

KG Planning Ltd

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Planning Statement

Land adjacent to 100 Bury New Road, Radcliffe, Bolton, BL2 6QB



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1. THE APPLICATION SITE AND ITS SETTING

- 1.1 The application site consists of a roughly square piece of land with an area of 460m². The site is level, with a gravel surface and is currently used for parking and has in the past, been used for car sales.
- 1.2 The site fronts Bury New Road and to the east are residential properties. Historically there was a row of terraced properties to the west but these have since been demolished. There is a substantial mill building to the north, part of which is currently being converted to a church with ancillary accommodation.
- 1.3 There are bus stops in close proximity to the site providing easy access to both Bolton and Bury. There is a dedicated cycle lane on Bury New Road and Breighmet District Centre, which provides a wide range of services and facilities, is in easy cycling distance from the site.
- 1.4 The property lies within the Green Belt in Bury's Unitary Development Plan.

2. THE PROPOSAL

- 2.1 This statement has been prepared to inform an outline planning application for the erection of two dwellings. Details are provided in relation to access, layout and scale but matters of appearance and landscaping are reserved.
- 2.2 This application is a resubmission of application 63611/OUT which was approved in March 2019.

3. RELEVANT TOWN PLANNING HISTORY

- 3.1 Planning application reference 63611/OUT for the erection of 2 no. detached dwellings with details of access, layout and scale (reserved matters for appearance and landscaping) was approved on 7th March 2019.
- 3.2 This approval was not implemented due to the Covid pandemic and the difficulty in securing materials and tradespeople.

4. PLANNING POLICY

4.1 Local planning policy is set out within the development plan, which comprises of Bury's adopted Unitary Development Plan (UDP) 1997.

The most relevant policies to this application are considered to be:

- OL1 Green Belt
- OL1/2 New Buildings in the Green Belt
- H1 Housing Land Provision
- H1/2 Further Housing Development
- H2 Housing Environment and Design
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development
- HT2/4 Car Parking and New Development
- HT4 New Development

Development Control Policy Guidance Notes 8 and 16 – New Buildings and Associated Development in the Green Belt and Design and Layout of New Development in Bury are also relevant to this proposal.

Relevant national planning policy is established within the National Planning Policy Framework (the Framework).

5. ANALYSIS

Green Belt

5.1 The Framework attaches great importance to the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes, which are set out in the Framework at paragraph 138, these purposes are re-iterated in policy OL1 Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.2 Paragraph 148 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3 Paragraph 149 states that the construction of new buildings should be regarded as inappropriate development subject to a number of exceptions. The key exception with regards to this proposal is (g) which states that *'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 land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.*

5.4 Policy OL1/2 similarly states that 'The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes..'. The list of exceptions within this policy is out of date when compared to the Framework and doesn't allow for the limited infilling or redevelopment of previously developed sites. The Development Control Policy Guidance Note 8 is equally out of date in this context. In light of this, significant weight has been attributed to the list of exceptions in the Framework including exception (g) which is detailed above.

5.5 There can be no dispute that the site constitutes previously developed land and that this proposal, for two dwellings, is for the complete redevelopment of the land. However, in order to meet exception (g) as a whole, the impact of the proposal on the openness of the Green Belt, when compared to the existing development, needs to be assessed.

- 5.6 There is no definition of openness within the Framework however 'lack of built development' is one commonly cited meaning. Dove J observed however in *Lea Valley Regional Park Authority v Epping Forest DC* however *'that if openness is taken simply to mean the absence of development, then all development will "in truth" have an impact on openness.*
- 5.7 Within the judgement of *Turner v Secretary of State for Communities and Local Government* (May 2016) it was ruled that: *'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. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (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 aspect of openness which the Green Belt presents.*
- 5.8 In *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* (2018) Lindblom LJ asserted that *'The concept of "openness of the Green Belt" is not defined in paragraph 90. Nor is it defined elsewhere in the NPPF. But I agree with Sales LJ's observations in Turner to the effect that the concept of "openness" as it is used in both paragraph 89 and paragraph 90 must take its meaning from the specific context in which it falls to be applied under the policies in those two paragraphs. Different factors are capable of being relevant to the concept when it is applied to the facts of the case. Visual impact as well as spatial impact, is, as Sales LJ said "implicitly part" of it'. Paragraph 39 of this judgement continues by stating that 'The first part of the question posed by the preamble in paragraph 90 – whether the development would "preserve" the openness of the Green Belt – cannot mean that a proposal can only be regarded as "not inappropriate in the Green Belt" if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful – understanding the verb "preserve" in the sense of "keep...safe from harm" – rather than "maintain (a state of things)"....'.*
- 5.9 In *Euro Garages Limited v The Secretary of State for Communities and Local Government* (May 2018) it states *'that it is the openness of the Green Belt that must be considered not the site as such'.* This judgement goes on to state that *'for*

there to be a greater impact on the openness of the Green Belt there must be something more than just change to the environment’.

- 5.10 Although there are currently no buildings on the application site, the site is bordered by a solid panelled fence, on three sides, and it is used for car parking both of which have an impact on the openness of the Green Belt. The erection of two dwellings on the site will result in a change to the environment and spatially the dwelling will be larger and will have a greater impact than that of the fence and parked cars. However, when viewed from the south the dwellings will be juxtaposed against the substantial mill building on the opposite side of Bury New Road. The mill will also mitigate views of the site from the north. Equally, the new properties would be viewed from the east and west against the existing built form, which lines Bury New Road.
- 5.11 In accordance with the judgements detailed above this visual context is equally as important as the spatial context and should therefore be given due consideration. Furthermore the development should be considered in the context of the Green Belt as a whole (60% of the Borough) and not just the site. When the proposal is considered against the Green Belt as a whole it is evident that the impact will be negligible particularly given the proposal will utilise a small, previously developed site, which is located on a busy main road. The proposal will not result in encroachment into the open countryside and nor will it result in the unrestricted sprawl of the built up area as the site is already surrounded to the north, east and west by built form. Whilst it is acknowledged that the proposal will have an impact in volumetric terms and the current openness of the Green Belt won't be left entirely unchanged it is considered that the visual impact on the openness of the Green Belt will be minimal given the surrounding development and overall the openness of the Green Belt will not be harmed.
- 5.12 In relation to an identical scheme (63611/OUT) the Planning Officer concluded that 'In terms of the impact on the openness and character of the Green Belt, the proposal would not have a harmful impact on the Green Belt, and would be considered, on balance, to be acceptable and complies with paragraph 145 (now 149) of the NPPF and UDP policy OL1/2.

Housing Development

- 5.13 This proposal will make a positive, albeit small contribution, to the Borough's housing land supply, which, is particularly important given the Borough, cannot currently demonstrate the requisite 5 year supply. A recent appeal decision (reference 3298500 November 2022) states that the Council has a 2.3 year supply, such the current shortfall is considerable.

Design and Amenity

- 5.14 The plans submitted with this application clearly show that the proposal meets the overriding principle of policy H2 which seeks to encourage good design in all new residential development. The requirement for good design is expanded upon in Development Control Policy Guidance Note 16 and policy H2/1 which requires new development to make a positive contribution to the surrounding area, taking into account a number of factors. Policy H2/2 requires new development to demonstrate an acceptable standard of layout.
- 5.15 The submitted plans demonstrate that the site can accommodate two dwellings with sufficient amenity and bin storage space to the rear along with off road parking to the front ,achieving an acceptable layout. The reserved matters application will provide more details in relation to appearance and landscaping, however it is evident that a development, which reflects the character of the surrounding area and protects the amenity of existing residents can easily be achieved.

Highways, parking and accessibility

- 5.16 In accordance with policy HT2/4 which seeks to make sure that new developments make adequate provision for parking in new developments the proposal, the site plan demonstrates that provision can be made for two spaces for each dwelling.
- 5.17 The site is in a very sustainable location with a cycle route on Bury New Road providing easy access to Breighmet District Centre and bus routes which offer a frequent bus service to both Bury and Bolton which accords with the principles of policy HT4.

6.0 CONCLUSION

- 6.1 It is considered that although the proposal will change the environment and in volumetric terms the dwellings will be larger than that of the parked cars and fence, when all the other matters are taken account, such as the visual impact and the impact on the purposes of the Green Belt, the overall openness of the Green Belt will not be harmed. The proposal also accords with policies H1 Housing Land Provision, H2 Housing Environment and Design, H2/1 The Form of New Residential Development, H2/2 The Layout of New Residential Development, HT2/4 Car Parking and New Development and policy HT4 New Development.
- 6.2 In light of the fact that an identical proposal was approved in 2019 and that there has been no change to planning policy since this date, in accordance with the presumption in favour of sustainable development, the application should be approved without delay.