

Ward: Radcliffe - North

Item 03

Applicant: Mr S Postchi

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

Proposal: Erection of detached dwelling

Application Ref: 68038/Full

Target Date: 30/03/2022

Recommendation: Approve with Conditions

Description

The application relates to a residential plot on a residential row of houses on the north side of Cockey Moor Road. This application is a resubmission following a previous refusal for detached two storey house (67322). Prior to this refused application, approval was given for a two storey detached house on the plot (58590) in 2015. The previous property on the plot, a red brick and slate detached bungalow, has been demolished. Following demolition, development was commenced on the site but this was carried out after planning permission had lapsed.

The residential properties along the road are mixed in size, style and finish 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 'washed over' by 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 of similar proportions to the existing property whilst to the east is a two storey house with a hipped roof. Across Cockey Moor Road, to the south, are two storey houses.

The application proposes a two storey, 4-bed dwellinghouse that would be centrally positioned within the plot. The footprint measuring D13.6m x W10.5m, which is similar to that previously approved. The eaves, at 5.5m high, would also be similar to the previous scheme although the ridge height of 8.3m would represent an increase of about 700mm.

The house would have a relatively conventional design and appearance with a rendered front with a single storey porch centrally positioned. The sides and rear would be finished in a rough walling stone and the roof would be hipped and finished in slate tiles. At the rear corners there would be single storey sections with a two storey central element set in. Main windows would be on the front and rear elevations with four small 'non-principle' obscure glazed windows on each side elevation. The access point onto Cockey Moor Road would remain as existing with a new boundary wall across the front.

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) - Approve with Conditions 03/06/2015

67322 - Erection of detached dwelling - Refused 10/01/2022

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 received

Publicity

Immediate neighbours notified by letter dated 10/02/2022. Six objections received from surrounding neighbours and Ainsworth Community Association - summarised below:

- The revised plans don't address original objections regarding intrusion on and dwarfing of surrounding properties.
- The proposed property is too big and out of character with neighbouring properties.
- It would be contrary to Green Belt policy in that it increased the volume of the original bungalow by 80%.
- Overlooking of neighbours from rear windows.
- The new house would block light and views from neighbouring properties.
- Reduced light into neighbour would mean increased energy consumption/CO2 emissions
- Increased noise reverberating off walls of house.
- Works should not have been allowed to progress so far.
- The site is left untidy and unsafe.

The objectors have been notified of the Planning Control Committee.

Statutory/Non-Statutory Consultations

Traffic Section - Clarification on access and visibility required.

Drainage Section - No objection.

Environmental Health - No objection.

Environment Agency - No objection.

United Utilities - No objection.

Pre-start Conditions - As development has commenced, this is not applicable.

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 |
| EN4 | Energy Conservation |

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 its historic use and previous approval for a replacement dwellinghouse.

Green Belt - The National Planning Policy Framework (NPPF) indicates that a replacement dwelling within the Green Belt is acceptable provided it is not materially larger than the one it is replacing.

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.

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.

With an approximate increase in the footprint, from 88sqm (approx) to 150sqm and an approximate volume increase from the now demolished bungalow and garage at approximately 410m³ to over 800m³, the new dwelling would be significantly larger than the original bungalow. Whilst the proposed dwelling is significantly larger than the bungalow, in terms of its relationship with the wider streetscape, it is considered that the new dwelling would not be 'disproportionate' as Cockey Moor Road is made up of a varied mix of house types, both bungalows and larger two storey houses. An appropriately proportioned larger dwelling may not be out of keeping with the streetscene or have a seriously detrimental impact on the character or openness of the Green Belt. Indeed it could be argued that a larger house on what is a spacious plot would make better, more efficient use of the site. The proposed streetscape section is attached and shows that the relationship to immediate neighbours is not so incongruous and therefore very special circumstances could be used to justify approval.

In the light of the NPPF and UDP Policies OL1/2, OL1/3 and associated guidance and taking the proposal on its individual merits and special circumstances, the new dwelling, although larger than the original property, would not be considered to be out of scale with its surroundings and therefore would be acceptable and complies with the above Green Belt policies.

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 secondary side kitchen window and a first floor obscure glazed bathroom window facing the site. In terms of residential amenity, the non-habitable/ secondary windows on the neighbours cannot be afforded significant weight in any assessment.

The proposed new dwelling has four small, non-principle windows directly facing the neighbours on either side. On the side/west elevation there are Ground floor obscure glazed windows to a WC and utility room and at first floor, two further en suites. On the other side/east elevation, there are small secondary two lounge room windows at ground floor and two en suites at first floor, all to be obscure glazed and restricted opening and secure by an suitable condition of approval. Given the nature of the windows and the obscure glazing, there would be no direct overlooking of neighbours on either side. The habitable room windows on the front and rear elevations would not result significant overlooking beyond what would reasonably be expected in a residential setting.

The concerns of the neighbour at No.20 Cockey Moor Road with regard to reflected noise from the side elevations of the new house are noted but not considered significantly serious enough to warrant refusing the application. The proposal is for a dwelling, which with a residential use would not lead to believe that there would be increased noise or activity beyond any other residential use.

In terms of the impact of the single and two storey elements extending beyond the rear elevations of the neighbouring properties on either side, the Council's adopted guidance in SPD6 Alterations and Extensions suggests that two storey extensions should not encroach on a 45 degree line measured from a point on the boundary, 1m beyond the neighbours rear elevation. In terms of the single storey elements, these should not encroach beyond a 45 degree line measured from habitable room windows on neighbours properties. The revised plan satisfies this guidance. It is also noted that No.20 Cockey Moor Road has driveway down the side boundary and a single garage at the rear that would in part help screen the single storey element on this side.

Although extending back further beyond the neighbour's property to the east, the new dwelling is, on balance, 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 access point from Cockey Moor Road would remain unchanged although there are concerns that the new 1.5m high wall/railings along the front may reduce visibility slightly and revised plans are awaited to remedy this issue. The proposed driveway and parking area to the front is considered sufficient for three cars. A condition would be attached to require all areas of hardsurfacing to be made permeable. The proposal complies with UDP Policies H2/3 extensions and Alterations and HT2/4 Car Parking and New Development and associated guidance in SPD6 and SPD11.

Drainage - The new house would be connected to the main drainage system and an appropriate condition and informatives would be attached to any approval notice.

Permitted development - It is deemed appropriate to remove 'permitted development' rights for the house to control any further amendments or extensions in the interests of visual and residential amenity.

Representations - Most of the planning issues raised by the objectors have been addressed in the above report. The issue about increased CO2 levels and higher energy consumption raised by the neighbour would not be considered significant enough to warrant refusing the application. The loss of particular views of Holcombe Hill from properties across Cockey Moor Road is not a valid reason to refuse the application, particularly as the new house would only be two storeys high.

On balance, it is not considered that the revised proposal would 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/ Reasons

1. This decision relates to revised drawings numbered PS-2172-TS/00, RAD/2289/20/5C, RAD/2289/20/6, RAD/2289/20/7A, RAD/2289/20/8 and swept path plans 274-21-1 to 5. 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.
2. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks 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

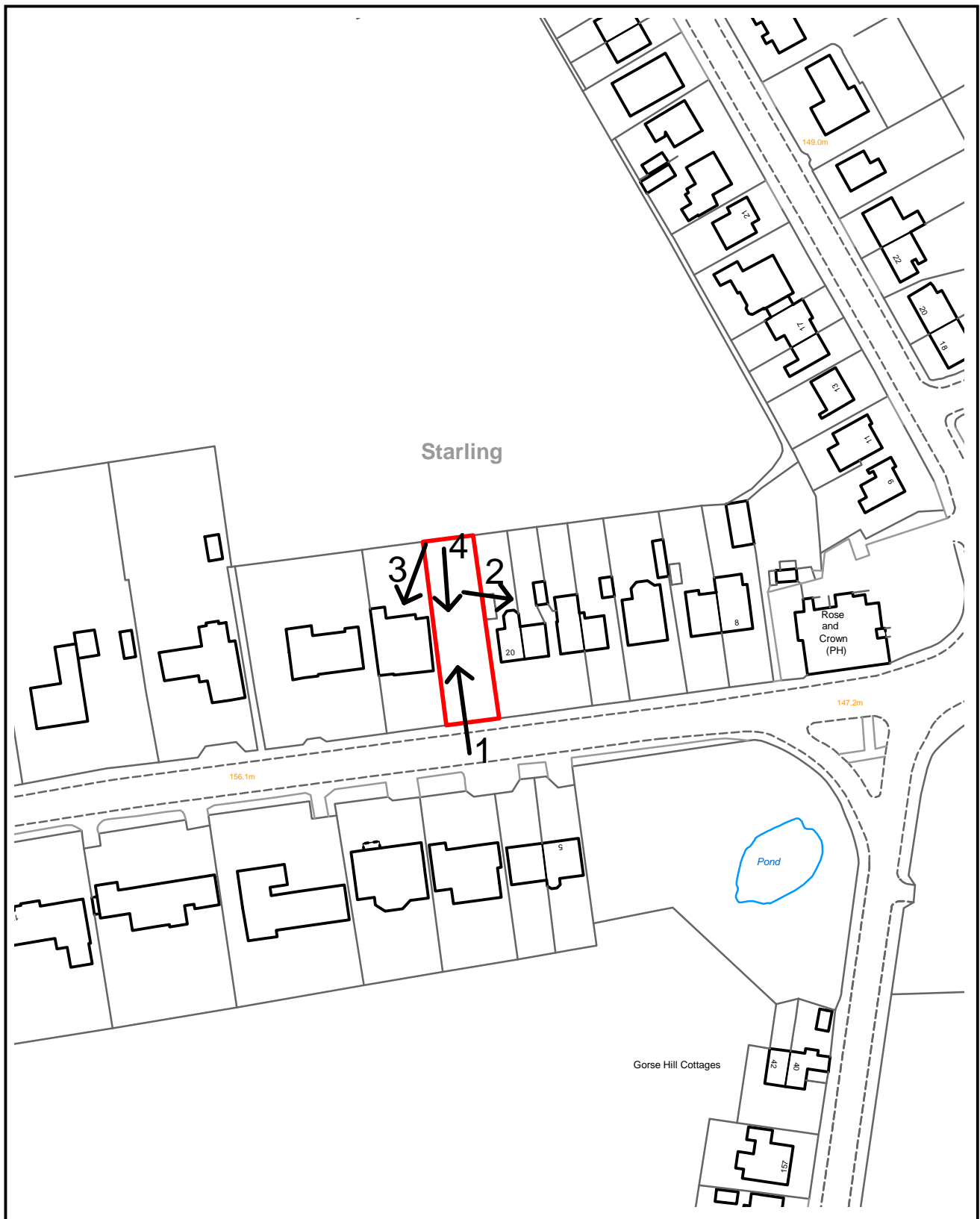
Unitary Development Plan.

3. 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.
4. Within one month of the date of this decision notice, a detailed Remediation Strategy which clarifies proposed remedial actions to be undertaken as detailed in letter reference: CL758.210222.1, dated 21 February 2022, 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 and UDP Policy EN7 Pollution Control.
5. Following the provisions of Condition 4 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 and UDP Policy EN7 Pollution Control.
6. 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.
7. Within one month, 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.
8. Notwithstanding the approved plans, prior to the commencement of further 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.
9. Before the first occupation of the dwellinghouse hereby approved all windows on the west and east side elevations shall be fitted with restricted opening and obscured glazing (Min obscenity level 3) 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.

10. Prior to first occupation, details of an Electric vehicle(EV) charging pointy shall be submitted to and approved by the Local Planning Authority. The charging point shall be implemented prior to first occupation.
Reason. In the interests of energy efficiency pursuant to UDP Policy EN4 Energy Conservation.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 68038

**ADDRESS: 22 Cockey Moor Road
Radcliffe**



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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68038

Photo 1



Photo 2



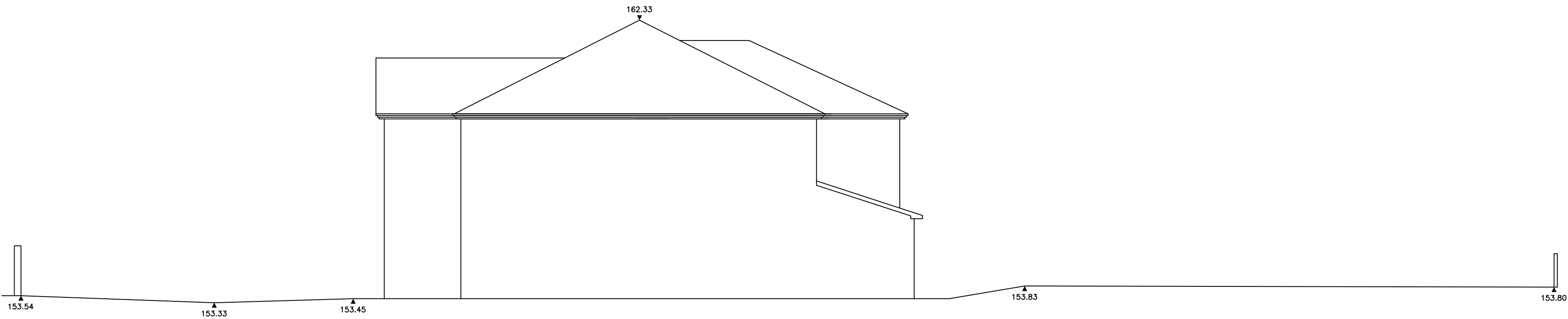
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Photo 3

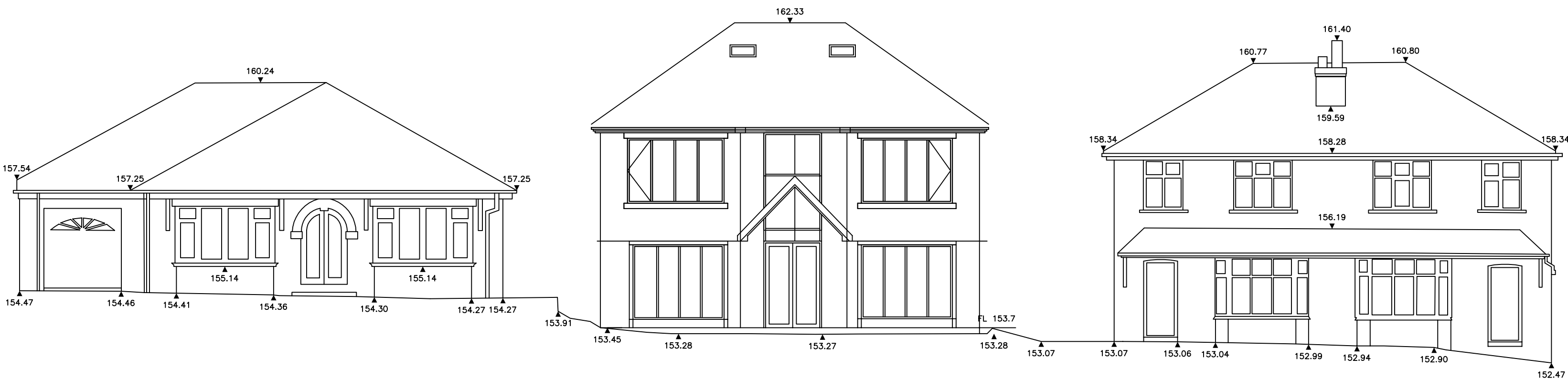


Photo 4





SITE SECTION



STREETSCENE

| Date | Rev. | | Initials | |
|---------|------|--------------------|----------|--|
| 10/3/22 | A. | Revised roof added | RA | |
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The client must ensure the project complies with the Construction Design and Management Regulations 2015
The Client should ensure consent from any landowner or interested party is obtained, as well as compliance with Party Wall Act 1996

Notes

RAD

The White House,
42-44 Chorley New Road,
Bolton
BL1 4AP

Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

Project

22 COCKEY MOOR ROAD
BURY
BL8 2HB

Title

SITE SECTIONS AND STREETSCENE

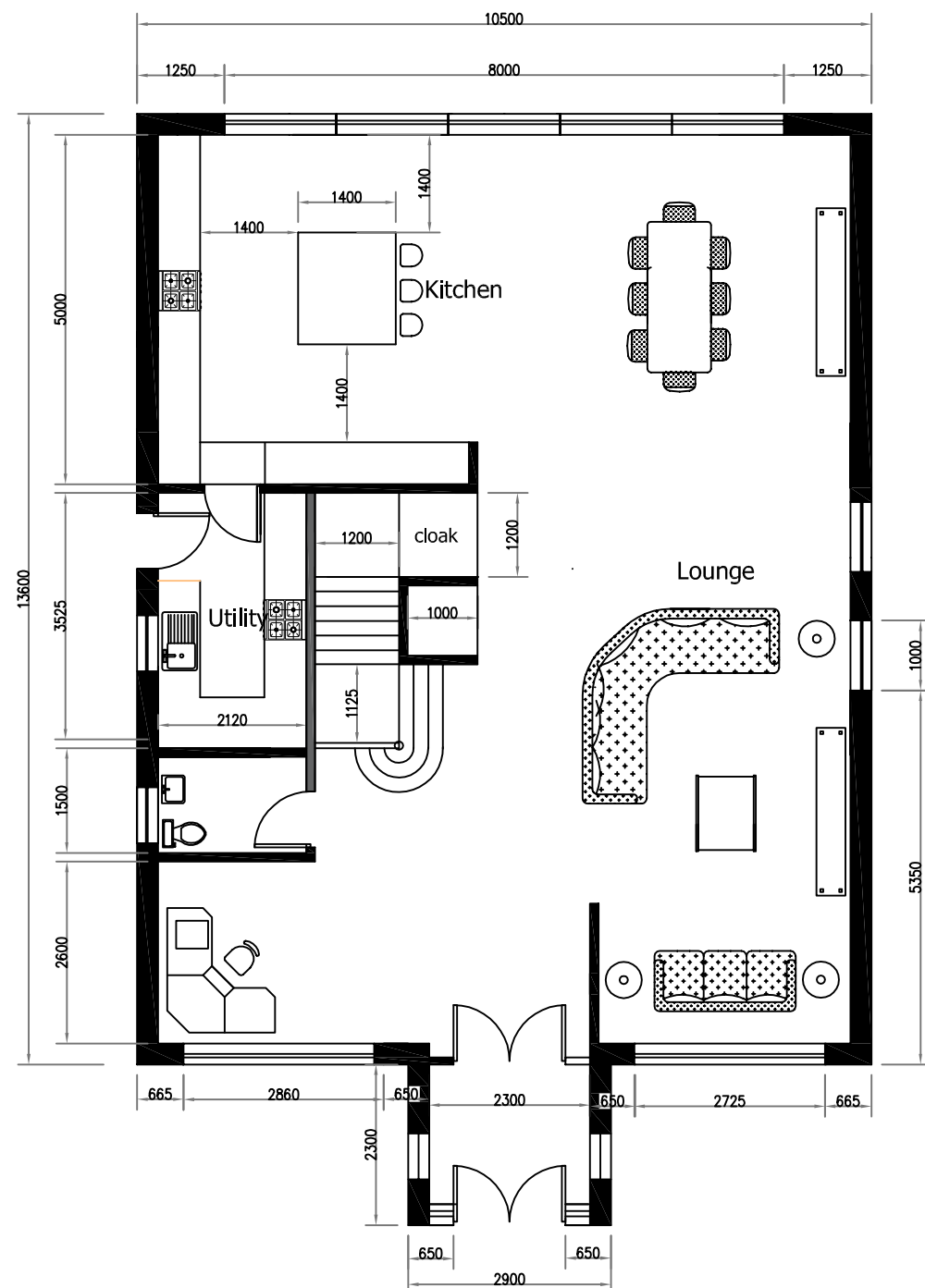
Client

Drawn RA

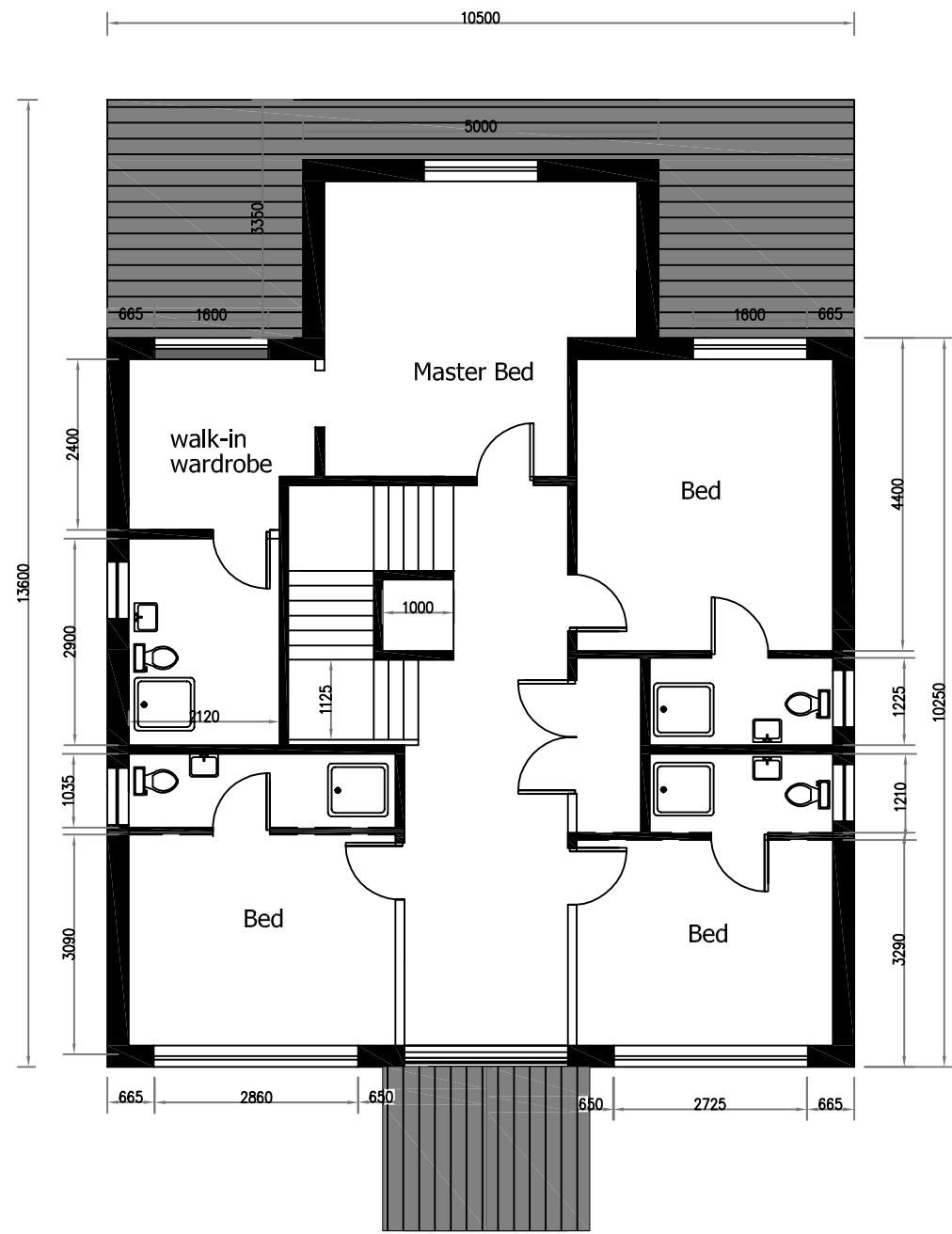
Date NOVEMBER 2021

Scale 1:100 @ A1 / 1:200 @ A3

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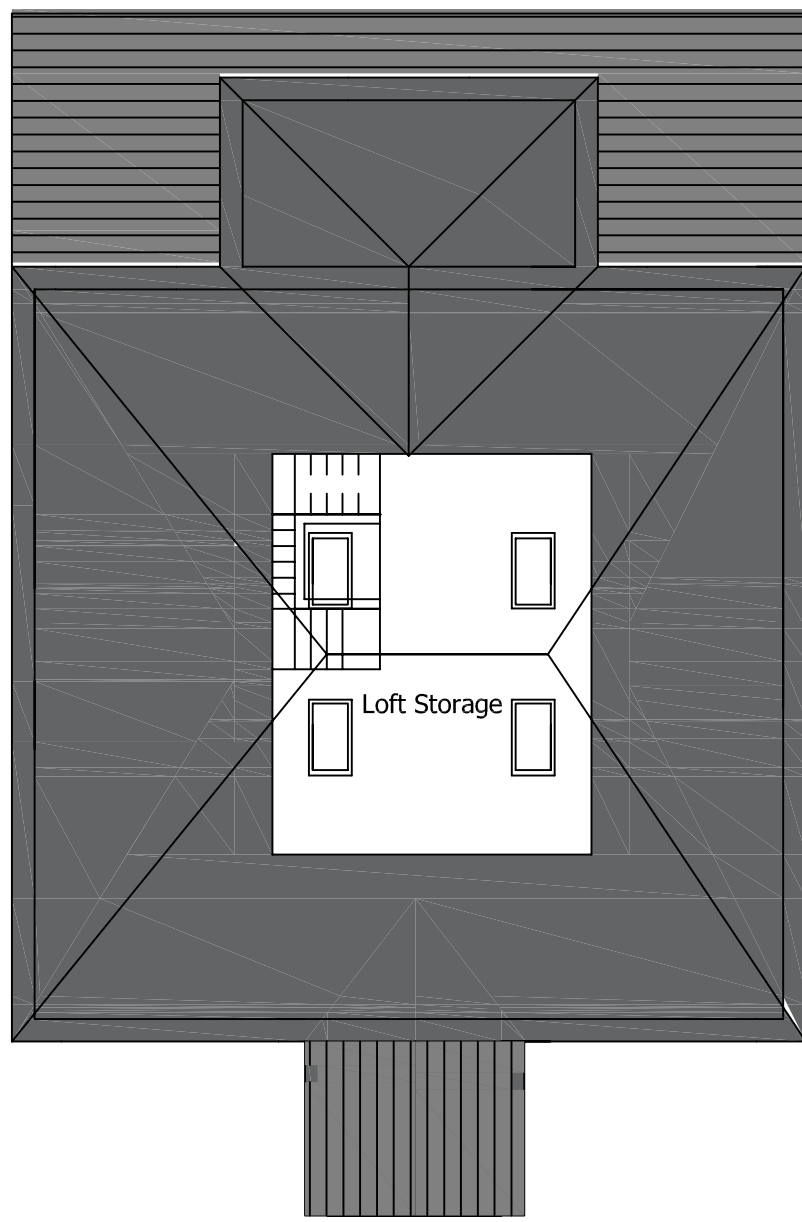


PROPOSED GROUND FLOOR PLAN

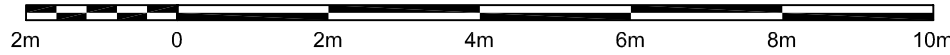


PROPOSED FIRST FLOOR PLAN

- ROOF : SPANISH SLATE
- WALLS : WHITE RENDER
- DOORS/WINDOWS : ANTHRACITE UPVC
- FEATURE FACING MATERIAL TO PORCH : STONE : MARSHALLS WALLING STONE CROMWELL WEATHERED 450 X 175MM
- RAINWATER GOODS : BLACK ALUMINIUM
- SOFFITS : WHITE PVC



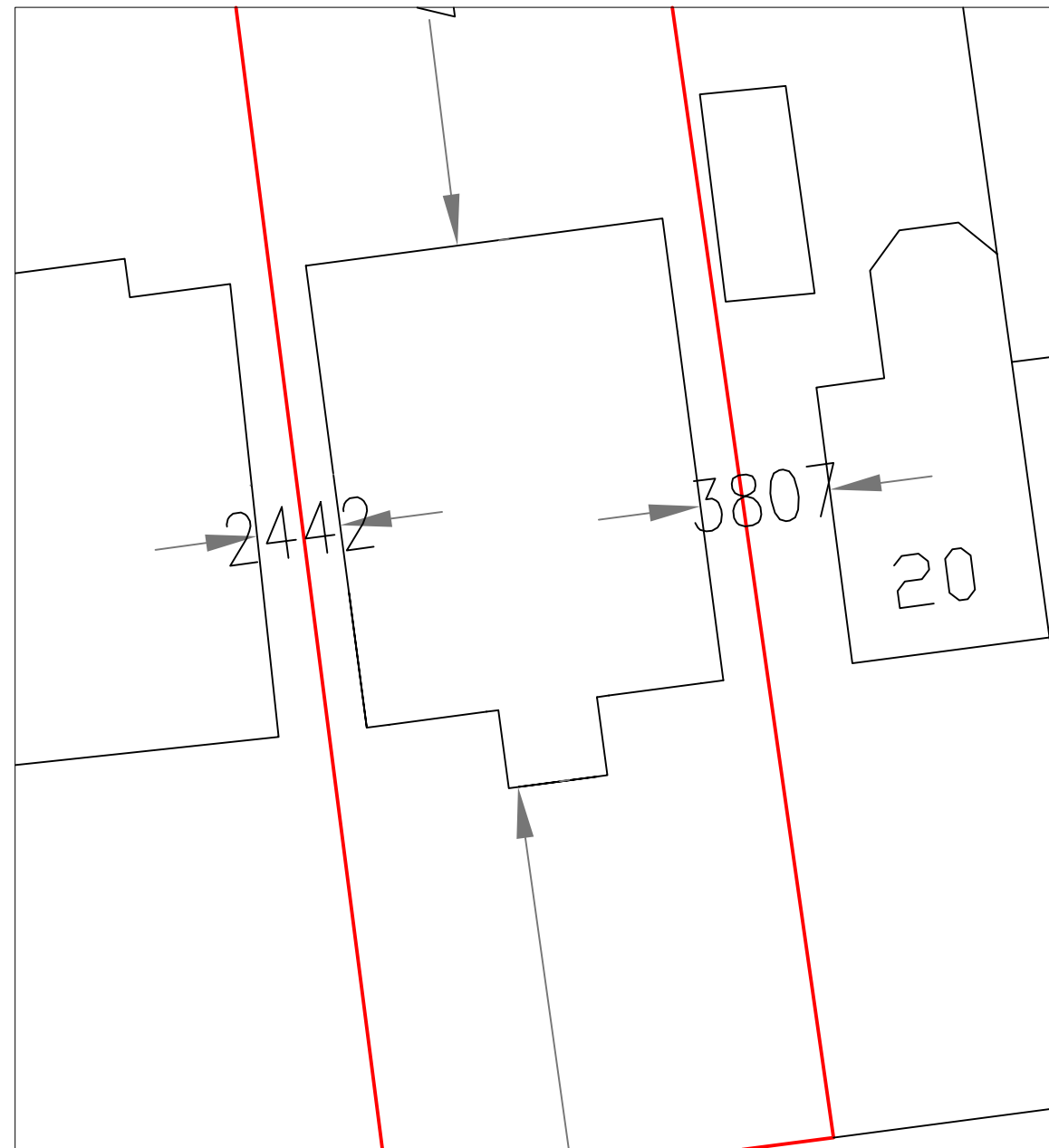
PROPOSED SECOND FLOOR PLAN



LOCATION PLAN (1:1250)
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BLOCK PLAN (1:500)



SITE PLAN (1:200)



PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION A



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION B

| Date | Rev. | | Initials |
|----------|------|---|----------|
| 11/11/21 | A. | Porch glazing reduced for stability reasons | RA |
| 28/1/22 | B. | Porch and hip pitch reduced | RA |
| 10/3/22 | C. | Side windows obscure glazed | RA |
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Notes

RAD

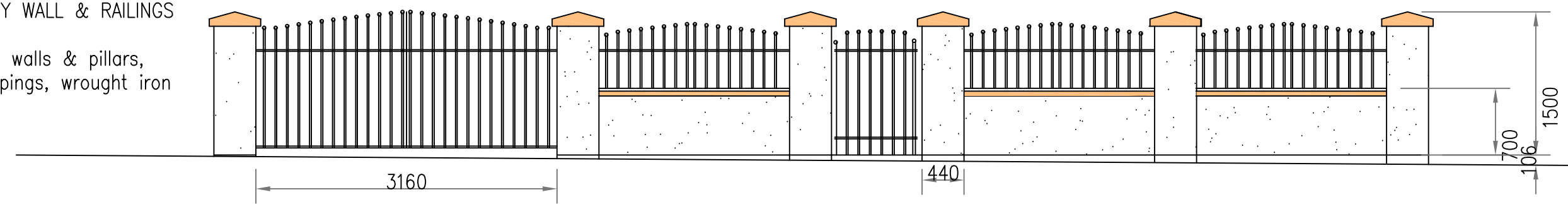
The White House,
42-44 Chorley New Road,
Bolton
BL1 4AP
Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

Project
22 COCKEY MOOR ROAD
BURY
BL8 2HB

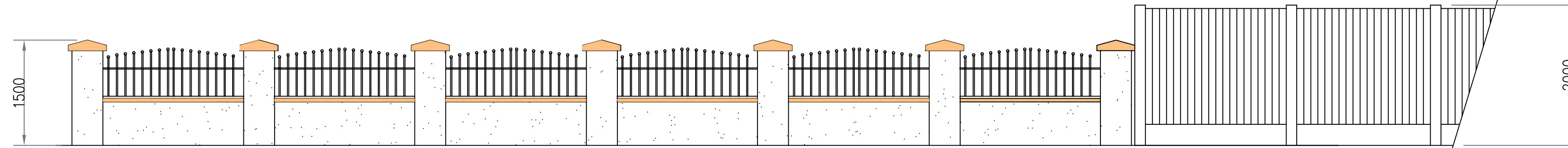
Title
EXISTING AND PROPOSED PLANS

Client
Drawn RA
Date JULY 2021
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Drawing Number RAD/2289/20/5/RevC

Rendered walls & pillars,
stone copings, wrought iron
railings

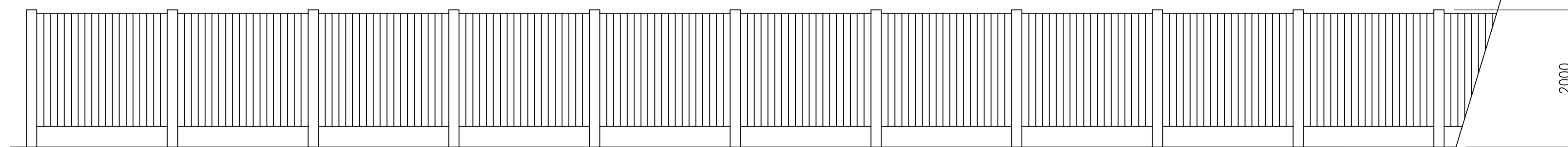


PROPOSED FRONT/SIDE ELEVATIONS

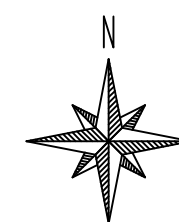


BOUNDARY FENCE :

2m high close-boarded timber fence with concrete posts and base panel



SITE PLAN (1:200)
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Ordnance Survey 0100031673

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42-44 Chorley New Road,
Bolton
BL1 4AP

Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

| | |
|-------|-----------------------------|
| Title | PROPOSED BOUNDARY TREATMENT |
|-------|-----------------------------|

| | |
|-------|----|
| Drawn | RA |
|-------|----|

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| Date | OCTOBER 2021 |
|------|--------------|

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| Drawing Number | RAD/2289/20/6 |



SITE PLAN (1:200)

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BL1 4AP

Tel : 01204 322196
Fax : 01204 214110
Mob: 07790 361104
Email: info@radesignprojects.co.uk

Project 22 COCKEY MOOR ROAD
BURY
BL8 2HB

| | |
|-------|--------------------|
| Title | PROPOSED SITE PLAN |
|-------|--------------------|

| | |
|----------------|---------------|
| Drawing Number | RAD/2289/20/8 |
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