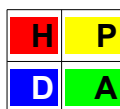


**Demolition of vacant stables building and construction of a detached dwelling
Land at No 7 Arthur Lane, Ainsworth, Bury BL2 5PR**

Ref:GS.270324

Planning Statement



March 2024

Prepared by Hartley Planning and Development Associates Ltd

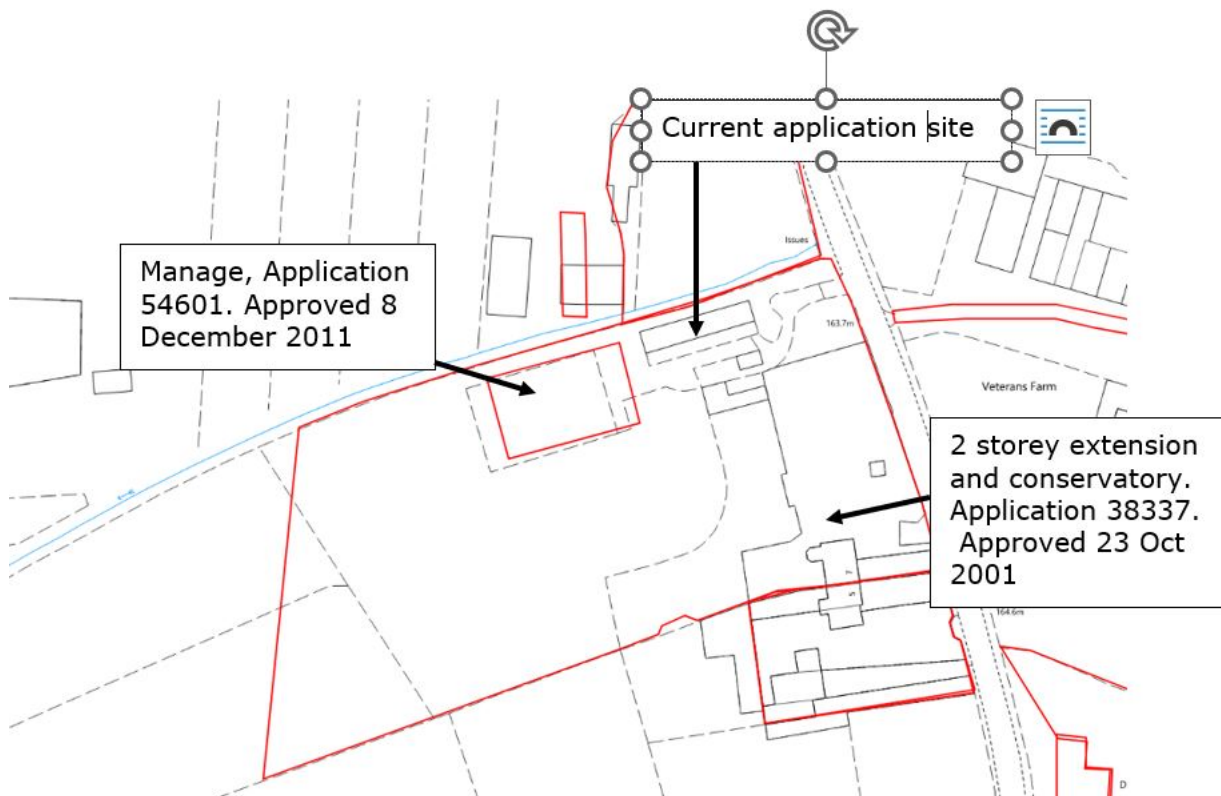
The site and the proposed development

The site adjoins and is in the same ownership with No. 7 Arthur Lane, Ainsworth. It includes a stable block with other dilapidated outbuildings (the outbuildings).

The stable block is vacant, as are the adjoining detached outbuildings, and is permanent and structurally stable. It is constructed with blockwork.

Planning approval was granted in 2011 for an associated manege.: -

Extract from the local planning authority's planning application map: -



There is access from No. 7 Arthur Lane and also a separate gated access directly onto/from Arthur Lane and immediately adjoining the stable block. However, the proposal includes a new access onto Arthur Lane and which would also serve a proposed agricultural building, the latter of which has yet to be submitted and clearly is subject to planning approval. For the sake of clarification, the proposed agricultural building does not form part of the current application.

The application site is within the Green Belt.

Recent planning history

Application ref 70142, dated 24 September 2023 for the change of use and extension of the existing stable block to one dwelling has been validated by the local planning authority (LPA).

While the application has not been determined, it is the LPA's view, on a without prejudice basis, that the applicant might be better to consider an approach based not on the conversion of the existing stable block to form a dwelling, but rather on the basis of the redevelopment of previously developed land.

The Main Issues

The main issues are (i) whether the proposal is inappropriate development in the Green Belt including its impact upon openness, (ii) the effect of the proposal upon the character and appearance of the area and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify development.

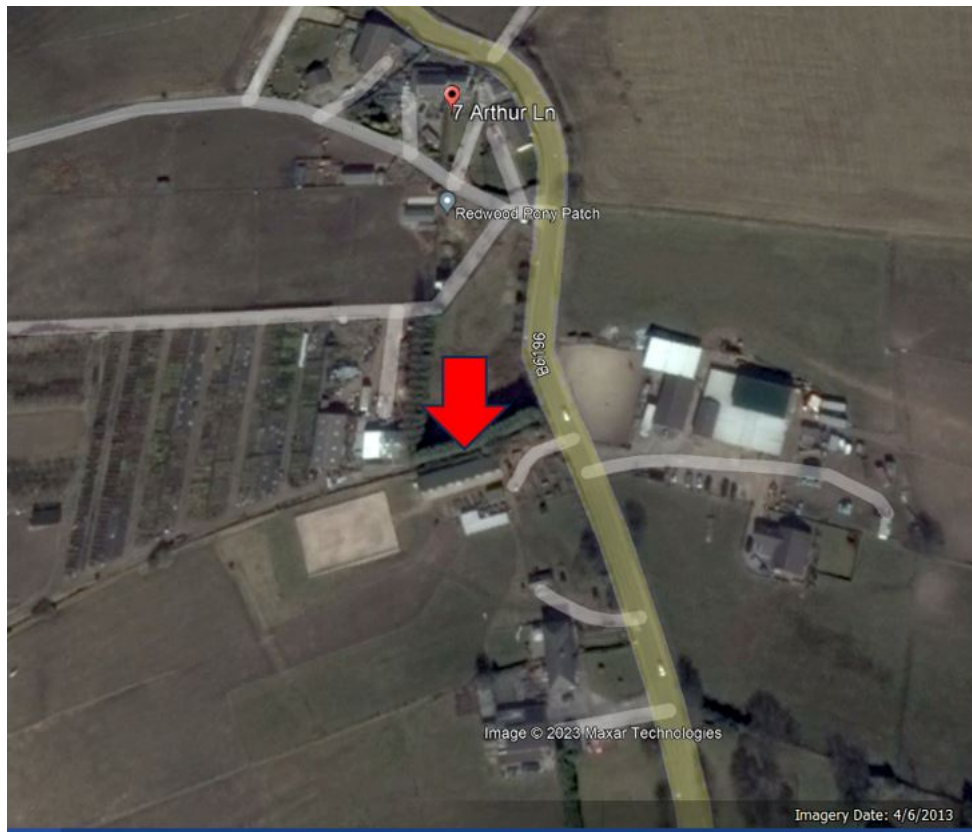
Whether inappropriate

Saved Policy OL1/2 of the Bury Unitary Development Plan 1997 (UDP) states that construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more exceptions including limited infilling in certain villages of which Ainsworth is one.

However, the UDP's exceptions in this regard are no longer consistent with those exceptions within the National Planning Policy Framework, December 2023 (the Framework) and which, while also stating that '*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*', nevertheless permits as an exception at paragraph 154(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’.

Google Earth indicates that the existing building has been present on the site for more than 10 years, if not much longer and is not therefore a temporary structure: -



As the site has been used for equestrian purposes as distinct for agricultural purposes, it is ‘previously developed land.’ as defined in the glossary to the Framework: -

‘Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds

and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’

The exception to Green Belt policy in the Framework is subject to the caveat that the proposed development should not have a greater impact on the openness of the Green Belt than the existing development.

	Floor area(m2)	Volume (m3)	Height(m) Approx
Existing stable block and other outbuildings to be demolished	210	630	3
Proposed dwelling	206	791	Av. 4.5m when seen from Arthur Lane

The proposed development would lead to an increase in volume of 25.5% (though a slight decrease in floor area). The Council’s New Buildings and Associated Development in the Green Belt Supplementary Planning Guidance 2007 (SPG) states at paragraph 4.24 that so far as replacement dwellings in the Green Belt are concerned ‘ in general terms, the Council may allow the original volume to be increased by up to a third as part of a proposal for a replacement dwelling’. It is acknowledged that the application is not for a replacement dwelling, though it is for a replacement building, and the SPG does give an indication as to what an additional volume might be considered to be appropriate.

When approval was granted for the demolition of existing storage buildings and their replacement of a dwelling at 41 Bury Old Road/ Arthur Lane (Ref: 67459 – see later) the height increase, according to the officer report, was by 1.4 metres to 5.6 metres, while the volume increase was 28%.

But openness is not to be defined by volumes and areas alone. In the case of *Turner v Secretary of State for Communities and Local Government* and *ANONR* (2016) the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. The word ‘openness’ is open textured and a number of

factors are capable of being relevant when it comes to applying it to the particular facts of a specific case'

(Paragraph 15) '*The question of visual impact is implicitly part of the concept of "openness of the Green Belt" as a matter of the natural meaning of the language used in para. 89 of the NPPF*'.

The visual impact of the existing building, by its vacant, deteriorating state , its overall design, the presence of adjoining broken walls and structures, and the absence of any landscaping to soften its impact upon openness, all adversely impact upon the visual impact of the openness of the Green Belt. As Turner concluded and as quoted above, "the question of visual impact is implicitly part of the concept of "openness of the Green Belt".

The amenity land for the new dwelling would be contained within the land associated with the existing stables block, other outbuildings and amenity land associated with No. 7 Arthur Lane, ensuring no further encroachment into the Green Belt. Planting and landscaping would be added to soften and screen the built development

It is considered that the proposed layout would be sited to utilise the existing, natural landform and features and would be sensitively positioned away from Arthur Lane and at a slightly lower level to minimise impacts on the Green Belt to what is considered to be an insignificant degree of harm.

Moreover, when seen from the public domain of Aurthur Lane it would be silhouetted against existing, taller trees around it and would also be largely hidden from view behind existing road-side hedging and which is to remain: -



For the above reasons, the proposed development would not be inappropriate in the Green Belt

Character and appearance

The area falls within a Special Landscape area. Policy ENG/1 of the UDP states that ‘ *any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas*’. The policy adds that ‘ *development in those areas will not be prevented but will be subject to strict control to protect or enhance the character of these areas. This will help to safeguard the pleasant environment of these areas*’ .

There is no defined design or character of buildings in the vicinity other than they tend to be two storey and with double pitched roofs set in various arrangements and plot sizes in the surrounding area.

The building is set back from Arthur Lane and further landscaping would make it assimilate into the character and appearance of the area.

The proposed design takes a cue from the recent approval for a dwelling at the junction of Arthur Lane and Bury Old Road, approved under application ref: 67459 on 14 December 2021 for the demolition of an existing garage/store to be replaced with 1 no. dwelling with attached garage. The description of the development echoes the proposed development. Both the above approval and the proposed development are in the Green Belt.

The approved design for application 67459 has similarities with the proposed development at the application site: -

Details from approval 67459: -

Zoe Moon Architects

Bury Old Road - Design and Access Statement

Zoe Moon Architects

Bury Old Road - Design and Access Statement

VIEW FROM THE FRONT DRIVEWAY (SOUTH)



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FRONT ELEVATION (SOUTH)



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Details for the current application for comparative purposes: -



The proposed dwelling, by the use of natural stone, render and natural blue slate, and by its overall design, would assimilate well into the location . Moreover, it would include the sweeping away of the unsightly adjoining broken down outbuildings and the less than inspiring, unused stable block.

Therefore, it would accord with policies EN9/1,EN1/2,H2/2 of the UDP, with the Council's SPG, and with chapter 12 of the Framework, all of which require development to have no significant adverse impact in terms of visual amenity and to have regard to the character and appearance of the area concerning layout and design.

Other Matters

Planning application ref 70142 for the conversion of the stable block to a dwelling has been the subject of consultations and where the following responses are pertinent to the current application

Ecology

' From: David Dutton

Sent: Friday, November 3, 2023 4:08 PM

To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>

Subject: Planning application 70142 Land at 7 Arthur Lane

Hi Dean

Thank you for consulting the GMEU

Summary

There appear to be no significant ecological issues associated with this development.

1. Bats

A valid bat report has been provided. This assessed all of the buildings to be converted/demolished as having negligible bat roosting potential. Based on the photographic evidence provided, I have no reason to disagree. As individual bats can on occasion turn up in unexpected locations, I recommend an informative along the following lines is applied to any permission.

Whilst the buildings to be demolished/converted have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

2_The site is very low risk for other protected species recorded within the district, with no desk top evidence indicating species such as badger and great crested newt would be present. I am

satisfied that no further information or measures are required.

3. Nesting Birds

There is no reference within the bat report to birds such as swallow being present, I therefore assume that the buildings are not currently being utilised as bird nesting habitat. Aerial photographs and photos of the site do however indicate that some scrub is likely to need removal, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

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 and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of buildings and adjacent vegetated habitats to garden and hardstanding, with a native hedge proposed around at least part of the sites boundary. On balance, the development appears likely to be relatively neutral overall in terms of biodiversity net gain. In terms of wildlife, I would recommend provision of bird boxes as mitigation for loss of bird nesting opportunities.

Whilst a net gain assessment could be requested to objectively demonstrate biodiversity net gain would be achieved, given it is not as yet mandatory, I would recommend that all that is required to satisfy me that biodiversity net gain would be achieved is provision of some native tree planting in addition to the new hedge. This could be off-site on other land within the control of the developer. I recommend that the details of soft landscaping and biodiversity enhancement measures are conditioned.

David Dutton

Ecologist

Planning

Planning and Transportation

Contamination

From: Jones, Rebecca (Environmental Protection)

Sent: Thursday, November 16, 2023 6:00 PM

To: Clapworthy, Dean <D.Clapworthy@bury.gov.uk>

Subject: FW: Initial Consultation on Planning Application - Land at 7 Arthur Lane, Radcliffe, Bolton,

Dean,

Please find my comments below.

CONTAMINATED LAND - Comments

The site is currently occupied by a single storey stable block and other outbuildings. Current uses in the immediate area include a farm and farmland , residential, a disused plant nursery, a yard that appears to be used for waste storage, and residential. Previous uses at the site and within the surrounding area have included open farmland, the current stable and buildings that appear to date from prior to 1979, a plant nursery and farms. The site is not located within 250m of a registered landfill site and is not in closed proximity to any major surface watercourse. The site is situated above the Lower Coal Measures Secondary A Aquifer (drift deposits are absent). The site is located within a Class 3 Radon Affected Area.

The proposal is to convert the existing stable block to 1 no. dwelling with a front extension and changes to the roof. The development includes garden and soft landscaped areas. As the development is introducing a new land use which is more sensitive to contamination, as a minimum a Desk Study and Preliminary Risk Assessment is required.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use we recommend that the following contaminated land conditions are placed on any grant of permission:

CLA1 - Contaminated Land Preliminary Risk Assessment, Site

Investigation, Detailed Risk Assessment and Remediation Strategy.

CLA2 - Contaminated Land implementation of Remediation Strategy and Site Verification Report.

Reason: This is 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.

AIR QUALITY – Comments

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

The proposed development will have off-street parking. Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section recommends the following condition to be placed on any grant of permission:

Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW) per unit (dwelling with dedicated parking). Photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.*

**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 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.*

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.

INFORMATIVE - The Control of Noise (Appeals) Regulations 1975, Section 60. Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

- 1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.*
- 2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.*
- 3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.*
- 4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.*

Any contravention of these requirements will trigger the serving of a Notice under

Other Matters

Drainage

See separate report.

The proposal is to recycle surface water as 'grey water, and which would then be discharged to a biodisc.

Highway safety and access

There is already two access points to the application site – one directly onto Aurthur Alane and the other into No 7 Arthur Lane. It is not proposed to utilise either and for both these access points to be closed (though the latter would still give access to No 7 Arthur Lane) The proposal is to create a new access on the inside of the bend and where sight lines are superior. Such sight lines are shown on the proposed site plan.

Landscaping

Please see submitted plan and report.

Flood Risk

The application site is within the least risk zone (Zone 1) :-



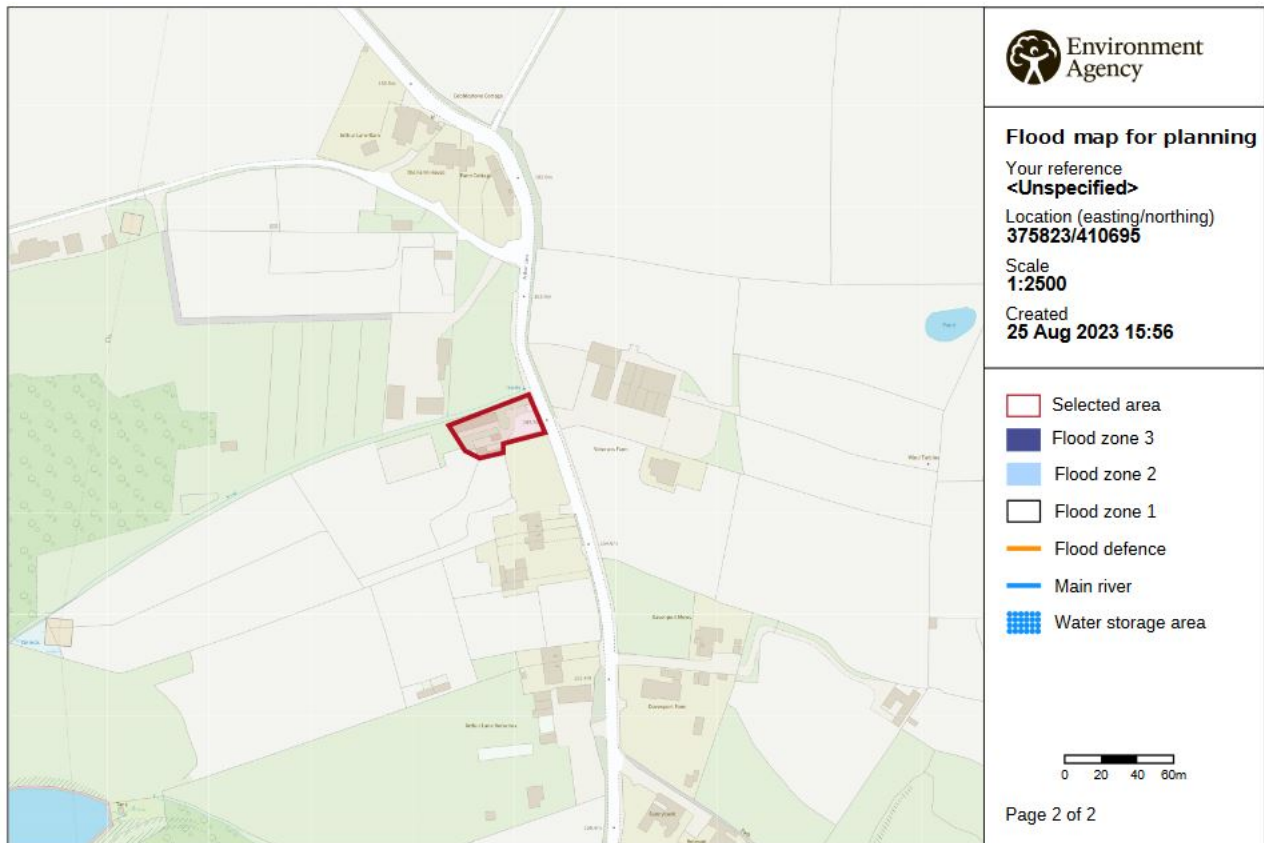
Flood map for planning

Your reference
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Location (easting/northing)
375823/410695

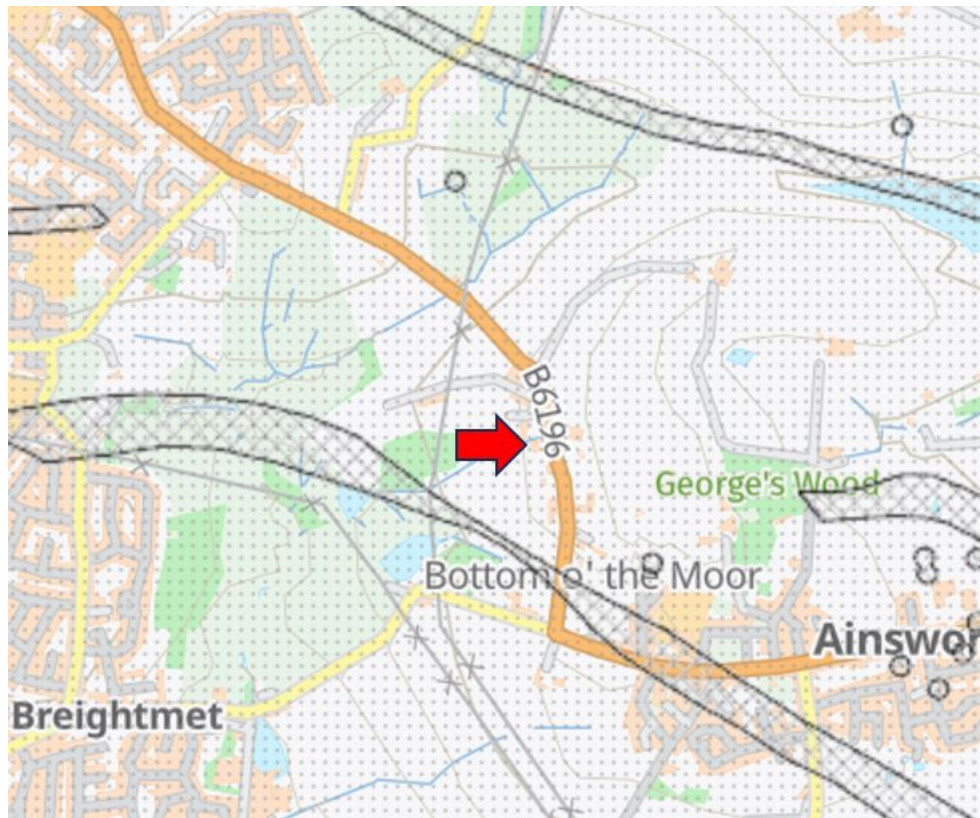
Created
25 Aug 2023 15:56

Your selected location is in flood zone 1, an area with a low probability of flooding.



Coal Mining risk

The application is not within a high risk zone on the Coal Authority's map: -



Water and electricity

The building already has a water and electricity supply .