

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/12/2022	Ref: 68587/FUL
Registration: 20/10/2022	LDfC: 15/11/2022	Expiry Date: 15/12/2022
Site Visit: 01/12/2022	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 1 no. dwelling

Location: Land adjacent to No.2 Heatherside Road, Ramsbottom, BL0 9BX

Description

The application relates to a plot of land adjacent to 2 Heatherside Road. The site is currently overgrown and climbs quite steeply from Ramsbottom Lane towards the housing estate to the north. To the north is No 2 Heatherside Road, to the east are the residential terrace properties fronting Ramsbottom Lane which are set much lower than the site and opposite to the west is No 7 Heatherside Road which is substantially elevated above the road. To the south of the site there is a detached garage but there is no dropped kerb in front for access.

Planning permission is sought for the construction of a detached dwelling within the site. The dwelling would front Heatherside Road and would comprise of a number of blocks that vary in height from single storey, to three storey. Residential amenity space would be provided through the use of terraces to the front and rear, and a garden area to the rear of the site. Parking is indicated to the side of the proposed dwelling leading to an integral garage at lower ground floor.

Relevant Planning History

51131 - Outline application for 1 no. detached bungalow - Refused 21/05/2009

52661 - One dwellinghouse and detached garage - Withdrawn 29/07/2010

53279 - Single storey dwelling - Approve with Conditions 25/11/2010

Publicity

Neighbour letters sent 25/10/2022. 2 objections received from neighbouring properties in relation to:

- Overbearing and overshadowing
- Loss of privacy
- Not in keeping with the other properties on Heatherside Road
- Drainage due to the slope of the hill and any development on the land
- Overdevelopment compared to modest previously approved plans
- Does not appear to have been any consideration for where construction equipment, machinery etc can be located during construction.
- Require significant excavation
- The proposed roof height has been aligned with properties to the high side of the site and does not reduce with the site gradient meaning the property has a high, imposing facade that would be overbearing on the properties and gardens at 61 - 67 Ramsbottom Lane
- Proposed driveway does not have space for a vehicle to turn within the site boundary.
- Driveway is sloped which would further obscure a driver when reversing on/off the property.

- No details have been shared on the glazing of the windows facing towards 61 - 67 Ramsbottom Lane.

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal due to substandard visibility at access and lack of information in relation to the physical impact of the proposed development on the adjacent adopted highway and street lighting column, confirmation of relative levels between the site and adjacent footway and measures to prevent the discharge of surface water onto the adjacent adopted highway.

Drainage Section - No response

Environmental Health - Contaminated Land - No objections raised subject to conditions in relation to the submission of a Contaminated Land preliminary risk assessment, site investigation, detailed risk assessment and remediation strategy.

Waste Management - No response

United Utilities - No objections subject to a standard SUDs condition

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development 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 (Residential)

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 all boundaries. 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. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Layout and Design

Policy H2/1- The Form of New Residential Development requires all new residential development to make a positive contribution to the form and quality of the surrounding area. Policy H2/2 - The Layout of New Residential Development seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment. In addition to this, Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

The design of any new dwelling within the context of this street scene needs to be carefully considered, especially when reviewing the most recent updates to the NPPF with it's focus on design and the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "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, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by " an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents." In terms of layout the Design Guide states that a well designed place is unlikely to be achieved by focusing just on appearance, materials and detailing of buildings and that layout, including the grain pattern of development, blocks and lots needs to be considered and relate to one another to create spaces, open spaces and buildings.

The immediate street scene is depicted by single storey dwellings to the north, two storey terraces to the south and detached dwellings located to the west. The proposed development however would be viewed largely in connection with the single storey, and terraced properties rather than the detached properties that are separated from the site by a highway. When approaching the site from Ramsbottom Lane, the proposal would appear as if it were a 3 storey dwelling with a large gable facing towards the junction of Ramsbottom Lane and Heatherside Road. This is largely because the proposed dwelling fails to reflect the gradient of the site leading to the increased height of this particular elevation compared to the adjoining properties. Given that this elevation would be visible at a distance from Ramsbottom Lane it is considered that this increased scale would appear dominating within the street scene. It is considered that unlike the previous approval at the

site, the proposed dwelling would appear out of scale with the adjoining residential properties leading to a development that would be overbearing within the street scene.

The overall design of the proposal appears incoherent due to the block style of design. The layout of these blocks with differing depths, levels, materials and design features such as dormers and terraces results in a proposal that appears muddled rather than a considered approach to dealing with the challenges of a sloping site. Whilst differing roof heights may be acceptable if the design were to reflect the topography of the site, these changes in roof heights further highlight the increased scale of the dwelling compared to the neighbouring properties. Overall, the proposal represents an incongruous collection of blocks, with no homogeneity of design and pays no mind to the locality in which it is proposed to be sited.

The proposed development has a much larger footprint when compared to the dwellings, and buildings that bound the site and would not replicate the grain of development that is readily visible within the context of the site. Even if we are to look at the detached dwellings that face the site, that have a similar footprint to the proposal, these dwellings have much more amenity space associated with them leading to gaps and vistas that lessen the dominance in built form. The proposal is of such a large scale that amenity space would largely have to be provided via terraces to enable outside space that would be commensurable with a dwelling of this size. The use of terraces therefore fails to add soft landscaping elements and spaces that could contribute to the grain of the built development in this row. The footprint of the proposal, and the impact of this on the immediate street scene would have a detrimental impact on the character of the locality and is therefore considered to be unacceptable.

The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan - H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and the National Planning Policy Framework.

Residential Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. UDP Policy H2/1 also requires the consideration of the impact of developments on residential amenity and the position and proximity of neighbouring properties. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The sections provided indicate that the proposed ground floor, would be at a similar level to the first floor of the properties along Ramsbottom Lane. Aspect standards will therefore need to be amended to reflect this difference in levels to accurately assess the impact on the windows and private residential amenity space of these properties. As such, the proposed ground floor windows and terraces will be assessed as if they were first floor windows, and an additional 2.5 metres will be added to aspect standards for the proposed first floor windows.

A minimum distance of 7 metres should be provided between the proposed ground floor living/kitchen room window and the boundary. From the centre point of the window a distance of 6 metres can be provided. Given the expanse of this window, this 1 metre deficit is considered to be significant and as such it is considered this window would cause undue loss of privacy to the terraced properties at the rear.

A minimum distance of 7 metres should be provided between the proposed terrace, and the directly facing boundary. At the narrowest point a distance of approximately 830mm can be provided between the proposed terrace and the boundary which is a significant deficit. By

it's nature a terrace is intended to facilitate informal outdoor use when the weather permits. The close proximity of this outdoor space, at an elevated position when compared to the amenity space and rear windows associated with terraces along Ramsbottom Road is considered to be unduly intrusive in terms of likely noise and disturbance in addition to failing to meet aspect standards in terms of privacy. As such the location of this terrace is considered to be unacceptable.

A minimum distance of 7 metres should be provided between the corner windows associated with bedroom 2 and the directly facing boundary. A distance of approximately 6.8 metres and 9.3 metres can be provided. It is considered that the 200mm deficit would not be sufficient enough to warrant refusal given the narrow style of window.

The ground floor side windows associated with the living/kitchen area are considered to be secondary windows. In addition these windows are narrow in style at only 470mm and therefore acceptable within a side elevation.

The proposed front ground floor windows associated with the living/kitchen area, and bedroom 1 and the living roof terrace to the front of the property would face the highway with onward views of the parking area associated with No. 7 as such no undue loss of privacy is foreseen.

The proposed side ground floor windows facing towards the boundary with No. 2 Heatherside Road would relate to the bathroom, or would be corner/secondary windows associated with bedroom 1 and 2 and would face towards the garage and side elevation of No. 2. As such aspect standards have not been applied.

A minimum of 10 metres should be provided between the proposed first floor dormer windows, associated with the master bedroom, and the directly facing boundary. Distances of between 5.1 metres and 7 metres can be provided from the two windows which is significantly below aspect standards. As such it is considered that the windows within the dormer would lead to an undue loss of privacy.

The first floor window shown on the rear elevation drawings, that is not shown on the first floor plan appears to be associated with the ensuite. As this is a non-habitable room window aspect standards have not been applied.

Due to the nature of rooflights no overlooking is foreseen.

To prevent overbearing relationships, SPD 6 requires proposals to maintain a minimum distance of 13m between a principal window to a ground floor habitable room in one property and a two storey wall of a neighbouring property. Given the differences in levels an additional 3 metres has been added to this minimum distance to account for the additional storey of the proposed building in relation to the terraces at Ramsbottom Lane. As indicated on the submitted drawing PP002A distances of approximately 14.9 metres and 15.8 metres can be provided between the rear elevation of the proposed dwelling and the rear elevations of the existing terraces which is below the 16 metres required.

Additionally, whilst at an oblique angle the gable would still have a relationship with the rear elevations of the terraces on Ramsbottom Lane and a distance of approximately 15 metres can be provided here. It is therefore considered that the proposal would have an unduly overbearing relationship in relation to the terraces on Ramsbottom Lane that would be detrimental to the resident(s) enjoyment of their dwellings.

Access and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to

demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

The proposed access would be located on Heatherside Road, and would result in the introduction of a new dropped kerb. Given that the proposed access is so close to the junction with Ramsbottom Lane it is important to ensure adequate visibility is maintained. The proposed site plan has not been submitted on a detailed, dimensioned topographical survey of the site and the adjacent adopted highway, and no visibility splays have been plotted. Given the topography of the site a detailed cross section of the boundary wall and lower courtyard adjacent to the proposed access would also be required to ensure that this would not obstruct visibility. The Traffic Section have assessed the submitted documentation and consider that the proposal would result in the creation of access arrangements onto Heatherside Road that are sub-standard in terms of visibility and alignment at the interface with the adopted highway, which would be detrimental to highway safety.

It is also considered that the application is lacking in information to allow submitted plans contain insufficiently detailed and dimensioned information to properly assess the following:

- Physical impact of the proposed development on the adjacent adopted highway and street lighting column;
- Confirmation of relative levels between the site and adjacent footway on Heatherside Road to determine whether mitigation measures are required outside of required visibility splays to prevent falls by passing pedestrians into the proposed 'courtyard lower area';
- Measures to prevent the discharge of surface water onto the adjacent adopted highway.

Whilst some of these issues could have been addressed by the submission of further documentation, given the identified issues with layout, design and residential amenity already identified amendments were not sought in this instance as they would go beyond the scope of the original application.

It is therefore considered that the proposal fails to comply with Unitary Development Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

The site appears to be located just within the high access area set out within SPD11 and as such a maximum of 2 parking spaces would be required for a 3 bedroom house. The application form states that 2 parking spaces will be provided on site, however 3 cars are shown on the lower ground floor plan with 2 located within the garage. It should be noted that garages are excluded from the standards set out within SPD 11. A more detailed parking plan should also therefore be provided to show how 2 cars would be parked, and maneuvered within the site if this is the standard that the applicant wishes to meet. Parking standards however are a maximum, and 1 vehicle can be accommodated on the drive. As such, given the location of the site the proposal would comply with SPD 11 and HT2/4 in terms of provision.

Drainage

In terms of drainage any proposal should include a surface water scheme that must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. A condition will be attached to

the proposal to ensure that a suitable scheme is submitted, and approved by the LPA. This scheme must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

Any scheme submitted, and approved by the LPA would have to accord with the above and as such it is considered that the proposal would promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

Response to Objectors

It is considered that the the objections relating to design, layout and residential amenity have been addressed within the main body of the report.

Drainage, and a construction traffic management plan could be dealt with via condition should a future application be submitted.

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 policies of the Bury Unitary Development Plan H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and the National Planning Policy Framework.
- 2 The proposed dwelling would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of No. 61- 73 Ramsbottom Lane by reason of the sub-standard distances between habitable windows and raised terraces on the proposed dwelling and the directly facing boundaries with these properties. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The proposed development would be detrimental to the amenities of No. 61- 73 Ramsbottom Lane by by reason of its height, size and position. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

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- 4 The proposal would result in the creation of access arrangements onto Heatherside Road that are sub-standard in terms of visibility and alignment at the interface with the adopted highway, which would be detrimental to highway safety. The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The application and submitted plans contain insufficiently detailed and dimensioned information to properly assess the following:
- Physical impact of the proposed development on the adjacent adopted highway and street lighting column;
 - Confirmation of relative levels between the site and adjacent footway on Heatherside Road to determine whether mitigation measures are required outside of required visibility splays to prevent falls by passing pedestrians into the proposed 'courtyard lower area';
 - Measures to prevent the discharge of surface water onto the adjacent adopted highway.

The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Pressley	7/12/2022		