Development, states that the Council will have regard to various factors when determining a proposal for residential development including the availability of infrastructure, the suitability of the site, the nature of the local environment and the surrounding land uses. The principle of housing on the site established by the historic use of the site and previous planning approvals.

Green Belt - The site is a gap site within a ribbon of established housing between Bury and Ainsworth. Notwithstanding the various increases in footprint or volume, the overriding advice is that each proposal will be considered on its own merits in the light of policies and guidance. Although the new dwelling would be significantly larger than the previous bungalow, the site is within a streetscape characterised by a mix of single and two storey dwellings and as such, assessing it on its merits and in particular the previous approval in 2015, the proposed house would not have a seriously detrimental impact on the openness of the Green Belt.

In the light of the NPPF and UDP Policies OL1/2, OL1/3 and associated guidance, the new dwelling is not considered to be in conflict with Green Belt policies.

Visual amenity - There is a mix of different house styles and sizes of dwellings along this

part of Cockey Moor Road as it runs out of Bury towards Ainsworth Village. In terms of siting, the new house is centrally positioned within the plot and generally in line with the other properties along the road.

The main concerns centre on the roof design and the two storey front outrigger/porch. The overall height of the building in relation to properties on either side, twinned with the rather incongruous roof design with its steep pitch would appear rather incongruous and out of character with the streetscape despite the fact that Cockey Moor Road is characterised by a mix of house styles.

The second element of concern is the two storey porch/outrigger on the front elevation. This structure would appear to be overdominant on the frontage and add to the proposed dwelling's rather incongruous appearance within the streetscape.

The proposal would have a seriously detrimental impact on visual amenity and the character of the streetscape. It would therefore be unacceptable and contrary to policies EN1/2 Townscape and Built Design, H2/1 The form of New Residential Development and adopted guidance in SPD16 Design and Layout of New Development in Bury.

Residential Amenity - The neighbouring house at No.20 has a ground floor door and hallway window with first floor stairwell and WC windows facing across the side boundary. The bungalow at No.24 has a ground floor side kitchen window and a first floor obscure glazed bathroom window.

The proposed new dwelling has a number of secondary habitable and non-habitable room windows facing towards the neighbours on either side. All these windows would be obscure glazed and therefore mitigate the impact on privacy. This arrangement does not constitute good planning practice in terms of the impact on residential amenity of neighbours, the future occupiers of the new house and in terms of the possible future development of land on either side.

The proposal is unacceptable and conflicts with UDP Policies H2/1 and H2/2 in relation to residential amenity.

Access and Parking - Although the proposed access point from Cockey Moor Road is similar to the existing, the Traffic Team have indicated that the proposed plans are not sufficiently detailed. This element could probably be conditioned to require details to be submitted which could comply with UDP Policy HT2/4 Car Parking and New Development if the application were to be approved however given the issues with the design and massing, this element comprises a reason for refusal.

Drainage - The new house would be connected to the main drainage system and appropriate informative's could be attached to any approval notice.

Contaminated Land - A Phase 2 geo-environmental investigation, risk assessment and remediation strategy was submitted with the application. The report identified potential risks to future site users and recommended remedial action and as such further details would be required by an appropriate condition.

Representations - The objections raised by the neighbours have been addressed in the above report and where relevant, the material planning objections are reflected in the reason for refusal.

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

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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 design and massing of the proposed house, in particular the roof and two storey front porch is neither appropriate to, nor sympathetic with the existing streetscape, and would appear incongruous and out of keeping within the immediate area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design, H2/1 The Form of New Residential Development and associated guidance in SPD16 - Design and Layout of New Development in Bury.
- 2 The application and submitted plans contain insufficient information with regard to access and parking to enable them to be properly assessed. The proposal is therefore contrary to the following UDP Policies HT2/4 Car Parking and New Development and H2/2 The layout of New Residential Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	06/01/2022	DM	10/01/2022