

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/11/2018	Ref: 63246/FUL
Registration: 05/09/2018	LDFC: 04/10/2018	Expiry Date: 31/10/2018
Site Visit: 11/10/2018	Site Notice: 03/10/2018	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Detached 1 no. bungalow to replace existing storage building

Location: 41 Bury Old Road, Ainsworth, Bolton, BL2 5PF

Description

The site is situated on land to the west of Ainsworth Village on a corner plot at the junction of Bury Old Road and Arthur Lane. It relates to an 'L' shaped single storey building which is located within the grounds of a residential property, No 41 Bury Old Road. The site is in the Green Belt and an Area of Special Landscape under UDP Policies OL1 and EN9/1.

The eastern part of the building was formally used as a stables, with an adjoining riding menage on the land to the side. Permission was also granted for this part of the building to be used as a cattery, in 2011, but which was never implemented. The building has been refurbished including new upvc windows. The western section appears to have been erected as an agricultural building, and has since been rebuilt in rendered blockwork with a slate roof.

The building in its totality is currently used for storage purposes and a garage, in association with the dwellinghouse at No 41 Bury old Road.

In its current state, the building is rendered blockwork, with a part slate roof and part metal sheet roof. There are roller shutter doors on the front elevation which allows for vehicular access and some windows and door openings on the side and rear elevations.

No 41 Bury Old Road is a semi detached dwelling which has extensive grounds to the side and rear. Both No 41 and the storage building front onto Bury Old Road and there is a vehicular access off Bury Old Road which leads to a hardstanding area in front of the storage building which is used for parking for this property.

To the rear of the site, over 50m away and in the northern corner of the field is a single storey building which was also previously a stable block in association with No 41. It is separated from the application site and has its own access off Arthur Lane. There is an extant consent for its conversion to a residential dwelling with a single storey side extension (ref 60784).

This application seeks the demolition of the existing storage/garage building and the re-development to provide 1 no. dwelling.

The proposed dwelling would be located in the same part of the site as the existing dwelling. It would be a single storey bungalow with rendered walls a slate roof. The dwelling would be 'L' shape in layout, with a front projection over which would be a pitched roof. The dwelling would be orientated with the front elevation facing Bury New Road and principle and main aspects would face north and south.

Accommodation, all at ground level, would be kitchen and living areas with 4 bedrooms

located in the western part of the build.

The development would utilise the existing vehicular access and would be widened and improved to facilitate its use by both the new dwelling and No 41. The existing hardstanding at the front of the building would be used as an area for parking and turning for the new dwelling and a parking space to the side of No 41 would be provided for this property.

The building sits within a relatively large plot and the grassed area at the side and rear would be utilised as private amenity space. The existing hedging and planting which form the boundary of the site along Bury New Road and Arthur Lane would be retained, as would the existing timber post and rail fence which currently separates the plot from No 41 along the side/rear boundary. This fence would be extended across the rear of the site to define the garden area.

The applicant has stated that the cars would be stored at a unit in a nearby trading estate.

In terms of volume and area, comparatives are stated below:

Footprint area

Existing - 220 sqm

Proposed - 230 sqm

A 5% increase

Volume

existing - 800 cubic m

Proposed - 1100 cubic m

A 28% increase

Height

Existing - 4.2m

Proposed - 5.6m

A 1.4m increase

Eaves height

Existing - 2.6m

Proposed - 2.3m

A 0.3m decrease

Relevant Planning History

45805 - Two storey extension at side (resubmission) - Approve with Conditions 10/03/2006

46956 - Revised roof line and 2 dormers (retrospective) - Approve with Conditions 30/10/2006

50298 - Replacement of existing building (partly retrospective) - Approve with Conditions 22/10/2008

50878 - Demolition and replacement of existing stables; erection of building containing stables and tack room - refused 23/03/2009

51655 - renovation of existing stables (re-submission of planning application 50878) - Approve with Conditions 10/09/2009

53423 - Conversion of existing building to boarding cattery with external exercise area - Approve with Conditions 10/02/2011

60784 - Change of use of stable to dwelling with single storey extension - Approve with Conditions 25/01/2017

61734 - Change of use of storage building to dwelling with new front porch - Approve with Conditions 01/09/2017

Publicity

Letters sent to 15 nearby properties.
Site notice posted 3/10/18
No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No objection subject to conditions.

United Utilities (Water and waste) - No objection subject to conditions

Greater Manchester Ecology Unit - No objection. Advisory notes to applicant recommended regarding bats and nesting birds.

Pre-start Conditions - Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD11	Parking Standards in Bury

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.

Policies - Chapter 13 - Protecting Green Belt Land considers the construction of new buildings as inappropriate development in the Green belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision of appropriate facilities for outdoor sport, 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 purpose of including land;
- c) the extension or alteration of a building provided 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; and
- g) limited infilling or 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 identified affordable housing need within the area of the local planning authority.

UDP Policy OL1/2 - New Buildings in the Green Belt states the construction of new buildings is inappropriate development unless it meets one of the four listed purposes, one of which is limited extension, alteration or a replacement of existing dwellings, provided it would not result in disproportionate additions over and above the original, or in the case of a replacement, would not be materially larger.

Inappropriate development would require Very Special Circumstances.

SPD8 offers more detailed guidance and advised on new buildings in the Green Belt.

UDP Policy EN9/1 - Special Landscape Areas states that development in such areas will be strictly controlled and required to be sympathetic to its surroundings in terms of visual impact. high standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

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, 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.

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

Principle and Green Belt

The application proposes the demolition of the existing building and its replacement for a residential dwelling.

The replacement dwelling would not be in the same use as the existing and therefore part d) of para 145 would not be met.

In terms of complying with part g) of para 145, the applicant has submitted a planning statement and supplementary statement which presents the case that the land should be considered as brownfield land. It is stated that whilst part of the building was used for agricultural purposes it has more recently been used for the parking and storage of the applicant's private car collection.

For the purposes of part g) of para 145 of the NPPF, brownfield land or previously developed land, excludes land that is or was, last occupied by agricultural or forestry buildings. As it has not been lawfully established as anything other than agriculture by way of a Certificate of Lawfulness, and as no other evidence, other than hearsay has been put forward, the lawful use of part of the building can only be accepted as agricultural.

As such, the whole site could not be classed as previously developed land and therefore the applicant would be required to demonstrate Very Special Circumstances to demonstrate that any harm resulting from the proposals would be clearly outweighed by other considerations.

The applicant has submitted such a case, the reasons summarised as:

- The proposed development would be less than one third greater in volume than the existing, which is in line with policy guidance;
- The floor area of the proposed is marginally greater than the existing, by 5%;
- The eaves height of the proposed would be lower than the existing building;
- Any visual impact would be minimised by hedging and additional planting;
- The site has an established curtilage and there would be no further encroachment into the Green Belt;
- The site has an extant consent for the conversion of the building to a dwelling.

The applicant concludes that the replacement with a dwelling of similar size to the existing and of appropriate design and materials would not harm the openness of the Green Belt or the purpose of including land within it.

In terms of the scale of the development in comparison to the existing building, an analysis of the comparative volume, area and height is set out below:

Footprint area

Existing - 220 sqm

Proposed - 230 sqm

A 5% increase

Volume

existing - 800 cubic m

Proposed - 1100 cubic m

A 28% increase

Height

Existing - 4.2m

Proposed - 5.6m

A 1.4m increase

Eaves height

Existing - 2.6m

Proposed - 2.3m

A 0.3m decrease

Whilst not a replacement building in the same use, the proposed new build would only be marginally larger in footprint and the volume below the third which in general terms, is the accepted starting point (with each site assessed on its own merits).

The proposed dwelling would be 1.4m higher. It would be sited over the same footprint as the existing building and when viewed from outside the site, the increased height would not be of such significance to be perceptible. Located next to a pair of 2 storey semi detached houses, the proposed building would be considerably lower and lesser in scale and mass than these properties.

The proposed dwelling would also be partly screened from views by the hedging which runs along the site boundary.

The other point to consider is that the building would not encroach beyond the curtilage of the site nor would the garden boundary extend beyond the existing boundaries.

Whilst the proposed development would not meet any of the exceptions in para 145 of the NPPF, it is considered that the proposed building as a single storey bungalow, would not be materially greater in volume, height or footprint than the building it would replace, would not encroach into the Green Belt and would be sufficiently screened from views not to impact on the character of the area.

As such, it is considered the proposed development would not cause harm to the openness of the Green Belt or Special Landscape Area and therefore considered to be acceptable.

The applicant's case that the building has an extant consent for its conversion to a dwelling (granted September 2017), is considered not to demonstrate a VSC.

Layout - The proposed dwelling would be located in the same position in the plot as the existing building with the front entrance orientated to face Bury Old Road, the same as the adjacent houses.

The existing grassed land which surrounds the building would be utilised as a garden and the post and rail fence which separates the site from No 41 would be retained and extended along the rear of the plot to define a domestic curtilage.

The access into the site would be widened and improved and lead into a driveway and turning area and parking for the dwelling. This access currently serves No 41 and would continue to do so, with an opening created at the side of this house and a parking space. Internally, the accommodation would comprise living spaces and 4 bedrooms with habitable room window facing towards the front and rear of the site, a common layout for a residential dwelling.

As such, it is considered that the proposed development would provide acceptable

standards of living accommodation in a suitable layout for the size and position of the plot and would comply with UDP Policies H2/1 and H2/2.

The applicant has stated that the cars which are currently stored on the site would be removed and stored at a unit located in a nearby trading estate.

To ensure that the cars would be permanently removed from site, and in the interests of visual amenity and protection to the character of the Green Belt, it is considered reasonable that a condition be included to state as such.

Design and appearance - The existing building is of a modest fairly standard storage/garage type appearance, with smooth rendered walls, mix of metal sheet and slate roof and 3 roller shutter doors on the front elevation.

The proposed dwelling would be similar rendered with red brick corner detailing, grey windows and a slate roof. Elevations would be modest and the number of window and door openings reduced from that of the existing.

There would not be any obtrusive or discordant features which would detract from the character of the area or Green Belt and the development would also benefit from the removal of the 3 roller shutter doors on the front elevation.

It is therefore considered that the proposed design and appearance would be sympathetic to and in character with the setting of the Green Belt and within this locality and would comply with UDP Policies EN9/1, EN1/2, H2/2 and SPD8.

Impact on residential amenity - The closest property would be No 41 Bury Old Road. There would be no habitable room windows facing this property and no part of the built development would affect the privacy or outlook for these occupiers.

The existing access off Bury Old Road would be widened and would provide the access to both the new dwelling and No 41, which would have a dedicated parking space within its curtilage.

The site is already separated from No 41 by a fence and as such amenity area to No 41 would not be affected.

As such, it is considered that there would not be an adverse impact on the amenity of the neighbouring property and the development would comply with H2/1 and H2/2.

Highways - The existing access which currently serves No 41 and the access to the garage/store would be widened and improved and used as the vehicular access for both No 41 and the new property. Acceptable levels of visibility would be provided and the Highway's section consider that given the development relates to the addition of a single dwelling, this would not significantly increase traffic from this point into or out onto the main road.

The new dwelling would have sufficient parking area and turning space for cars to park and a new parking space would be provided for No 41.

Subject to conditions, the Highway's section have raised no objection to the proposed development and as such the proposal are considered to comply with UDP Policies H2/2, HT2/4 and HT6/2.

Ecology - The Ecological Report for the previous application (ref 63246) has been submitted dated 2017 and GMEU have been consulted.

There are no material differences from an ecological perspective and the ecological report

is still valid. GMEU have raised no objections, and recommend advisory notes to the applicant be included.

Bats - The building was assessed by a suitably experienced bat consultant and no evidence of bats were found and the building assessed as having negligible roosting potential. GMEU are satisfied with the findings of the report. An informative to advise the applicant of responsibilities under the Habitat regulations is advised.

Nesting birds - The building has been assessed as low risk and GMEU recommend that an informative be included to advise the applicant of their responsibilities under the Wildlife and Countryside Act.

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 17/345/01; 17/345/02; 17/345/04A; 17/345/05; 17/345/06A 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 If during the works on site, excess or waste soil material is removed from site, details of where and how the soil material was disposed of, including copies of waste transfer documentation, shall be submitted to the Local Planning Authority for approval.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

- 6 Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to the connection to the public sewer.

The drainage 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.

- 7 The proposed access and driveway alterations indicated on approved plan reference 17/345/04A, incorporating the provision of a footway crossing extension, foundations for the boundary wall alterations that do not encroach under the adjacent adopted highway, hardstanding in a porous material and all associated highway remedial works, shall be implemented prior to the dwelling hereby approved being occupied and thereafter maintained.

Reasons. To ensure a safe and satisfactory access to the site in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 8 The car parking for the existing and proposed dwellings indicated on approved plan reference 17/345/04A shall be surfaced, demarcated and made available for use prior to the dwelling hereby approved being occupied and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policies H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 9 The turning facilities indicated on approved plan reference 17/345/04A shall be provided prior to the dwelling hereby approved being occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway and private access road in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 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;
- Parking on site (or land within 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 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/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.

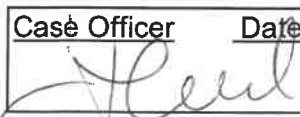
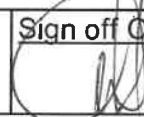
Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction 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.

- 11 Notwithstanding the terms of the Town and Country Planning (General Permitted 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.

- 12 The development hereby approved shall not be used for the storage of motor vehicles associated with the motor trade or any other business activity. The cars currently stored on site shall be removed from the site prior to works commencing on the erection of the dwellinghouse hereby approved.

Reason. In the interests of visual amenity and protect the character and openness of the Green Belt pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual Amenity, EN2/1 - Character of Conservation areas, EN2/2 - Conservation Area Control and H2./2 - The Layout of New Residential Development.

Case Officer	Date	Sign off Officer	Date
	6/11/18		8/11/18