

DELEGATED REPORT

Report by Helen Leach	Date of report: 05/12/2022	Ref: 68799/FUL
Registration: 13/09/2022	LDFC: 12/10/2022	Expiry Date: 08/11/2022
Site Visit: 14/11/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Partial demolition and replacement of 1 no. dwelling

Location: The Gatehouse, Woodhill Road, Bury, BL8 1BN

Description

The application site relates to a two storey detached dwelling, which is located on a large plot. The dwelling is located in the back half of the site and there is a large detached garage located at the side. There is a large garden to the front, which includes the driveway and there is a brick wall along the frontage with Woodhill Road. There is a smaller garden to the rear.

There are residential properties to the south and west of the site and open fields, which are in the Green Belt, to the north and east.

The proposed development involves the demolition of the existing dwelling and the erection of a larger replacement dwelling. The proposed dwelling would be positioned broadly on the site of the existing dwelling and detached garage but would infill the areas to the north west and south of the existing dwelling. The proposed dwelling would measure 33.4 metres by 33.9 metres at the longest and widest points.

Relevant Planning History

67701 - Two storey extension at front, side and rear with balcony at front/side: Increase in height of roof at the Gatehouse, Woodhill Road, Bury. Refused - 17 January 2022.

Publicity

The neighbouring properties were notified by means of a letter on 20 September 2022. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to a construction traffic management plan, car parking and turning facilities.

Drainage Section - No response.

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

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

United Utilities - No objections.

The Coal Authority - Object - A coal mining risk assessment is required.

Waste Management - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2 Further Housing Development

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

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

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Principle - The National Planning Policy Framework (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 will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties to the west and south and open fields to the north and east. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The site is currently in residential use and would involve a replacement dwelling. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and layout - The proposed replacement dwelling would be located in the same location as the existing dwelling and only 4 of the internal walls of the existing dwelling would be retained. The proposed dwelling would be an L shape and would measure 33.4 metres by 33.9 metres at the longest and widest points.

Looking at a figure ground diagram of the surrounding area, the footprint of the existing dwelling is substantially larger than the surrounding dwellings. The proposed dwelling would be even larger and would be located towards the rear of the site.. As such, the positioning and design of the proposed dwelling will be key in how this would assimilate into the surrounding area.

The proposed dwelling would be located to the rear of the site, which would be in contrast to the other existing properties on Woodhill Road. The existing dwelling has a canopy, pike details, bay windows and differing rooflines, which all add visual interest and help to break up the massing of the dwelling.

The proposed dwelling would be a straight run of building and the only architectural detail would be the headers and cills. There would be no relief or visual interest in the elevations. The proposed windows and the large expanses of glazing/doors at ground floor level have a horizontal emphasis, which adds to the stretched feel and bulk of the proposed dwelling.

The proposed development would include a large balcony to the front elevation. There are no other balconies in the immediate vicinity and there are concerns that this would be a prominent feature in the locality. In addition, the proposed balcony is not indicated on the proposed site plan.

Therefore, the position and the bulk and massing of the proposed dwelling would be inappropriate and would be a prominent feature in the streetscene.

It is acknowledged that there are mature trees along the frontage of the site with Woodhill Road, which partially screen the existing dwelling from view. However, the presence of a screening feature, which could be removed at any time, is not an excuse for bad design. In addition, the proposed dwelling would be visible from the driveway opening and from Woodhill Road.

Currently, when driving from Woodhill Road towards the site, there is a view of the existing dwelling and through the site to the adjacent red brick dwellings at the rear. The proposed development would provide a large building, which would infill from the existing dwelling to past the existing red brick dwellings, creating a prominent feature in the streetscene.

Finally, the proposed elevations indicate that there would be 14 rooflights and all would be located close to the ridge of the proposed roof. This would indicate that a second floor would be provided. No floor plans for a second floor have been received and the rooflights are not present on the proposed first floor plan. As such, the application contains inaccurate and conflicting plans.

Therefore, the footprint, position, bulk and massing of the proposed dwelling would be inappropriate and would be a prominent feature in the streetscene. The proposed development would conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan and the NPPF.

Impact upon surrounding area - The proposed site plan indicates that all the existing boundary treatments would be retained, which would be acceptable.

The private amenity space at the rear of the proposed dwelling would be reduced significantly as a result of the siting of the proposed dwelling. There would be private amenity space across the rear of the dwelling to a depth of 6.7 metres, which is considered

to be small for a dwelling with 7 bedrooms and housing 3 generations of a family.

It is acknowledged that there is a large front garden and that currently, this is relatively private with a 2 metre high wall and trees and shrubs of 5 metres in height. However, if the trees and shrubs were to be removed, there would be a clear view into this site and any future residents would not enjoy a good degree of privacy. This issue could easily be addressed by looking at the siting of the proposed dwelling.

As such, the proposed development would lead to a reduction in the amount of private amenity space from the current levels, when the proposed dwelling is increasing in size from 5 to 7 bedrooms. Therefore, the proposed development would not maintain an acceptable amount of private amenity space for the size of property, which would be detrimental to the residential amenity of the future occupiers.

The proposed site plan indicates that all the bins would be stored at the front of the property and no bin store would be constructed. As such, the storage of the bins would be a prominent feature in the streetscene.

Therefore, the proposed development would conflict with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

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

There would be 6.7 metres from the rear wall of the proposed dwelling, which contains bedroom and living room windows, to the boundary of the site. This would not comply with the 7 metre aspect standard in SPD6.

On the north eastern elevation, there are several windows, which are located on the boundary of the site. These windows relate to the dining room and bedrooms 6 and 7. There would be between 0.7 metres and 2.4 metres to the boundary, which would not comply with the aspect standard of 7 metres.

The proposed floor plan indicates that the games room, which is located near the garage would not have any window or natural light, which would be unacceptable.

On the south western elevation, there are two high level windows at ground floor level, which relate to the gymnasium and jacuzzi and one high level window at first floor level, which relates to the office/games room. There would be 1.4 metres from the floor level to the underside of the window, which would be below the 1.7 metres required to ensure the privacy of the adjacent properties is protected. As such, the proposed development would lead to overlooking into the private amenity space of Nos. 113 and 115 Canterbury Drive, which would be detrimental to residential amenity.

The proposed dwelling would extend from the boundary of Nos. 111/113 Canterbury Drive to past the front elevation of No. 89 Woodhill Road. There would be 13.1 metres between the rear elevation of No. 113 to the proposed dwelling. Generally a 13 metre separation would comply with the aspect standards in SPD6. These distances are set out in order to maintain adequate separation between existing properties and extensions and avoid overbearing relationships. In this instance however, due to the scale of the proposed development, as it would run the full length of the boundary to the rear of No.113 it is considered that the development would have an unacceptable impact on the outlook from the rear garden of this property and as such would be detrimental to residential amenity.

In conclusion it is considered that the proposal would impact on the residential amenity of the occupiers of 89 Woodhill Road and 113 Canterbury Drive to an unacceptable level and would therefore be contrary to UDP Policy H2/3 and SPD6 - Alterations and Extensions to Residential Properties.

Special circumstances - The agent refers to the unique situation that the religious background of the applicant is for several generations of the family to live together, which requires a large dwelling as well as the need to provide a quiet space with the correct orientation for regular prayers. The agent has also referred to SPD6, which states at paragraph 10.20 that:

'Where there are special needs for religious observance or family living circumstances i.e. succahs and extended families, consideration shall be given, on an individual basis, to the relaxation of this guidance where it can clearly be demonstrated that there will be no direct harm to the principles outlined in Chapter 2 (of SPD6).'

The paragraph referred to relates to house extensions and this application is for a replacement dwelling. Whilst SPD6 supports the needs for special religious or family needs, the paragraph is clear that it should be where there is no harm to the main principles outlined in Section 2 of SPD6 and Policy H2/3. These principles require any application to:

- achieve a high standard of design and complement the original building by reflecting its design, massing, scale and finishing materials
- does not have a detrimental impact on the character and appearance of neighbouring properties and general streetscene through poor design, siting or excessive bulk
- does not significantly reduce the amount of daylight or sunlight enjoyed by neighbouring properties.

There are no objections in principle to a larger dwelling, which would facilitate three generations of the family to live together. However, in this instance, there are significant concerns in relation to the design, bulk, massing of the proposed dwelling and the impact upon the neighbouring properties. In addition, it is not clear if the required space for prayer would be provided as this is not marked on the proposed floor plans. In addition, the application site is a large plot and there are other possibilities to relocate and redesign the proposed dwelling without having a detrimental impact upon the amenity of the adjacent neighbouring properties. Therefore, for the reasons provided above, the proposed development cannot be supported and would be in conflict with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Coal mining - The application site falls within the defined Development High Risk Area and the Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. In addition, the site lies within a Surface Coal Resource Zone. Given all the above, a coal mining risk assessment is required.

The applicant has submitted limited coal mining information within the Preliminary Risk Assessment. However, this information does not provide any assessment of the potential risks posed to the proposed development by past coal mining activity and has not been prepared by a geotechnical expert. Nor has it been based on appropriate and up to date coal mining information for the site.

The Coal Authority have objected to the proposed development as a detailed coal mining risk assessment is required.

Therefore, there is insufficient information within the application to properly assess the risk from coal mining and the proposed development would conflict with Policy EN7 - Pollution Control of the Bury Unitary Development Plan and the NPPF.

Ecology - The main issues relate to bats, nesting birds and landscaping.

Bats - A bat survey was submitted with the application and states that no evidence of bats was found. In addition, the building has very low to negligible bat roosting potential. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to bats.

Therefore, the proposed development would not cause harm to a protected species.

Nesting birds - The submitted plans indicate that there would be no loss of trees or shrubs. As such, the risk to nesting birds is low and GM Ecology Unit has no objections, subject to the inclusion of a informative relating to nesting birds. Therefore, the proposed development would not cause harm to a protected species.

Contributing to and enhancing the natural environment - Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There would be negligible loss of vegetated habitat but there may be a loss of very low roosting potential. GM Ecology Unit has no objections, subject to the inclusion of a landscaping condition, which would include the provision of 1 integrated bat box/brick or tile in the extension.

Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Highways issues - The proposed development would utilise the existing access onto Woodhill Road and there would be adequate visibility. The large driveway would provide turning facilities. The Traffic Section has no objections, subject to the inclusion of conditions relating to a construction traffic management plan, car parking and turning facilities. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a dwelling with 4 or more bedrooms is 3 spaces.

The proposed site plan indicates a large area of hardstanding to the front of the dwelling, which would be large enough to accommodate 3 vehicles and still provide turning facilities. As such, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

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, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.

- 2 The proposed development would be detrimental to the amenities of the occupiers of Nos 113 & 115 Canterbury Drive and No. 89 Woodhill Road by reason of its height, size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 3 The design of the proposed dwelling is neither appropriate to, nor sympathetic with the surrounding area and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 4 The proposed dwelling would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of the adjacent properties by reason of the sub-standard distances between habitable windows on the proposed dwelling and the boundary to the site. The proposed development therefore conflicts with the following policies of the Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 5 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about the dwelling. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 6 The application and submitted plans contain insufficient information to enable the impact of the rooflights and a second floor upon the amenity of the neighbouring properties to be properly assessed. Therefore, the proposed development would conflict with Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 7 The application and submitted plans contain insufficient information to enable the impact of the proposed balcony to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development.
- 8 The application and submitted plans contain insufficient information to enable the impact of the proposed development upon coal mining to be properly assessed. Therefore, the proposed development would conflict with Policy EN7 - Pollution Control of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 05/12/2022			