

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/08/2023	Ref: 69624/FUL
Registration: 06/06/2023	LDfC: 29/06/2023	Expiry Date: 01/08/2023
Site Visit: 14/06/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of replacement dwelling

Location: 62 Starling Road, Radcliffe, Manchester, M26 4LN

Description

The application relates to a detached dormer bungalow a residential road of detached houses of various styles. Starling Road is characterised by a ribbon of residential properties running down the east side with open countryside on the other side. The properties on either side, No.60 and 64 Starling Road are two storey detached houses. There is a driveway to the front and integral garage. The site is 'washed over' by the Green Belt and has open countryside to the west, across Starling Road and to the east beyond the rear garden boundary.

The application proposes to demolish the existing detached dormer bungalow and replace with a detached two storey 5-bed dwellinghouse. As with the current property, the proposed house would be positioned in line with houses on either side. The two storey ground floor footprint measure would measure D13m x W11.3m. There would be a single storey element across the rear, extending out 3m. The eaves would be 5.3m high with the ridge height of 8.4m.

The house would have a relatively conventional design and appearance with a mix of red brick and render walls and a pitched grey 'slate effect' tiled roof that would be hipped at the rear.

The existing vehicular access from Starling Road would be closed off with a new centralised access formed with the front garden landscaped on either side. There would be in integral single garage and parking for at least two cars on the driveway with turning.

Relevant Planning History

68963 - Multiple alterations to an existing detached dormer bungalow comprising front and rear extensions and a new upper roof - Withdrawn - Invalid 16/12/2022

69185 - Application for prior approval of a proposed enlargement of a dwellinghouse by construction of additional storeys - Proposed addition of one storey to create a two storey house (maximum height 9.5 metres) - Prior Approval Required & Granted - 10/02/2023

Publicity

Immediate neighbours notified by letter dated 08/06/2023. One objection received from the neighbour immediately to the south, at No.60 Starling Road and concerns are summarised:

- The increase in volume of the house is well above that allowed in Green Belt.
- the increase side gable height would be overdominant and reduce daylight into their morning room.
- The side windows in the new gable would create overlooking and reduce privacy.
- There are drainage problems on the site and this may make the situation worse with increased rainwater run-off.
- The application has a number of inaccuracies - boundary treatment, bus routes and

facilities.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Drainage Section - No objection received.

Environmental Health - No objection received.

United Utilities (Water and waste) - No objection received.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL1/2 New Buildings in the Green Belt

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN7 Pollution Control

HT2/4 Car Parking and New Development

SPD11 Parking Standards in Bury

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

SPD16 Design and Layout of New Development in Bury

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

EN1/3 Landscaping Provision

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 residential use on the site established by the current property.

Green Belt Policy and Guidance - The National Planning Policy Framework (NPPF) para 149 indicates that a replacement dwelling within the Green Belt or one that represents infilling is acceptable provided it would not have a greater impact on the openness of the Green Belt than the existing development.

UDP Policy OL1/2 New Buildings in the Green Belt reflects the NPPF in stating that replacement dwellings are acceptable where they are not disproportionate in scale to, or materially larger than, the original dwelling. Where new development is deemed to be inappropriate in that it would have a detrimental impact on the openness of the Green Belt, the development would need to be justified under 'Very Special Circumstances (VSC)'.

Policy OL1/3 indicates that infill development would be acceptable where there is unbroken ribbon development and the new development would not prejudice Green Belt objectives.

Supplementary guidance in SPD8 New Buildings and Associated Development in the Green Belt supports Green Belt policies and indicates that where a replacement dwelling is proposed the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. A new dwelling that is disproportionately larger or differs materially in position or footprint to the existing house would only be permitted in 'Very Special Circumstances' and only after the applicant has demonstrated why, in these circumstances, permission should be granted.

Prior Approval - It is relevant to note that a first floor extension to the property was approved in February 2023 under Class AA.

The latest proposal extends the property beyond the prior approval proposal, mainly adding a part two storey part single storey rear element.

In assessing the proposal purely in relation to the existing dwelling, the larger dwelling would be materially larger and well in excess of 30%. Details of the increase volume are set out in the section below.

In relation to the approved extensions (under Class AA) and within the wider streetscape which is made up of both bungalows and large two storey houses along a well established ribbon development, the increased volume, whilst still sizeable, would be considered proportionate and would not have a significantly detrimental impact on the openness of the Green Belt. It could be argued that, given the size of the plot, a larger house would make

better, more efficient use of the site.

Visual amenity, Character and openness of Green Belt - The application includes volume calculations for the proposal.

1. Existing dwelling: 491.5m³
2. Approved Class AA dwelling: 763.48m³ +
3. 8m deep single storey rear extension 216.17m³ = 979.65m³ to current rear eaves line of the existing property
4. Proposed dwelling: 943.55m³ = 92% increase over existing dwelling and a 23% increase over approved Class AA and a 3.8% decrease of approved Class AA first floor AND potential 8m deep larger home extension.

The above figures would be slightly reduced to take account of the change of roof style at the rear - from gable end to hip.

There is a mix house styles and sizes of dwellings along this side of Starling Road at present. In terms of siting, the new house is generally in line with the other properties along the road and is in a similar position within the plot as the previous bungalow, albeit extending out further at the rear.

In terms of appearance, with an eaves height of 5.3m and a ridge height of 8.4m, the replacement house, with a relatively conventional design, would not appear particularly prominent or incongruous on the streetscape and within the wider locality.

In terms of the impact on the openness of the Green Belt, the applicant has set out justification for the development within a supporting statement that accompanies the application both in terms of how it would justify approval and if required, how it would justify development in terms of very special circumstances.

In terms of whether the proposal complies with the Green Belt Policy in its assessment of the impact on openness, there is no definition of 'openness' within the NPPF. Recent case law, in particular that of the judgement of Turner v SoS for Communities and Local Government (2016), it was ruled that The word "openness" is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents'.

It could be argued that, in the light of the above and other rulings, 'inappropriateness' means the effects on 'openness' must not be harmful. The case of Euro Garages v SoS (May 2018) states 'that it is the openness of the Green Belt that must be considered, not the site as such'. It goes on to state that 'for there to be a greater impact on the openness of the Green Belt, there must be something more than just change to the environment'.

Although the scheme would represent a significantly increase over the volume of the current property and well above the third suggested in guidance, given the prior approval scheme, changes in emphasis to government guidance and recent rulings, it is considered the proposal would not have a seriously detrimental impact on the openness of the wider Green Belt and indeed the visual amenity and the character of the streetscape. It would therefore be acceptable and complies with the NPPF and UDP Policies OL1/2 New Buildings in the Green Belt, EN1/2 Townscape and Built Design, housing policies H2/1 and H2/2 and adopted guidance in SPD8 New Buildings in the Green Belt and SPD16 Design and Layout of New Development in Bury.

Residential Amenity - The neighbouring house at No.60 has a ground floor kitchen/diner windows on the side gable, facing the site at ground floor level. In terms of residential

amenity, these windows, whilst habitable, are side windows and facing north, and can only be afforded limited weight in any assessment. The proposed new dwelling whilst not impacting on overshadowing of the neighbour's property, would have an impact on outlook across the back of the property due to the loss of the skyline. To some extent the previously approved Prior Approval scheme that could be built would reduce outlook from these side windows although the additional rear two storey element would increase this.

In terms of privacy, the proposed new dwelling has a number of windows directly facing towards the neighbour on either side. On the side/north elevation there are obscure glazed windows to the integral garage, utility room at ground floor and a bathroom and en-suite at first floor. On the other side/south elevation (facing No.60 Starling Road), there are two small secondary lounge windows and two games room windows at ground floor level that would be obscure glazed and non-opening below a height of 1.7m. On the upper floor the side en-suite windows would also be obscure glazed. Given the nature of the windows and the obscure glazing, there would be no direct overlooking of neighbour on either side.

In terms of the impact of the single and two storey elements extending out to the rear, the Council's adopted guidance in SPD6 Alterations and Extensions gives some relevant advice. It suggests that two storey extensions should not encroach on a 45 degree line measured from a point on the boundary, 1m beyond the neighbour's rear elevation. In terms of the single storey elements, these should not encroach beyond a 45 degree line measured from habitable room windows on neighbour's properties. As the proposed new dwelling would not project beyond the line of the rear elevation of No.60 Starling Road it clearly satisfies this guidance. On the other side, No.64 is set about 5.5m off the shared side boundary with No.62 and as such is not significantly impacted by the increase in volume at the rear.

The concerns of the neighbour at No.60 Starling Road have been carefully considered but with suitable conditions regarding obscure glazing and boundary treatment, the issues raised with regard to residential amenity are not considered significantly serious enough to warrant refusing the application.

Although larger and extending back further beyond the existing property, the new dwelling is considered acceptable and complies with UDP Policies H2/1, H2/2 and guidance in SPD6 Extensions and Alterations in relation to residential amenity.

Access and Parking - The existing vehicular access point from Starling Road would be altered to create a more suitable centralised access point with garden ground on either side. The driveway up to the integral garage and parking to the front, at a length of approximately 13m, is considered sufficient for two cars. A condition would be attached to require all areas of hardsurfacing to be made permeable. The proposal complies with UDP Policy HT2/4 Car Parking and New Development and associated guidance in SPD11.

Drainage - The new house would be connected to the main drainage system and an appropriate condition and informative would be attached to any approval notice requiring surface water to be suitably discharged.

Bats - A bat survey was carried out at the property and the survey results indicate that no roosting opportunity for bats and no evidence of their presence was recorded. No evidence of bat activity or occupation was recorded either on or within 62 Starling Road and no bats were recorded emerging from any part of the building during the dusk activity survey. No further efforts were considered necessary as the surveys confirmed no bat presence either current or historic.

Although no evidence of bat activity was found within the property the bat report recommended that during any work on the building for any roof tiles and fascia boards to be removed carefully by hand. The contractor undertaking the work must be made aware that in the unlikely event that any bats are found then work must cease immediately, and advice

sought from a licensed bat worker. As an overall increase into the biodiversity value of the site it is recommended that opportunity provision for bats could be enhanced by the incorporation of a bat brick into the extension. As all wild birds, their nests, eggs and young are protected during the bird breeding season any proposed removal or pruning of trees or shrubs should be undertaken outside this period (April to August inclusive).

A condition will be attached to require bat bricks and a suitable informative will be attached with regard to the current legislation on protected species.

Permitted Development - Given the nature of the site within the Green Belt, it is appropriate to remove 'permitted development' rights for the property.

Representations - The planning issues raised by the objector have been addressed in the above report and by conditions attached to any approval.

On balance, it is not considered that the proposal would be acceptable and not have a seriously detrimentally impact on the visual amenity and character of the area, the openness of the Green Belt and the residential amenity of the neighbours.

Statement in accordance with Article 31 Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to revised drawings numbered 1091/SRA/LP, ESLP, SLP, PL1A, PL2 and PL3 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Details of the materials to be used in the external elevations, boundaries and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to the following policies of the Unitary Development Plan H2/1 The Form of

New Residential Development and H2/2 The Layout of New Residential Development.

- 5 No development shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 6 Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment
- 7 Following the provisions of Condition 5 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
- Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 8 The proposed driveway and paved areas at the front of the property shall be constructed of permeable/porous materials as set out in the Dept of Communities and Local Government publication "Guidance on the Permeable Surfacing of Front Gardens".
- Reason: To secure the satisfactory development of the site pursuant to UDP Policy EN5/1 New Development and Flood Risk.
- 9 Development shall not commence until details of foul and surface water drainage aspects have been submitted to and approved by the Local Planning Authority. This must include potential SuDS options for a surface water drainage scheme. The approved drainage scheme shall be implemented and thereafter maintained to the satisfaction of the Local Planning Authority.
- Reason: To reduce the risk of local flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal pursuant to UDP Policy EN5/1 New Development and Flood Risk and EN7/5 Waste Water Management.

- 10 Prior to the commencement of development, details relating to the proposed boundary treatment for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented as part of the approved development.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 11 Before the first occupation of the dwellinghouse hereby approved, all windows on the side elevations shall be fitted with obscured glazing (Min obscurity level 3) within opening only above 1.7m to the written satisfaction of the Local Planning Authority and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/1 The Form of New Residential Development.
- 12 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Photographic dilapidation survey of the footways and carriageways abutting the site in the event that subsequent remedial works are required following demolition works/construction of the development, works to the site access and boundary and as a result of statutory undertakers connections to the site;
 - Access point and route for demolition/construction traffic from the adopted highway;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
 - If proposed, site hoarding/gate positions clear of the adopted highway, including the provision, where necessary, of temporary vehicular access and pedestrian facilities/protection measures;
 - Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.
- The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of the both periods.
- The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.
- Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, ensure adequate off street car parking provision and materials storage arrangements for the duration of the demolition and construction periods and ensure that the adopted highways are kept free of deposited material from the demolition/ground works operations, in the interests of highway safety.
- 13 The development hereby approved shall not be first occupied unless and until the site access alterations onto Starling Road indicated on approved plan reference 1091/SRA/SLP, incorporating the relocation of the site access, reinstatement of the

redundant access to adjacent footway levels, demarcation of the limits of the adopted highway and all associated highway and highway drainage remedial works required as a result of the development, has been implemented to an agreed scope and specification and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.

- 14 The turning facilities indicated on approved plan reference 1091/SRA/SLP shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety and ensure that the turning facilities are not obstructed by parked vehicles pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 15 The car parking indicated on approved plan reference 1091/SRA/SLP shall be surfaced and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to UDP Policy H2/2 The Layout of New Residential Development.
- 16 An electric vehicle charging point shall be made available on site prior to first occupation of the new dwellinghouse. Reason. In the interest of energy conservation pursuant to UDP Policy EN4 Energy Conservation.
- 17 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/batv boxes within the new development. The approved scheme shall thereafter be implemented not later than 12 months from the date the property is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 The Layout of New Residential Development, EN1/2 Townscape and Built Design and EN1/3 Landscape Provision.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	02/08/2023	DM	02/08/23