

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 21/04/2022	Ref: 67389/FUL
Registration: 06/09/2021	LDFC: 01/10/2021	Expiry Date: 01/11/2021
Site Visit: 12/11/2021	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Detached bungalow to replace stables and barn

Location: Five Acre Farm, 90 Watling Street, Tottington, Bury, BL8 3QW

Description

The application relates to a dwelling and associated agricultural and stables buildings at No 90 Watling Street which is located in the village of Affetside. The site is in the Green Belt, Area of Special Landscape and West Pennine Moors.

The main residential development is formed along Watling Street which is the main road through the village.

The dwelling at No 90, (the application site) forms part of the linear residential frontage on Watling Street. Following this linear street pattern is No 90a to the north and the dwelling Lynton is to the south.

No 90 has associated land which extends to the rear (east) for approximately 70m to a boundary fence which separates the site from the open land beyond. This associated land comprises a barn and attached stables located in the north eastern corner of the site. It is this area of the site and the stables and barn which are the subject of this planning application.

The barn and stables can be accessed from 2 points - either from the driveway to No 90 or an access drive adjacent to Lynton which also serves the two houses at Five Acre Barn. The applicant owns both access routes.

The application seeks the demolition of the barn and stables and replacement for 1 no. dwelling.

The proposed dwelling would be orientated with the rear elevation along the northern boundary (adjacent to land and a building associated with No 90a Watling Street) and the front elevation facing south towards the former yard. It would be a bungalow type dwelling in a rectangular form, L x 13.9m, D x 9m and H x 4.7m with a pitched roof.

Internal accommodation would comprise 3 no bedrooms, kitchen, lounge dining, utility, 2 no bathrooms and hallway with a front porch. In total, the footprint would be 144 sqm.

Elevations would comprise a mix of coursed stone and white render elevations with a slate roof.

There would be a patio area to the west which would be separated from the garden of No 90 by the existing stone wall of the stables which would be rebuilt as the boundary wall. To the east of the proposed dwelling would be a narrow strip of grassed area with the existing boundary to the land to the east replaced by a timber post and rail fence.

Parking for 3 cars would be available in the former yard area in front of the proposed

dwelling.

The driveway would be accessed from the driveway directly adjacent to and round the back of Lynton.

Area and volume comparisons are as follows -

Existing stables and barn combined -

Floor area - 207 sqm

Volume - 780 cubic m

Proposed new dwelling -

Floor area - 144 sqm

Volume - 560 cubic m

Relevant Planning History

02470/E - Conversion of building to dwelling - Enquiry completed 21/09/2020

41677 - Two storey rear extension; new front porch at Five Acres Farm, 90 Watling Street, Affetside. Approved with conditions - 8 January 2004

56284 - Installation of 34.5 metre high wind turbine (revised location) at Top Height Farm, 90A Watling Street, Affetside. Refused - 31 July 2013.

56473 - Certificate of lawfulness for proposed fencing at Top Height Farm, 90A Watling Street, Affetside. Lawful development - 30 July 2013

60519 - Conversion of garage to dwelling at Top Height Farm, 90A Watling Street, Affetside. Approved with conditions - 1 December 2016.

Publicity

The neighbouring properties were notified by means of a letter on 9 September 2021.

1 letter has been received which has raised the following issues:

- In principal there is no objection to the development
- Concern about the proximity to the rear of our property
- No drains in evidence on the plans or information on a soakaway
- The size of the build would be too large in comparison to the original footprint
- The roof height would be intrusive but less so if the build were moved away from the boundary
- The boundary wall is not shared

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

GM Ecology Unit - No objection subject to conditions/informatives

Drainage Section - No objection.

United Utilities - No objection subject to implementation of a sustainable drainage system.

EH Contaminated Land - No objection subject to conditions

Pre-start Conditions - Applicant/Agent agreed

Unitary Development Plan and Policies

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/6 Garden and Backland 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
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

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 and character and impact on openness of the Green Belt.

The application site is located in the Green Belt. NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 regards the construction of new buildings in the Green Belt as inappropriate development. There are exceptions to this, one of which includes e) for limited infilling in villages. (The definition of previously developed land in the NPPF does not include land that is or was occupied by agricultural buildings and therefore exception g) for limited, partial or complete redevelopment would not apply).

UDP Policy OL1/3 - Infilling in Existing Villages in the Green Belt states that limited infilling may be permitted where a development would be in scale with the village and not adversely affect its character or surroundings. Affetside is one such named village in the policy.

The term 'limited infilling' is not specifically defined within the NPPF but in Policy OL1/3 would generally refer to gaps of land that may be capable of development without prejudicing Green Belt objectives. It may include forms of development other than frontage infilling, such as backland development, as long as the development would be in keeping with the village's character and this entails assessing each proposal on its merits and in relation to its surroundings.

The majority of the established residential development is formed along Watling Street in a linear arrangement and is very much typical of the layout of development in the village. That said, the area of Affetside where the site is located is different in that built development at the application site and adjacent neighbours has expanded slightly to the east, with outbuildings, garages, agricultural buildings and stables.

The proposed dwelling would be located in the area of the barn and stables to be demolished and contained by the boundary to the east which would not be affected and as such there would be no further encroachment into the Green Belt than the existing built form.

The proposed dwelling would be set adjacent to the northern boundary behind which is the detached build associated with No 90a. To the south of the site are 2 dwellings, at Five Acre barn which also form part of the 'cluster' of buildings.

The proposed layout plan shows than the proposed dwelling would be set within this small cluster of built form within the village of Affetside. There would be no further encroachment into the green belt and built development would be contained and sited on the footprint of the existing buildings.

The existing buildings to be demolished total a volume of 780 cubic m, floor area of 207 sqm and a height of 4.75m. The proposed dwelling would have a volume of 560 cubic m, cover a footprint of 144 sqm and a ridge height of 4.7m and as such, the scale, massing and size of new built development would be less than the current situation on site and as such considered there would be no greater harm to openness in terms of built form. Whilst there would be other domestic associated elements such as parking and garden areas, these would be located within the existing site and yard area and not encroach further into the Green Belt beyond the current site boundary.

Given the location of the site within the context of the surrounding built form and the village and the scale of the plot and the proposed development itself, it is considered that the proposed development would constitute limited infill development in line with the principles of bullet point e) of para 145 of the NPPF and UDP Policy OL1/3.

Principle (Residential)

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 envelope of the village of Affetside and there are residential dwellings and outbuildings surrounding the site. As such, the proposed development would not conflict with the surrounding land uses. Appropriate infrastructure would be available. As such, 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.

Layout

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.

The proposed dwelling would be located on the footprint of the demolished stables and barn, orientated southwards to face the yard area and access into the site. The rear elevation would be off set from the northern boundary by 1.3m but there would be no rear habitable room windows which would be affected by this arrangement.

Three parking spaces could be readily accommodated in the existing yard area and a small garden area to the east and west would provide acceptable levels of amenity space.

In terms of internal accommodation, there would be living spaces and 3 no bedrooms and each room would be modest in size and reflect the overall modest scale of development.

There are 2 potential accesses to the site and it is proposed to utilise the driveway adjacent to Lynton which also serves Five Acre Barn and for the scale of development for one dwelling, this would be acceptable.

The layout of No 90 would not be affected by the proposals as the site is not within any part of their residential curtilage and has its own driveway and access.

It is therefore considered the proposed layout would be acceptable and comply with H2/1, H2/2 EN1/1, EN9/1 and OL7/2. .

Design and appearance - The proposed dwelling would be a bungalow type, which would maintain the new build at a low height and therefore not appear as an intrusive addition

comparative to surrounding built form.

The design would be relatively modest, with a mix of coursed stone and rendered elevations and a slate roof which would be similar to other dwellings which are located in the locality and village of Affetside. Window openings would be a cottage type design with stone heads and cills and as such considered to reflect the traditional character of the area.

It is therefore considered that the proposed development would be acceptable and comply with policies H2/1, H2/2 and EN1/2.

Impact upon residential amenity

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be approx 41m metres between the rear of No. 90 and the gable elevation of the proposed dwelling and as such a significant separation.

To the north the rear elevation of the proposed dwelling would be separated from the wall of the building which is located at the neighbours property, No 90a and which forms this shared boundary. It is understood this building has consent for conversion to a single residential dwelling. There would be 2 windows on the rear elevation of the proposed dwelling but these would be to a bathroom and utility room and would be non habitable. The rear wall of the neighbour's building has no windows. As such it is considered separation distances would be acceptable.

There would be approx 18m between the proposed dwelling and the boundary with No. 2 Five Acre barn. This would be in excess of the 7 metre aspect standard required.

There would be approx 4m from the eastern elevation to the site boundary and the land beyond. There would be a kitchen window and 2 narrow windows to the lounge on the east elevation of the proposed dwelling and as these would be secondary or non-principle windows, impacts to the open land beyond are considered not to be significant.

Therefore, it is considered the proposed development would not have an adverse impact upon the amenity of the neighbouring properties and would comply with H2/1, H2/2 and EN1/2.

Highways issues

There are two accesses to the proposed site, the one immediately adjacent to No, 90 Watling Street and the second, adjacent to and around the back of Lynton.

It is proposed to utilise the access adjacent to Lynton and this would be capable of serving the new development for one dwelling and the properties at Five Acre Barn. The proposed access would lead to the former yard area and driveway for 3 cars to park which is considered sufficient for the scale of development.

The retention of the access for the occupiers of No. 90 would be acceptable, and turning facilities are retained within the curtilage for No. 90 to ensure that vehicles can enter and leave the site in a forward gear.

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.

Ecology

Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

The buildings were visually assessed for bats and one dusk survey carried out by an experienced bat consultant at an optimal time of year. No evidence of bats roosting was found and it was concluded that the development was unlikely to impact on the conservation status of bats. GMEU have no reason to doubt the findings of the report. As individual bats can on occasion turn up in unexpected locations, GMEU recommend an informative to remind the applicant of the 2019 Regulations where it is an offence to disturb, harm or kill bats.

Nesting Birds

No evidence of nesting birds was recorded on the site with no moderate or high value habitat for nesting present. As birds could theoretically utilise the building as nesting habitat, GMEU recommend an informative to remind the applicant of their responsibility under the Wildlife and Countryside Act 1981 as amended.

Enhancements

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There are no significant habitat impacts and no evidence of bat roosting or bird nesting habitat on the site. Any measures to improve the site for wildlife such as a native hedge or tree, bird or bat boxes would likely achieve net gain. The details can be dealt with via condition.

Response to objection

- Issues of impacts on residential amenity have been covered in the above report.
- The height, size and scale of the proposed dwelling have been reduced since the original submission and given the assessment above, the proposed development is considered to be acceptable.
- A condition would be included for the submission of a sustainable drainage scheme.

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 n- Proposed site plan dwg 3A; Proposed plans and elevations dwg 4C 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 Prior to occupation the applicant shall provide 1 electric vehicle (EV) chargepoint (minimum 7kW*) for each dwelling.
- *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 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).
- 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.
- 6 The development hereby approved shall incorporate a native hedge or trees and the provision of a bat/bird boxe/s. The measures 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.
- 7 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the adopted highway abutting the site access in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
- Access point(s) for demolition/construction traffic from the adopted highway;
- Proposed site hoardings (if proposed) clear of adequate visibility splays at the junction with Watling Street;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site (or on land under 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 spread onto the adjacent adopted highways as a result of the groundworks operations or 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 and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods.

The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied.

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.

- 8 The development hereby approved shall not be first occupied unless and until the access improvements and bin storage arrangements indicated on approved plan reference 4 Revision C, incorporating measures to prevent the discharge of surface water onto the adopted highway, have been implemented in full to the written satisfaction of the Local Planning Authority.

Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development, EN5/1 - New Development and Flood Risk and HT6/2 - Pedestrian/Vehicular Conflict.

- 9 The turning facilities indicated on approved plan reference 4 Revision A shall be provided before the development hereby approved is first occupied 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 Bury Unitary development Plan Policies H2/1 - The Form of New Residential development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New development and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 The car parking indicated on approved plan reference 4 Revision A shall be made available for use to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being first occupied 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.
- 11 The development hereby approved shall be carried out in accordance with the materials details shown on plan 4 rev C and detailed in the application form.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design, EN2/1 - The Form of New Residential Development, EN9/1 - Special Landscape Area and OL7/2 - West Pennine Moors of Bury Unitary Development Plan.
- 12 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme 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). The Scheme 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.
- 13 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 21/4/22		DM	21/04/2022