

DELEGATED REPORT

Report by Helen Leach	Date of report: 11/01/2021	Ref: 65963/FUL
Registration: 28/09/2020	LDFC: 23/11/2020	Expiry Date: 23/11/2020
Site Visit: 24/11/2020	Site Notice: 21/10/2020	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of existing dwelling and associated garages/outbuildings to 6 no. apartments, 2 no. semi-detached houses and 1 no. bungalow

Location: Lake Hill, Walshaw Road, Bury, BL8 1PT

Description

The application site contains a large detached two storey dwelling, which is constructed from red brick and a detached garage, which is located to the north of the dwelling. There are gardens to the north and south, which contain mature trees and there is a tennis court to the northeast of the dwelling. The site is accessed from Walshaw Road, via an access road, which is shared with the Bolholt Hotel.

There are open fields to the north and west. The Bolholt Hotel is located to the east and there is a lake to the south with fields beyond.

Planning consent was granted in November 2016 for the conversion of the existing dwelling to 6 apartments, the detached garage to 2 dwellings and an existing outbuilding into a bungalow. The proposed development would involve the demolition of a single storey extension to the north of the existing dwelling and the link extension from the dwelling to the garages. Access would be taken from the existing access road and 17 parking spaces would be provided on the tennis court and existing driveway/hardstanding.

The proposed development involves the conversion of the existing dwelling into 6 apartments, the detached garage into 2 dwellings and the existing outbuilding into a bungalow.

The proposed development would involve the demolition of a single storey extension to the north of the existing dwelling and the link extension from the dwelling to the garages. Three new openings would be created at first floor level in the detached garage conversion. The proposed development would utilise the existing openings or reinstate previous openings. Access would be taken from the existing access road and 17 parking spaces would be provided on the tennis court and existing driveway/hardstanding.

Relevant Planning History

1805/E - Proposed outline planning application for conversion of Lake Hill and its outbuildings into eight dwellings at Lake Hill, Walshaw Road, Bury. Enquiry completed - 13 April 2016.

02029/E - Residential development of 6 no. detached dwellings with associated access at Lake Hill, Walshaw Road, Bury. Enquiry completed - 22 November 2017

60452 - Conversion of existing dwelling and associated garages/outbuildings to 6 no. apartments, 2 no. semi-detached houses and 1 no. bungalow at Lake Hill, Walshaw Road, Bury. Approved with conditions - 2 November 2016.

Publicity

The neighbouring properties were notified by means of a letter on 6 October and site notices were posted on 21 October 2020.

There was no response.

The neighbouring properties were notified of revised plans on 9 November 2020.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to car parking, sprinklers and turning facilities.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality - No objections, subject to the inclusion of a condition relating to electric vehicle charging points.

Waste Management - No response.

Environment Agency - No response.

United Utilities - No response.

The Coal Authority - No objections, subject to the inclusion of informative relating to coal mining.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats, badgers, nesting birds, invasive species and landscaping.

GM Fire Service - No objections, subject to the inclusion of residential sprinklers within the proposed dwellings.

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

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
EN7	Pollution Control

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be

specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - Green Belt - The National Planning Policy Framework (NPPF) states that the re-use of buildings within the Green Belt would not be inappropriate development providing that they are of permanent and substantial construction.

Policy OL1/4 states that the conversion and re-use of buildings within the Green Belt will be permitted providing that the proposal would not have a materially greater impact than the present use upon the openness of the Green Belt; the buildings are capable of conversion without major or complete reconstruction; the form, bulk and general design are in keeping with the surroundings and suitable access and the likely traffic can be accommodated without creating a hazard or the need for major road improvements.

The proposed development would involve the conversion of an existing dwelling, attached garage and outbuilding into 8 dwellings. All of the buildings are capable of conversion and areas of demolition are proposed. The proposed development would retain the existing openings and the number of new openings has been kept to a minimum. The proposed openings would respect the proportions of the existing windows and would be acceptable. As such, the proposed development would not have an adverse impact upon the character of the building and locality. Therefore, the proposed development would be acceptable in

principle (subject to the elevation detail) and would be in accordance with Policy OL1/4 of the Bury Unitary Development Plan and the NPPF.

Principle - Residential - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the Green Belt and is within walking distance of the urban area. The hotel complex is located to the east of the site and would share the same access. As such, the proposed development would not conflict with the surrounding land uses. The site contains an existing dwellings and would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would provide 8 apartments - 6 within the main dwelling and 2 in the existing garage. The proposed development would utilise matching materials where required, which would be acceptable. The proposed development includes the demolition of a single storey extension to the north of the existing dwelling and the link extension from the dwelling to the garages, which would reduce the impact upon the openness and character of the Green Belt.

The eaves to the existing garage would be increased by 1.6 metres to provide a first floor and the eaves for the proposed bungalow would be raised by 0.6 metres. The proposed development would be viewed against the existing two storey dwelling and would be subservient. A small front extension would be provided to the existing garage building and an extension at the rear of the bungalow would be constructed. Both the proposed extensions would be subservient to the existing building and would not impact upon the character of the building. The use of velux windows, pike detailing cills and bay windows would add visual interest to the elevations. Therefore, the proposed development would not be a prominent feature in the streetscene.

The occupiers of the proposed dwellings would utilise the existing garden areas for private amenity space, which would be acceptable in terms of size. Two bin stores would be provided for the proposed apartments, which would be enclosed with a timber post and panel fencing, which would be appropriate. Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between

residential properties and would be relevant in this case.

There would be 11 metres between the proposed bungalow and the proposed apartments in the main building. However, the facing windows would be secondary windows and as such, the distance would comply with the aspect standards. The remaining buildings would be in excess of 20 metres from the proposed development. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents.

Ecology - The proposed development involves demolition and conversion works and a bat survey was submitted with the application. No bats were found and the risk to the building is low risk. GM Ecology Unit has no objections, subject to the inclusion of conditions relating to bats and landscaping and informatives relating to nesting birds and invasive species. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The existing access to the dwelling, via the hotel access road would form the access to the apartments and there would be acceptable levels of visibility. The Traffic Section has no objections, subject to the inclusion of conditions relating to sprinklers, turning facilities and car parking.

The proposed development would be located over 250 metres from Walshaw Road, which would be the only access. As such, GM Fire Service have no objections, subject to the inclusion of residential sprinklers within the proposed dwellings. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Parking - PD11 states that the maximum parking standards is:

- 1 space for a 1 bed unit
- 1.5 spaces for a 2 bed unit
- 2 spaces for a 3 bed unit.

This equates to 13 spaces.

The proposed development would provide 17 spaces and a integral garage, which would allow 4 visitor parking spaces. Whilst this would be an overprovision, it is considered that given the location close to the hotel and the need to avoid parking on the access road, that the level of parking provision would be acceptable in this instance. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

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 Location plan, 15/411.01, 15/411.03, 15/411.02, 15/411/04E, 15/411.05D, 15/411.06B, 15/411/07C 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 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.
- 4 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.
- 5 Following the provisions of Condition 4 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.
- 6 The development is likely to cause harm to common pipistrelle bats as identified in the Dusk emergence survey at Lake Hill Report date 28/8/20 by Angela Graham Bat Consultancy Service and no development shall in any circumstances commence unless and until the Local Planning Authority has been provided with either:

 - a. A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license
 - c. A statement in writing from the Local Planning Authority that that specific part of the development will not impact on bats
 - d. A reasonable avoidance method statement for bats where a specific part of the development has the potential to impact on bats but is avoidable through

pre-cautionary measures.

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 Section 11 of the National Planning Policy Framework.

- 7 No development shall commence unless or until a survey of the site, including an area of 30metres from the boundaries for badger setts has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be carried out in accordance with the approved report.

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 Section 11 of the National Planning Policy Framework
- 8 No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*), Himalayan Balsam (*Impatiens Glandulifera*) and rhododendron is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.

Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 9 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 native tree and shrub planting and shall include measures to enhance the site for bats and swift through bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 10 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. 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.

- 11 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 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.

- 12 The car parking indicated on the approved plans shall be surfaced and made available for use prior to first occupation of the dwellings hereby approved and thereafter maintained available for use at all times.
- Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 13 The turning facilities indicated on approved plan reference 15/411.04 Revision C shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.
- Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
- 14 Prior to first occupation of the development hereby approved, a domestic sprinkler system to meet the requirements of BS 9251:2014, or any subsequent revised standard, shall be installed in the dwellings hereby approved. The sprinkler systems shall thereafter be maintained at all times.
- Reason. In the interests of fire safety and to ensure the safe and satisfactory development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 11/01/2021		DM	11/01/2021