

DELEGATED REPORT

Report by Helen Leach	Date of report: 30/10/2023	Ref: 69944/FUL
Registration: 27/07/2023	LDfC: 31/08/2023	Expiry Date: 21/09/2023
Site Visit: 30/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Detached bungalow to replace stables and barn

Location: Five Acre Farm, 90 Watling Street, Tottington, Bury, BL8 3QW

Description

The application relates to a dwelling and associated agricultural and stables buildings at No 90 Watling Street which is located in the village of Affetside. The site is in the Green Belt, Area of Special Landscape and West Pennine Moors.

The main residential development is formed along Watling Street which is the main road through the village.

The dwelling at No 90, (the application site) forms part of the linear residential frontage on Watling Street. Following this linear street pattern is No 90a to the north and the dwelling Lynton is to the south.

No 90 has associated land which extends to the rear (east) for approximately 70m to a boundary fence which separates the site from the open land beyond. This associated land comprises a barn and attached stables located in the north eastern corner of the site. It is this area of the site and the stables and barn which are the subject of this planning application.

The barn and stables can be accessed from 2 points - either from the driveway to No 90 or an access drive adjacent to Lynton which also serves the two houses at Five Acre Barn. The applicant owns both access routes.

Planning permission was granted in April 2022 for the demolition of the barn and stables and replacement with 1 dwelling. The proposed dwelling would be a bungalow and would be located along the northern boundary. Access to the dwelling would be from the existing access track adjacent to and around the back of Lynton and parking for 3 cars would be provided to the front of the proposed dwelling.

The proposed development involves the demolition of the barn and stables and the replacement with 1 dwelling. The only change from the previously approved scheme is that the driveway would be relocated from a central position to adjacent to the hedgerows on the south eastern boundary. An existing garage on the south eastern boundary would be demolished.

Relevant Planning History

2470/E - Conversion of building to dwelling - Enquiry completed 21/09/2020

41677 - Two storey rear extension; new front porch at Five Acres Farm, 90 Watling Street, Affetside. Approved with conditions - 8 January 2004

56284 - Installation of 34.5 metre high wind turbine (revised location) at Top Height Farm,

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90A Watling Street, Affetside. Refused - 31 July 2013.

56473 - Certificate of lawfulness for proposed fencing at Top Height Farm, 90A Watling Street, Affetside. Lawful development - 30 July 2013

60519 - Conversion of garage to dwelling at Top Height Farm, 90A Watling Street, Affetside. Approved with conditions - 1 December 2016.

67389 - Detached bungalow to replace stables and barn at Five Acre Farm, 90 Watling Street, Affetside. Approved with conditions - 21 April 2022.

Publicity

The neighbouring properties were notified by means of a letter on 10 August 2023.

1 letter has been received, which has raised the following issues:

- The original building is referred to as substantial, but is built from timber and concrete blocks. The building has been built using a block wall belonging to another property.
- The proposed dwelling would not be similar in style, position and scale to the existing buildings.
- The application does not make it clear how surface water would be dealt with.
- The proposed dwelling would be larger in terms of footprint than the existing building.
- Concerned about contaminated land and future landscaping as the site has been used as a tipping area in the past.
- We believe that an application for this house was refused by the Council and the plans date back to 2021. If the Council refused the application then, why would it grant it now?
- Object as the proposed development would not be in the style, size or position of the buildings that it would be replacing.

Statutory/Non-Statutory Consultations

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

Drainage Section - No response.

GM Ecology Unit - No objections.

United Utilities - No objections.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/6	Garden and Backland Development
EN1/1	Visual Amenity
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
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
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

SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
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 - Green Belt - The application site is located in the Green Belt.

NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the

NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 148 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy OL1/2 states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture or forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

Policy OL1/3 states that limited infilling may be permitted where a development would be in scale with the village and not adversely affect its character or surroundings. Affetside is one such named village in the policy.

The proposed development is identical to the previous application (67389) and the only alteration is the amendment to the location of the access road.

The existing buildings to be demolished total a volume of 780 cubic m, floor area of 207 sqm and a height of 4.75m. The proposed dwelling would have a volume of 560 cubic m, cover a footprint of 144 sqm and a ridge height of 4.7m and as such, the scale, massing

and size of new built development would be less than the current situation on site and as such considered there would be no greater harm to openness in terms of built form. Whilst there would be other domestic associated elements such as parking and garden areas, these would be located within the existing site and yard area and not encroach further into the Green Belt beyond the current site boundary.

Given the location of the site within the context of the surrounding built form and the village and the scale of the plot and the proposed development itself, it is considered that the proposed development would constitute limited infill development in line with the principles of bullet point e) of para 145 of the NPPF and UDP Policy OL1/3.

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 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. As the footnote excludes Green Belt locations from the tilted balance, this would therefore not apply in this case.

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 envelope of the UDP 'named village' of Affetside and there are residential dwellings and outbuildings surrounding the site. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure

would be available. As such, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The design of the proposed dwelling would be the same as the previous approval (67389) and the only change would be the relocation of the access from a central position to the south eastern boundary.

There are 2 potential accesses to the site and the previous approval utilised the driveway adjacent to Lynton, which also serves Five Acre Barn.

The proposed development involves the relocation of the access from a central position to adjacent to the hedgerows on the south eastern boundary. An existing garage on the south eastern boundary would be demolished and the outer wall would be retained as a boundary treatment. The proposed access would provide a larger parking area and turning area for the occupiers of No. 90 Watling Street. The existing conifers at the rear of Lynton and along the boundary with Five Acre Barn would be retained and would screen the proposed access and parking area from view. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2 and H2/1 of the Bury Unitary Development Plan.

Impact upon residential amenity - The design and layout of the proposed dwelling has not changed from the previous approval and as such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties. The proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Highways issues - There are two accesses to the proposed site, the one immediately adjacent to No. 90 Watling Street and the second, adjacent to and around the back of Lynton.

The previous approval (67389) utilised the access adjacent to Lynton and ran centrally through the site to the proposed dwelling at the rear. The proposed development would relocate this access to the south eastern boundary. The proposed access would be the same width as previously approved and would lead to the former yard area which would be used as a turning area and parking area for 3 cars. The existing conifers would be retained, which would act as a screen to the occupiers of Five Acre Barn.

The occupiers of No. 90 Watling Street would utilise the existing access, which would be acceptable. Turning and parking facilities would be retained within the curtilage of No. 90 Watling Street to ensure that vehicles can enter and leave in a forward gear.

The Traffic Section has no objections, subject to the inclusion of conditions relating to a construction traffic management plan, access improvements, turning facilities and car parking.

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.

Response to objectors

- Planning consent was granted for the replacement of the existing buildings with a dwelling. The proposed development seeks to vary the location of the driveway. The extant planning consent is a material planning consideration and as the design and location of the proposed dwelling would be identical, there are no objections to the changes of the proposed development.
- The issues relating to design and footprint have been addressed in the main report.
- A condition requiring a surface water scheme would be added to any grant of planning

- consent.
- Conditions relating to contaminated land would be added to any grant of planning consent.
- The previous application on this site was approved (reference - 67389).

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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 Paragraph 38 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 drawings - Proposed site plan dwg 3A; Proposed plans and elevations dwg 4C 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 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. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required 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 15 - Conserving and enhancing the natural environment.
- 4 Following the provisions of Condition 3 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 15 - Conserving and enhancing the natural environment.

- 5 Prior to occupation the applicant shall provide 1 electric vehicle (EV) chargepoint (minimum 7kW*) for each dwelling.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 6 The development hereby approved shall incorporate a native hedge or trees and the provision of a bat/bird boxe/s. The measures shall thereafter be implemented not later than 12 months from the date the building(s) 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 EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

- 7 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 adopted highway abutting the site access in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Access point(s) for demolition/construction traffic from the adopted highway;
- Proposed site hoardings (if proposed) clear of adequate visibility splays at the junction with Watling Street;
- 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 (or on land under the applicant's control) 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;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or 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 both periods.

The areas identified shall not be used for any other purposes other than the 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. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 8 The development hereby approved shall not be first occupied unless and until the access improvements and bin storage arrangements indicated on approved plan reference 3 Revision A, incorporating measures to prevent the discharge of surface water onto the adopted highway, have been implemented in full to the written satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development, EN5/1 - New Development and Flood Risk and HT6/2 - Pedestrian/Vehicular Conflict.
- 9 The turning facilities indicated on approved plan reference 3 Revision A, shall be provided before the development hereby approved is first occupied and 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 pursuant to Bury Unitary development Plan Policies H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New development and HT6/2 - Pedestrian/Vehicular Conflict.
- 10 The car parking indicated on approved plan reference 3 Revision A, shall be made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being first occupied and thereafter maintained available for use at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 11 The development hereby approved shall be carried out in accordance with the materials details shown on plan 4 rev C and detailed in the application form.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design, EN2/1 - The Form of New Residential Development, EN9/1 - Special Landscape Area and OL7/2 - West Pennine Moors of Bury Unitary Development Plan.
- 12 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The Scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To 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.
- 13 Notwithstanding the terms of the Town and Country Planning (General Permitted

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Development) (England) Order 2015, 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 submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	30/10/23	DM	30/10/23