

DELEGATED REPORT

Report by Tom Beirne	Date of report: 20/04/2023	Ref: 68988/FUL
Registration: 03/11/2022	LDFC: 02/12/2022	Expiry Date: 29/12/2022
Site Visit: 20/12/2022	Site Notice: 15/11/2022	Press Date: 10/11/2022
Objections: 1	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use and conversion of existing stable building with single storey rear extension to form an office/home gym.

Location: Land adjacent to Sunnysbank, Arthur Lane, Ainsworth, Bury, BL2 5PN

Description

The application relates to a stable block on a square plot of land measuring about 0.10ha and accessed from Arthur Lane. The site lies within the Green Belt and the West Pennine Moors and is an Area of Special Landscape. The building is of solid construction but is vacant and not currently used as stables.

There is a lawned area with a swimming pool structure immediately to the north of the site with open land to the east, all owned by the applicant. There is a field with some small timber sheds to the south. Across Arthur Lane to the west is characterised by open fields.

The applicant, who lives in the house immediately to the north of the plot, seeks to change the use of the land to garden and convert and extend the existing stable block to create domestic workspace with a small below ground gym. The extension would have a footprint 6m by 4m and project from the east elevation. It would be timber clad with a tiled roof similar to the main building.

The access would be onto Arthur Lane in the same position as existing access point and four parking spaces would be formed on the north side of the site. The land immediately to the south of the building, would be retained as a grassed paddock.

Whilst the basic form of the stable block, with the overhanging canopy roof would be retained, the building would be re clad with larch boarding. The windows would be grey aluminium and reflect the existing openings. The tiled roof would be retained and repaired.

It is noted that the change of use and conversion of the stable block to a dwelling was allowed on appeal in 2015.

Relevant Planning History

02630/E Pre-application enquiry - Conversion of stables to home office/gym
56615 - Conversion of detached stable block to dwelling with single storey extension - Refused 16/10/2013
57550 - Conversion of detached stable block to dwelling with single storey extension (resubmission) - Refused 23/06/2014
58134 - Conversion of detached stable block to a separate dwelling with single storey extension - Refused 06/01/2015. Allowed on Appeal 06/07/2015

Publicity

Immediate neighbours notified by letter dated 03/11/2022. Press notice (10/11/22) and site notice (15/11/2022). Representation from immediate neighbours who have expressed

concerns that they will look onto parked cars.

No objection in principle from the Ainsworth Community Association but suggestion that road could be improved by provision of roundabout.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - No objection.

Greater Manchester Ecology Unit - No objection

Conservation Officer - No objection

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
EN1/1	Visual Amenity
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
HT2/4	Car Parking and New Development
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN1/3	Landscaping Provision
H2/4	Conversions

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.

Policy - Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. 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.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; 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; and limited infilling in existing villages as set out under Policy OL1/3.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller

than 33%, would not be supported as each case is considered on its own merits.

Paragraph 150 of the NPPF considers that certain other development may also be acceptable:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt states that the conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing that:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- b) any extension of re-used buildings, and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, gardens, boundary walling or fencing);
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- e) suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes;
- f) all the necessary services can be provided without extensive works;
- g) it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required.

Supplementary Planning Document 9 - Conversion and Re-use of Buildings in the Green Belt contains detailed guidance on conversions in the Green Belt which can be applied in this instance.

UDP Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest, or the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

As the development would also be in relation to an ancillary building to a residential property Supplementary Planning Document 6 Alterations and extensions to residential properties and UDP Policy H2/3 Extensions and Alterations are also considered to be appropriate. SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

UDP Policy EC4/1 - Small Businesses states that the scale of development should be appropriate to and the use environmentally compatible with the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

EC5/3 - Other Office Locations will not permit development for further office use except for -

- small scale developments providing a direct service to the local area
- refurbishment or conversion which would result in the retention of architectural or historic interest
- proposals for office type home working.

EC6/1 - Assessing New Business, Industrial and Commercial Development expects development of a high standard of design and appearance and to take into account the environment, amenity and safety of employees, visitors and occupiers.

Principle and Impact on Green Belt

The principle of the change of use to residential was already accepted by the appeal which was allowed in 2015. With a total volume of 154 cubic metres, the extension would equate to an increased volume of approximately 59%. Of this, 93 cubic metres would be above ground which equates to 23% of the existing total volume.

Given the permanence of the structure and the relatively modest scale of the extension, the conversion and extension of an existing building is considered to be appropriate in the Green Belt under Paragraphs 149/150 of the NPPF.

In design terms, the extension would continue the existing structure along the same linear arrangement. It would be a similar style with the eaves and ridge line following the existing building. With a 23% increase in 'above ground' volume which would be situated on the far side of the building, away from Arthur Lane, the extension would not be particularly prominent. As such it is considered that the extension would preserve the openness and character of the Green Belt and is considered to be acceptable and complies with the NPPF and UDP Policies and guidance.

Proposed Use

The proposed main use of the building would be for a modest 'home office' for the applicant and his partner who operate a small office based business. The applicant's main office would remain in Bury and other employees and visitors would only visit the site occasionally. The NPPF and UDP Policies support flexible working practices, particularly in more rural locations. NPPF paragraph 84a also supports a prosperous rural economy through "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings."

The proposed gym use would also be modest in scale and ancillary to the main residential use of the property. Although not physically attached to the main house, the proposal is utilising an existing building within what would be an extended curtilage. As such the proposal would be acceptable as an ancillary building relating the applicant's residence and complies with the NPPF and UDP Policies and guidance.

Visual Amenity, Green Belt, Special Landscape and West Pennine Moors

The site lies within a semi-rural location within the Green Belt and a Special Landscape Area and as such the design and appearance of the building should reflect this. The extension on the east side of the building would be modest in scale and mirror the existing building. With the cedar cladding finish, openings to reflect the former stables and good quality boundary planting and landscaping, the proposal is considered to be acceptable in terms of design and appearance within its surroundings.

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (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 aspects which the Green belt presents."

SPD 9 contains detailed guidance on conversions in the Green Belt which can be applied in

this instance. The key objective of any conversion scheme in the Green Belt should be to facilitate the new use whilst retaining the original character and identity of the building.

The proposal, in a similar context as application 58134 which was allowed on appeal, would retain the shape and form of a stables particularly when viewed from the site entrance. The openings on the front elevation would maintain the scale and rhythm of stable doors, and the retention of the canopy is suitable to help to retain the character of the original building. The larger glazed openings on the rear and side elevations may need to be decreased in size as these appear to be more urban, and contemporary in character and would not reflect the rural aesthetic of the location. The use of timber and repairs to the existing roof would be appropriate.

The proposed landscaping on site and along boundaries would help screen the development and improve its ecological value.

The proposal is acceptable and complies with the NPPF and UDP Policies

Ecology - The ecological report has assessed the ecological value of the site and its suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]). The survey report concludes that the site supports a building of negligible value to bat roosting and the surrounding habitats within the site are of only local value to biodiversity. The ponds within 250m were considered and the proposal run against Natural England's Rapid risk assessment. It is concluded that it is highly unlikely that an offence under the Habitats Regulations 2019 would occur. There is also currently no known reason to contradict the findings of the report and the application can be forwarded to determination in respect of biodiversity without the need for any further work. There is therefore no objection from GMEU subject to appropriate conditions relating to ecological protection.

Given the reports conclusions and the proposed new hedging and landscaping on the site would improve ecological benefits and the proposal is acceptable and complies with the NPPF and UDP Policies EN1/3 Landscaping Provision and EN6/3 Features of Ecological Value.

Access and parking - The access from Arthur Lane would be in the same position as existing but with improved visibility splays, in line with those approved under the previous approval. It is expected that there would be one or two cars parked at site on a daily basis and the proposed four parking spaces are considered adequate to accommodate occasional visitors. With conditions requiring parking, appropriate visibility splays and a construction traffic management plan to be provided, the proposal is considered acceptable and complies with the NPPF and UDP Policies and guidance.

Public comment - The comments of the neighbour with regard to views of parked cars have been addressed by the revised layout which reduces parking and augments boundary planting to help screen the development.

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 numbered 2136-S01, S02, P01(Rev), P02, P04(Rev) and P05 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 The use of the outbuilding as a home office shall be carried on only by the householders/occupiers of the adjacent property known as Sunnysbank, Arthur Lane.
Reason. In order to maintain the residential character of the locality in the interests of visual amenity pursuant to UDP Policy EN1/1 Visual Amenity and H2/3 Extensions and Alterations.
- 4 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.
- 5 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 details of native species specific enhancement in line with the Appendices and section 8.0 of the ecological report submitted with the application. The approved scheme shall thereafter be implemented not later than 6 months from the date the building 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 EN1/1 Visual Amenity, EN1/3 Landscape Provision, EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 Prior to occupation details of all external lighting shall be submitted to the Local Planning Authority for approval. Any external lighting shall be in line with the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). Only the approved scheme shall be implemented.
Reason. In the interests of ecological protection pursuant to the NPPF and UDP Policies EN6/3 Features of Ecological Value and EN7 Pollution Control.
- 8 The recommendations of the Preliminary Ecological Appraisal (Sept 2022) section 9.3 with regard to protected species and site clearance shall be implemented in full.
Reason. In the interests of ecological protection, pursuant to the NPPF and UDP

Policies EN6/3 Features of Ecological Value.

- 9 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 10 Prior to first occupation, the proposed parking and turning area indicated on the approved plan shall be completed and thereafter retained and made available at all times for the approved purposes.
Reason. In the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 11 No development shall take place until details of landscaping have been submitted to and approved in writing by the local planning authority. The details shall include replacement hedging and additional planting along boundaries and planting schedule. The landscaping shall be carried out in accordance with the approved details.
Reason. In the interest of visual amenity and ecology pursuant to UDP Policies EN1/1 Visual Amenity and EN1/3 Landscaping Provision.
- 12 Prior to first occupation visibility splays shall be provided as shown on the approved plan. The visibility splays shall be maintained thereafter free of obstruction above a height of 0.6 metres above ground level.
Reason. In the interest of highway safety pursuant to UDP Policy H2/4 Conversions.
- 13 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
 - 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 construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction 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.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent road, 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 and HT6/2 Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	20/04/2023	DM	20/04/23

