

DELEGATED REPORT

Report by Claire Booth **Date of report:** 15/05/2024 **Ref:**70581/FUL
Registration: 11/03/2024 **LDfC:** 11/04/2024 **Expiry Date:** 06/05/2024
Site Visit: 22/03/2024 **Site Notice:** 22/03/2024 **Press Date:** 21/03/2024

17:15:00

Objections: 0 **Con Area:** AINS **Adv Type:** CA

Reason for Delay: So the applicant could provide **EIA:** NA

information to accord with policies within the Places for
Everyone Joint Development Plan and to secure the planting
of a native tree, in the interests of biodiversity.

Dec Level: DEL

Stat Class: MIDW

Proposal: Conversion of existing double fronted terrace property into two single fronted
terraced properties and for a single storey rear extension

Location: 51 Church Street, Ainsworth, Bolton, BL2 5RA

Description

The application relates to a 4-bed extended end terraced property located on Ainsworth Road, within Ainsworth Village Conservation Area, as allocated within the Unitary Development Plan. It has a garden area to its side and rear which borders an area of land known as The Delph, a recreation area/ urban green space area exists. The garden contains a large Sycamore, protected by Tree Preservation Order in the south-eastern corner of the site which partly overhangs the adopted highway. An unadopted lane exists to the rear which is accessed from Camden Close, located to the west of the terrace to which this property forms the eastern end of.

Planning permission is sought to split the existing property into two, two bedroom dwellings and for the reinstatement of the original doorway to the part of the property that was the original terrace. Permission is also sought to reduce the width of the existing rear extension so that it would extend up to the proposed shared boundary with the new property. and for the erection of a single storey mono-pitched extension.

For the avoidance of doubt the application site is the extended (in the 1980s) end of terrace property and the proposal would effectively create an additional dwelling in what was originally the extension and not as originally described a restoration back to into two separate dwellings. Due to this, the description of development has been slightly amended by removing the word 'back' from it.

Relevant Planning History

16933: Two storey side extension: Dining Room and Bedroom and single storey rear extension - Approved, 23/05/1985

19274: Detached garage at rear - Approved, 03/03/1987

65897: Conversion of detached garage to living accommodation - Approved with Conditions,

LP/CA/00286: T1-10 Conifers- Remove, T11 Hedge- Remove - Approved, subject to conditions, 19/05/2020

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LP/CA/00288: T7,8,9,10 Sycamores - Remove, T5 Sycamore - Crown lift; Prune away from property; Remove deadwood, T11 Sycamore - Crown lift; Remove deadwood - Granted Consent, 26/06/2020

LP/CA/00442: To fell the sycamore tree (T2) at the back of the garden. To fell the sycamore (T3) protruding from under the decking area that is beginning to damage the wall supporting the decking area. - Under consideration.

17 Camden Close, the gable end of which faces the rear elevation of properties on Church Street

49626: (RETROSPECTIVE) RESIDENTIAL DEVELOPMENT - 1 DWELLING (REVISED HOUSE TYPE FROM THAT APPROVED UNDER 44980), Refused, 14/05/2008

44980: RESIDENTIAL DEVELOPMENT - DETACHED DWELLING, Approved with Conditions, 28/09/2005

Publicity

Due to the application site being within a Conservation Area, the application has been advertised within the Bury Times as a Press Notice. Site Notices were also erected at both the front and rear of the application site, albeit the Site Notice at the front was posted on the garden gate located at the side of the property due to the existing door to no. 51 being UPVC, therefore unlike a wooden door, drawing pins could not be used to hold the site notice up. There is also no lamppost in close proximity of the application.

One representations have been received to the above mentioned publicity, who, states they see no issue with this application but raises the following matters:

- The removal of the trees to the rear should only be allowed if they are materially impacting access. We are loosing greenery at an alarming rate all over the village and trees should not be felled just because they're an inconvenience. Over the last year or so, the number of owls visiting the area has reduced considerably, for example.
- Further, from the plans it would appear that a loss of privacy to the rear of adjacent Camden Close properties would also result from the trees' removal. But that's for them to comment on.
- Additionally, suggesting the overflow parking on the south side of Church Street could be routinely used, is a bit more than cheeky recommending that provision of parking space to the rear of (new) 51 should be considered.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Conservation Officer - No objections, provided the keystones over the front door of original terrace are either restored or, if they are not present, replaced.

Environmental Health - Neighbourhoods Enforcement - No objections.

Environmental Health - Contaminated Land - No objections. Requested an Informative be added to the decision advising the applicant of the need to abide by the requirements of the Control of Noise Regulations.

Waste Management - No comments or observations received.

United Utilities (Water and waste) - No comments or observations received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
H2/4	Conversions
EN8/2	Woodland and Tree Planting
OL7/2	West Pennine Moors
SPD6	Supplementary Planning Document 6: Alterations & Extensions
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-P2	Heritage
JP-H3	Type, Size and Design of New Housing
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Assessment

Principle of Development

Housing Land Supply

Following the adoption of the Places for Everyone Joint Development Plan (PfE), the Council is able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework (NPPF) supports housing delivery and 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%) 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. As this is the case, the NPPF states a presumption in favour of development should apply.

Site access to services and amenities

The National Planning Policy Framework supports sustainable development in principle. Sustainable development includes assessing whether a proposal is within the urban area/ an accessible location. 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 and 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.

In terms of the sites accessibility to basic services and amenities utilised by residents. The site is located within Ainsworth Village, close to a Takeaway, the Old White Horse PH, a Primary School, a number of Churches and the village convenience store.

Access to and from Ainsworth is well provided. There is a bus stop to Bury immediately outside the side garden of no. 51 Church Street and another bus stop to Bolton on the other side of Church Street approx. 55-60 metres away from the application site. Bus 511 Bury to Bolton via Ainsworth runs every hour, 7 days a week. Bus 512 Farnworth to Bury, runs every hour Monday to Saturday. Bury and Bolton Town Centre are key service centres for both boroughs. The site is therefore within a highly accessible location.

Sites location within a Conservation Area

The application site is located within Ainsworth Village Conservation Area.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

UDP Policies EN2/1 and EN2/2 concern themselves with development in conservation areas requiring all development to accord with the requirements of the above-mentioned act. Extensions should be compatible with the host dwelling and the character and appearance of the conservation area.

Historical mapping and the planning history for the application site indicates that the property has been extended sideways, therefore the proposed change to the front elevation by the insertion of a door would be in the position of where the door would have historically been when the terrace was constructed. Therefore, provided the new doorway and the surrounding door frame and archway with a three point stone keystone is either retained, or if removed installed, the proposal would effectively re-instate the rhythm of the window and door openings on the terrace. In addition, amended plans have been received which illustrate the stone step into the property and the keystone that is present above the doorways of the residential properties have been detailed on the plans. The proposals to the front of the property would therefore be sympathetic to the character and appearance of the property and the Conservation Area in which it is sited.

Turning to the alterations and extensions proposed at the rear; this proposal seeks to both retain part of a single storey rear extension, all be it the proposal seeks to reduce its width, and to erect a single storey mono-pitched kitchen extension on the newly created property, which historically would have been no. 51 Church Street. The proposed extension would match the mono-pitched extension on the rear elevation of no. 49 Church Street and would be visible from the unadopted street at the rear of the site. The proposed extension would thus appear to be visually sympathetic to the host property and this part of the conservation area.

Overall, the proposal would have a neutral impact the character and appearance of the conservation area and therefore would at least preserve its character and appearance. As such the proposal would comply with or not be contrary to UDP policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control, Policy JP-P2 of the Greater Manchester Placed for Everyone Joint Development Plan and paragraphs 203 and 205 of the National Planning Policy Framework (NPPF).

Design and Visual Amenity

Section 12 of the National Planning Policy Framework places importance on securing well-designed development.

UDP Policy H2/1: 'The Form of New Residential Development' states all residential development will be expected to make a positive contribution to the form and quality of the surrounding area and requires a number of factors to be considered in assessment of proposals, which you advised to review.

UDP Policy H2/2 focuses on the Layout of New Residential Development. Whilst the buildings were historically two dwellings, this proposal seeks to both retain a single storey rear extension, all be it the proposal seeks to reduce its width, on part of the existing rear elevation of the existing property, and to erect a single storey mono-pitched kitchen extension on the newly created property, which historically would have historically been no. 51 Church Street.

UDP Policy H2/4 - 'Conversions' seeks to ensure a dwelling's standards are maintained and that the development would not adversely affect the character or amenity of residents, the locality of the area, or parking provision and would provide a satisfactory level of off-street parking provision.

As no dedicated off-street parking provision exists at this site, a statement accompanies this application that describes the accessibility of the site to district, town and city centres by sustainable transport measures. As described under the Principle of Development section

of this report, the site is considered to be in an accessible location so future occupiers would not need a car to access daily amenities and services.

Impact on neighbouring properties and future occupiers of the proposed development

Neighbouring Occupiers

The application site is an end terraced dwelling attached to no. 49 Church Street, the adjoining property. The application site is currently an occupied terraced house. The proposed intensification of use at this site, by virtue of occupying the original part of no. 51 Church Street, would not cause demonstrable harm to the amenity of the adjoining occupier.

The gable end of no. 17 Camden Close borders the unadopted road at the rear of the application site. A very short run of untidy conifer trees exist on the unadopted lane along the boundary of this property. The submitted Site Plans indicate that these would be removed. These trees are not within the red edge, however, due to their position within the conservation area, separate consent would be required for their removal. Notwithstanding this, the conifer trees are not within the ownership of this neighbouring property. The assessment will therefore be made as though the conifer trees are not there.

The estate on which the above neighbouring property sits is a relatively recent development. At the time of its development suitable separation distances were secured through that planning permission. This remains the case.

The blank gable of no. 17 was approved as being approximately 15 metres from the historic rear main windows of the Church Street properties which was and remains so as sufficient to meet current guidelines.

Future Occupiers

The applicant has confirmed and demonstrated that the conversion of the property would accord with the space standard required within the National Space Standards. The proposals therefore accord with the requirements of Policy JP-H3: Type, Size and Design of New Housing of the Greater Manchester Places for Everyone Joint Development Plan.

Highway Safety, Parking and Servicing Provision

UDP Policy HT4 requires all new development to be supported by a satisfactory level of off road-parking provision.

The proposed development to form 2 separate residential units would increase occupation of the building. Car Parking for existing residents and the Takeaway located at the opposite end of the terrace all park on-street in front of the terrace, at the side of the terrace on Camden Close and on the unadopted street to the rear of this terrace row and neighbouring terrace properties. Given the sites accessibility to services and amenities within the village of Ainsworth, the public transport link provided by the bus services that run through the village, the Council and the fact that on-street parking provision is not over capacity in this location, the provision of an extra 2-bedroom dwelling would not lead to such demonstrable harm to highway safety to justify refusal of the application on highway safety grounds.

Servicing provision

The properties within the existing terrace all store their refuse bins along the unadopted street running along the rear of the terrace block. Notwithstanding this, new development should be able to accommodate its own waste management provision within its own curtilage. Accordingly the application clearly demonstrates that the rear yard areas of both properties can store 3/ 4 bin refuse bins, as well as provide private amenity space. This aspect of the proposal therefore accords with the requirements of the Council's Waste Management Service.

Biodiversity Net Gain

Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Greater Manchester Places for Everyone Joint Development Plan states that through local planning and associated activities a net enhancement of biodiversity resources will be sought.

To comply with this policy, a Hornbeam Tree is proposed to be planted within the side garden of the existing property, near to the site of a Sycamore Tree, which is proposed to be felled/ removed under application LP/CA/00442. The planting of this tree will in itself result in a net-gain to biodiversity. In the event consent is given for the large Sycamore proposed for removal to be removed, this Hornbeam tree will in-time mitigate for the loss of that tree, thereby ensuring native trees are present in the conservation area. Native Trees also add greatly to the visual amenities of an area. The replacement tree proposed will be secured by condition.

Carbon and Energy

In order to comply with Section 14 of the NPPF: Meeting the challenge of Climate Change, Flooding and Coastal Change, JP-S1: Sustainable Development, and Policy JP-S2: Carbon and Energy of the Greater Manchester Places for Everyone Joint Development Plan the applicant has provided an Energy Statement, Ref: Z64065 undertaken by a company called 'Energy Counsel'.

The submission indicates that the proposal would comply with Part L of the Building Regulations and will have full fibre connectivity. The document states that the development proposed will follow the principles set out in the Places for Everyone Joint Development Plan, using a 'Be Lean, Be Clean, Be Green' approach in reducing operational carbon emissions.

Following the 'Be Lean, Be Clean, Be Green' hierarchy, the proposed design solutions on the Church Street development are predicted to:

1. Reduce the total carbon emissions by 30.3% compared to Building Regulations ADL1B 2021.
2. Combi boiler (dwelling conversions) are the proposed technology.
3. Reduce the total primary energy by 29.8% compared to building regulations ADL1B 2021. This is a new metric under Part L 2021.
4. The development is too small to consider a district heating network.

The approach for the Church Street residential development is to embed sustainability into the heart of the development through a range of design measures based on the 'Be Lean, Be Clean, Be Green' design hierarchy. Measures will include:

- 1) Enhanced building fabric to meet the new Building Regulation ADL1B 2021 (15/06/2021).
- 2) Enhanced air tightness and thermal bridging.
- 3) Efficient continuous extract ventilation system using MEV will be provided to the dwelling conversions.
- 4) Heating and hot water to all dwelling conversions will be provided by highly efficient combi boiler.
- 5) Efficient lighting strategy primarily using LED type fittings.

Officers are satisfied that the proposed development would accord with the relevant parts of policies JP-S1 and JP-S2 of the Places for Everyone Plan and Section 14 of the NPPF.

Digital Connectivity

Policy JP-C2: Digital Connectivity of the Greater Manchester Places for Everyone Joint Development Plan requires, amongst other things, requires all new development to have full fibre to premises connections, unless technically infeasible and/or unviable. The existing property has wifi and the proposed additional dwelling would also have wifi. Fibre

broadband is not yet available to the terrace so is technically infeasible and would therefore not be installed, at this stage, to the application premises.

Conclusion

The proposal for effectively one new dwelling in this location is considered to be in an accessible location to meet the daily needs of any future occupiers of the proposed development which would not cause demonstrable harm to highway safety or the amenity of neighbouring residents. The proposal also demonstrates that the introduction of another dwelling, through the subdivision of an existing dwelling would deliver a good quality of accommodation, and reinstate the character and appearance of this part of the terrace and thus enhance this part of Ainsworth Conservation Area.

Given the above, the proposal would be compliant with the above stated UDP and PFE policies, the NPPF and the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, it is thus recommended that the application be approved.

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 and Country Planning Act 1990.

- 2 This permission relates to the following plans and documents:

Plans:

Drawing ref. Location Plan;
Drawing no. P06: Proposed Site Plan;
Drawing no. P04: Proposed Floor Plans;
Drawing no. P03: Proposed Elevations;
Drawing no. P06: Proposed Site Plan - showing replacement Tree (a Hornbeam);

Documents:

Energy Statement, carried out by Energy Counsel, Ref: Z64065; and,
Space Standards Table, submitted 22 April 2024

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of

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development in accordance with the policies contained within the Bury Unitary Development Local Plan, Greater Manchester Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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 and the National Planning Policy Framework.

- 4 The replacement tree, a Hornbeam, identified on Drawing no. P06 shall be planted within the first available tree planting period (November to March) prior to occupation of the new/ additional dwelling hereby approved.

The tree shall be of a heavy standard size (12-14cms girth), root balled, stalked and tied and shall be kept weed free and watered as appropriate.

Reason: In the interests of visual amenity, the character and appearance of the conservation area and in the interests of biodiversity, in accordance with Policies JP-P2: Heritage, JP-G7: Trees and Woodland, and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity, of the Greater Manchester Places for Everyone Joint Development Plan, Policies EN2/1 - Character of Conservation Areas, EN2/2: Conservation Area Control, EN1/2 - Townscape and Built Design, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, and the National Planning Policy Framework.

- 5 Any tree identified on the approved plan, drawing number: P06, that within a period of five years following commencement or completion of the development, dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective shall be replaced with another of the same species and size as originally approved in a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity, the character and appearance of the conservation area and biodiversity in accordance with Policies JP-P2: Heritage, JP-G7: Trees and Woodland, and Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity of the Greater Manchester Places for Everyone, Policies EN2/1 - Character of Conservation Areas, EN2/2: Conservation Area Control, EN1/2 - Townscape and Built Design, and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan, and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	15/05/2024		