

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 24/05/2023	Ref: 69112/FUL
Registration: 09/01/2023	LDfC: 02/02/2023	Expiry Date: 06/03/2023
Site Visit: 04/02/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Proposed engineering works to rear and side garden including the reinstatement of a collapsed embankment and parking area, together with associated landscaping and creation of terraced garden spaces and raised deck.

Location: 131-133 Holcombe Road, Tottington, Bury, BL8 4AY

Description

The application site contains an existing semi-detached dwelling (No. 131 - 133 Holcombe Road) and the associated residential curtilage, which was extended under planning permission 58754. The garden has largely been cleared of any significant trees and vegetation and significant unauthorised engineering works were undertaken to the slope behind the driveway, including cut and infill with stone gabion baskets, which partially collapsed, impacting on the adopted highway.

The site is bounded by mature woodland to the west and there is a brook to the north and residential properties beyond Holly Mount Lane. There are further residential properties to the east and south of the site.

The site falls within the Greater Manchester Green Belt, The West Pennine Moors and Special Landscape Area and within a Wildlife Link and Corridor.

The proposal is for engineering works to the rear and side garden including the reinstatement of a collapsed embankment and parking area, together with associated landscaping and creation of terraced garden spaces and raised deck.

The proposal has been amended since the original submission to remove elements of proposed walling and a decked area with balustrade and further timber fencing and to amend the proposed topographic profile and soft landscaping.

Relevant Planning History

58754: Change of use from open land to form extension to residential curtilage. Approved 28/07/2015.

Publicity

Direct neighbour notification letters issued. One letter of support received stating that the proposed garden and driveway would improve the appearance of the street scene and highway safety.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to the construction of the retaining wall, implementation of the vehicular access, parking spaces and turning facilities.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6/4	Wildlife Links and Corridors
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors

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 of development

The proposal includes and largely pertains to the area of garden approved under planning permission 58754. This permission included a condition removing permitted development rights for the enlargement, improvement or other alteration of the dwelling (insofar as it would pertain to the extended garden), the erection of outbuildings or microwave antennas.

The proposal includes for the continued use of the site as a driveway and garden and the principal of development is therefore acceptable.

The subsequent assessment considers the impact of the proposal upon the openness of the Green Belt, visual amenity within the Special Landscape Area, West Pennine Moors and street scene and impact on residential amenity and highway safety.

Impact upon the openness of the Green Belt

The proposal does not pertain to the erection of a building. The NPPF, at paragraph 150, states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

Policy OL1/5 states that within the Green Belt, other development will be inappropriate unless it maintains openness and would not conflict with the purposes of including land within the Green Belt.

The natural topography of the site would not have been discernible from public vantage points prior to the clearance of the site. The existing site plan indicates that the site rises steeply from the rear of the drive/parking area to the west to the boundary with Old Keys Park and south west to the boundary with the neighbouring dwelling.

The original iteration was not considered acceptable as it would have been engineered to form an unnatural and contrived land form at the highest point with an exposed balcony with balustrade overlooking the drive/parking area.

From the principal public vantage point of Holcombe Road, the extended parking area would be backed by a mix of retained stone gabions and a low stone wall with a steep slope behind rising to a low stone wall and hedgerow flanked by a naturally rising slope that would be landscaped with trees and wildflowers. The levelled area where the access ramp would terminate would not be perceptible from Holcombe Road.

The raised deck at the rear of the dwelling would not be visible from outside of the immediate confines of the rear of the host dwelling and attached property (and would be flush with the level of the extended patio area).

The proposal would therefore preserve the openness of the Green Belt and very special circumstances would not have to be demonstrated.

Impact on visual amenity

The site falls within the Green Belt, West Pennine Moors and Special Landscape Area. The proposal should therefore be sympathetic to its surroundings in terms of its visual impact.

As discussed above, the proposal would be sympathetic to its surroundings, as the engineered elements would not be prominent and significant areas of natural slope would be retained in the scheme and would be subject to soft landscaping. The extended driveway/parking area would be largely enclosed by a low natural stone wall.

The proposed works would therefore exhibit a high standard of design and landscaping and would not have a detrimental impact on visual amenity within the above designations or the street scene.

Highway safety

Consideration should be given to the design and appearance of access, parking and service provision.

The parking area would be increased in area by cutting into the rising land to the west (rear) and supporting this with retaining gabion baskets and natural stone walls. The application is supported by structural calculations and construction detail sections. The vehicular footway access into the site would be retained as existing and vehicles could manoeuvre and exit in forward gear.

Given the design includes lower retaining walls (than the previous gabion baskets that collapsed) and a terraced section, the Highway Officer is satisfied that subject to implementation in accordance with the calculations and submitted details and the layout proposed, that the proposal would not have any unacceptable impacts on highway safety.

Residential amenity

The proposed raised deck at the rear of the single storey extension that would about the garden boundary with the attached dwelling. The supporting Design and Access Statement claims that a solid screen would be erected to prevent any direct visibility into neighbouring rear windows. However, no details of the screen have been submitted and therefore a condition would be necessary to ensure an appropriate screen was agreed and thereafter installed and retained.

Conclusion

Given the above, it is considered that the proposal would preserve the openness of the Green Belt and subject to conditions, would not have any harmful impacts on visual amenity, highway safety or residential amenity. The proposal would therefore be compliant with the above stated UDP policies and the NPPF and in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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
 Existing Site and Location Plan (Dwg No. MLR02.1.3.01)
 Proposed Site Plan (Dwg No. MLR02.1.3.07) dated 19/04/2023
 Proposed Indicative Sections (Dwg No. MLR02.1.3.08) dated 19/04/2023
 Proposed Landscape Plan - Sheet 1 (Dwg No. MLR02.1.3.04)
 Proposed Landscape Plan - Sheet 2 (Dwg No. MLR02.1.3.05)
 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 be as detailed within the approved application particulars.
 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 The landscaping scheme hereby approved shall be implemented not later than 12 months from the date of the completion of the development. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
 Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

- 5 The engineering works and construction of the retaining walls shall be constructed in full accordance with the submitted and approved calculations, cross sections and layouts.
 Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

- 6 The vehicular access arrangements indicated on approved plan reference MLR02.1.3.07, incorporating the retention of the existing footway crossing, demarcation of the limits of the adopted highway, low level boundary walls abutting Holcombe Road to the limits shown to prevent the encroachment of parked vehicles on the adjacent footway with foundations that do not encroach under the adjacent adopted highway, hardstanding to the dimensions and limits shown in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated remedial works required to reinstate the footway to its former condition prior to commencement of the development, shall be fully implemented before the parking and turning facilities hereby approved are brought into use.
 Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

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- 7 The turning facilities and car parking indicated on the approved plans shall be laid out, surfaced, and demarcated and made available 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 and ensure that adequate offstreet parking is available in the interests of road safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

- 8 Prior to the construction of the raised deck, details of a privacy screen to protect neighbouring amenity for occupiers of the adjoining dwelling shall submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be implemented in full accordance with the approved details prior to the first use of the raised deck and retained as such thereafter.

Reason. To protect neighbouring amenity pursuant to Bury Unitary Development Plan Policy EN1/2.

<u>Case Officer</u> DSC	<u>Date</u> 24/05/2023	<u>Sign off Officer</u>	<u>Date</u>
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