

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/11/2022	Ref: 68978/FUL
Registration: 12/10/2022	LDFC: 23/11/2022	Expiry Date: 07/12/2022
Site Visit: 22/11/2022	Site Notice: N/A	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: Variation of conditions 2 (approved plans) & 3 (materials) of planning permission 65373 - Reduce amount of glazing, internal changes and external brick finish

Location: Land to rear of 41 Bury Old Road & west of Arthur Lane, Ainsworth, Bolton, BL2 5PF

Description

The application relates to the site of a former brick/render stable block (approx 190cu.M) on the west side of Arthur Lane, that was for the most part, demolished during recent conversion works. The red edged site measures 0.72ha and is accessed from Arthur Lane via a single track driveway which terminates in a turning head and parking next to the stable block. The site is enclosed by a mixture of post and wire fencing and mature hedging along the western boundary.

The site is located within the open countryside to the west of Ainsworth Village and is designated Green Belt, West Pennine Moors and is a Special Landscape Area.

The application seeks to amend the window arrangement of the previously approved scheme. On the south elevation, the five large full height windows across the whole elevation and would be replaced by a set of full height windows on one side of the elevation and two narrow windows on the other side. The large full height window on the west/side elevation would be replaced by a narrow full height window. Two narrow windows on the north elevation would be replaced by two large windows. The two narrow windows on the east elevation would be removed and gable kept blank. The building is currently under construction.

Relevant Planning History

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

63321 - Change of use of stable to dwelling and single storey extension at side with subterranean accommodation and window/door modification - Approve with Conditions 21/11/2018

65373 - Demolition of existing stable building and erection of 1 no. dwelling - Approve with Conditions 18/06/2020

Publicity

Immediate neighbours notified by letter dated 01/11/2022. No objections received.

Statutory/Non-Statutory Consultations

n/a

Pre-start Conditions - n/a

Unitary Development Plan and Policies

EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
EN1/1	Visual Amenity
EN1/3	Landscaping Provision
EN8/2	Woodland and Tree Planting
NPPF	National Planning Policy Framework
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

Green Belt - Given that the scale and massing of the building would remain as approved with the proposal only involving the arrangement of windows, the principle of development is acceptable and complies with the NPPF and UDP Green Belt Policy.

Visual Amenity - The building is set well back from the road, partly screened by boundary hedges and not particularly conspicuous within the wider landscape. The revised window arrangement would not be so significantly different to the approved plan and would be acceptable and in keeping with the building. The proposal complies with UDP Policy EN1/1 Visual amenity.

Residential Amenity - The nearest neighbours are over 60m away and are not impacted by the revisions to the scheme. The revised scheme is acceptable and complies with UDP Policy in terms of residential amenity.

Conditions - The existing conditions on the previous approval have been retained.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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:

- 2 This decision relates to drawings numbered 001, 002, 004, 102, 103, Planting Plan RevA and revised elevations dated 28/09/2022 (revisionA) 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 Details/Samples of the materials to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 4 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.
- 5 Following the Preliminary Risk Assessment (Phase 1 Desk Study), Land to the rear of 41 Bury Old Road, Ainsworth, G7 Geotech Ltd, Reference: 1195 Rev 0, 15 April 2019 and email to Local planning Authority from John Bridge (Chartered Architect) regarding gas protection measures, dated 5 June 20, 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.

- 6 The parking and turning facilities indicated on approved site plan 102 shall be provided prior to the use hereby approved commencing and the areas used for the parking and 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 UDP Policy HT2/4 Car Parking and New Development.

- 7 The 'Existing Paddock' area to the south of the building and indicated on the site plan, shall not be used as domestic garden curtilage.

Reason. In order to restrict the garden curtilage and maintain the openness of the site pursuant to the NPPF and UDP Policies EN1/1 Visual Amenity and OL1/2 New Buildings in the Green Belt.

- 8 A scheme for hedge planting along the southern boundary shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of the dwelling hereby approved. The approved scheme shall thereafter be implemented not later than 6 months from the date the building is first occupied. Any part of the hedge removed, dying or becoming severely damaged or becoming severely diseased within three years of planting shall be replaced by plants 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 the NPPF and UDP Policies H2/2 - The Layout of New Residential Development and EN1/1 Visual amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/11/2022		