

PLANNING STATEMENT

ADDENDUM TO PLANNING/HERITAGE STATEMENTS TO SUBSTANTIATE THE PROPOSAL BEING ACCEPTABLE WITHIN THE GREEN BELT POLICY & THE NPPF

This planning statement has been produced to accompany the planning application 68665 for the proposed redevelopment of a detached dwelling for residential use, namely, 'The Haven'.

It is proposed to redevelop the nondescript building, and replace it with a dwelling of broadly similar scale, but of superior design quality and character. The proposal of course has to work within the limitations / restrictions of Green Belt policy, and in particular the likely impact on openness, including adherence to the 33% threshold identified in the LPA's policy. This application's volume sits at 32.6% and is still subservient to the adjacent dwellings. This Application has also taken into regard the locally listed heritage context, which has played a part in the design evolution, whilst noting that the existing building was of very poor quality, unsympathetic, and possessed no heritage value whatsoever (refer to heritage matters discussed under NPPF below).

In terms of comparison between 'existing' and 'proposed', the headline figures are set out below :

Areas Existing GEA = 123.63 sqm Proposed GEA= 92.76 sqm Resulting in 25% reduction in groundfloor area. The proposed building has a similar footprint to the existing but would have an overall greater floor area & volume with the addition of the upper living area, however the groundfloor dwelling area will be less in m2 than the existing to enable creating a garden to rear with planting.

Height Existing = 4.58 metres Proposed = 6.79 metres (adjacent Knowsley House and Knowsley Manor to the East and West both have ridge Heights in excess of 9m)

Volume = 32.6% increase

Policy Considerations : The Development Plan

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

For the purposes of this application, the Development Plan is the Bury UDP (adopted August 1997). An extract from the online UDP Policies Map is reproduced on the following page. The site is located within both the Green Belt and a Special Landscape Area. It is also within the West Pennine Moors designation. UDP Policy OL1 (Green Belt) seeks to maintain the Green Belt, ensuring that it fulfils the following strategic purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from further encroachment;
- d. to preserve the setting and special character of historic towns;
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Extract from online Policies Map : The replacement building will not result in harm to any of these purposes. Indeed, the removal of an eyesore property and its replacement with a house of broadly similar proportions, but of far better design, constructed from good quality materials, will assimilate far better within the landscape / Green Belt, delivering visual enrichment over and above the existing building. There is therefore no conflict with Policy OL1. UDP Policy OL1/2 (New Buildings in the Green Belt) states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one of four purposes. However, the policy does not reflect more recent / up-to-date policy as set out in the NPPF, which specifically allows for : ‘the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.’ For that reason, we suggest that no weight can be placed on Policy OL1/2 in the circumstances

of this particular proposal. Policy EN9/1 (Special Landscape Areas) states that any development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas. Again, the new building will be of similar proportions to the existing and of considerably better quality / more sensitive design, and as such we contend that the proposal will be consistent with this policy. The existing building was ugly and harmful to the site, context and the overall heritage value of the wider complex. In these terms, the proposal will deliver positive benefits to the Special Landscape Area, and is in accordance with Policy EN9/1.

For the same reasons, the proposal is consistent with Policy EN1/1 (Visual Amenity), which states that development will not be permitted which would have a detrimental effect on the visual amenity (both within, or viewed from) of areas of environmental interest, including the Green Belt and Special Landscape Areas. Policy OL7/2 (West Pennine Moors) states that the Council will control development so as to reduce any possible detrimental effects on the important character of the area. It states that particular regard will be had to the effect on agriculture and forestry; water catchment; settlements; landscape character; ecological and geological features; archaeological and historic features. For reasons set out above, the replacement building will be more in keeping with the West Pennine Moors. It will have no bearing on agriculture or forestry; it will not affect the water catchment; it will result in no harm to any settlement; it will enhance landscape character; there will be no disturbance of any archaeological or historic features; and there will be no harm to any ecological or geological features.

In respect of compliance with the heritage policies of the Development Plan, we contend that – through good quality design and materials - no heritage harm will arise. Indeed, quite the reverse, because a poor quality, unsympathetic building will be replaced by one of better quality and of sympathetic / respectful design and appearance. We therefore suggest that there will be no conflict with heritage-related policies, as heritage enhancements will arise. In view of the above assessment, we contend that the proposal is in accordance with the relevant and up to date policies of the

development plan when considered in overall terms, and – furthermore - there are no material considerations that suggest that Section 38(6) ought not to be applied.

COMPLIANCE WITH THE NPPF

The NPPF ('Framework') is an important material planning consideration, but it does not change the statutory status of the development plan as the starting point for decision making. Paragraph 2 of the Framework confirms : "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements" Further, in determining the weight of relevant policies, the guidance at paragraph 213 of the Framework confirms : "... due weight should be given (to relevant policies in existing plan) according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)." NPPF §10 states that, at the heart of the Framework, is a presumption in favour of sustainable development. §11 is clear in stating that : '[planning] decisions should apply a presumption in favour of sustainable development.

' For decision-taking this means ... approving development proposals that accord with an up-to-date development plan without delay.' We noted above that the UDP's policy on what is appropriate development in the Green Belt is partly out of date / kilter with the Framework, and as such cannot be relied upon in the circumstances of this case. Specifically, Framework paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, except, inter alia : 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.' The site is previously developed land and the replacement building will not have a greater impact on the openness of the Green Belt than the existing development. That said, we anticipate that the submission will be welcomed by the LPA as an 'appropriate' form of development in the Green Belt. Turning to other aspects of the NPPF, Chapter 12 of the Framework is

focused on 'Achieving Well Designed Places.' §124 states that : 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' §127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, 'while not preventing or discouraging appropriate innovation or change.' Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 189 requires : "an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting". Paragraph 197 covers "the effect of an application on the significance of a non-designated heritage assessment". This includes weighing the proposed changes against keeping the asset in its current state.

Ainsworth Nursing Home was built at the turn of 19th century. It was purpose built as a smallpox isolation hospital it later became a nursing home and was in that use until 1986. It is considered by the Council as a good example of civic/hospital architecture of that period, and particularly given that it is largely intact and unaltered. The nursing home site comprises the adjacent Knowsley House, the Gate House to the south-west, The Wash House to the north-west, The Coach House to the north, The Haven itself, Knowsley Manor to the far east, and The Bungalow to the south.

The Haven and The Bungalow are much later editions to the other buildings erected in the Edwardian period. Knowsley House was originally of symmetrical form with bay windowed rooms at the east and west front ends of the building. The west bay window was lost when a conservatory was built. The east entrance door was bricked up at the time the property was split from The Haven. Like The Haven and all other buildings within the complex, Knowsley House is constructed in red brick, with the windows and doorways having arched brick heads and brick sills. The main building has a hipped roof of slate with red ridge tiles. The rear roof has two dormer windows. The windows, including the dormers, are in a deteriorated state and are a mix of materials and styles. Application ref 66142 was approved in January 2021 to change of use of Knowsley House to a private dwelling, including various

alterations and a garage extension. That approval followed the approval in June 2020 of application 65412 to convert the Wash House to form a dwelling with single storey extensions and dormer to rear.

This proposal will raise no heritage concerns or harmful impacts. The site is not within a Conservation Area and is some distance from the nearest one, such that its setting will not be affected. Nor is the site close to or perceptible from any listed buildings or structures. While the overall site is draft locally listed, the draft status of that list diminishes the weight that can be attached to it.

Fundamentally, this particular building (The Haven) is unsightly, unsympathetic and out of character, harmful to the setting of those buildings which do possess a degree of merit and heritage significance, and which will be enhanced through the better quality, more sympathetic and sensitive design and appearance of the proposed replacement building. In conclusion, we contend that the proposal is consistent with the relevant policies of the NPPF as an important material consideration, and that this ought to carry considerable weight in the overall planning balance.

OTHER POLICY CONSIDERATIONS

While it does not have development plan status, the Council's Development Control Policy Guidance Note 'New Buildings and Associated Development in the Green Belt' is a material consideration. This document was adopted 10th January 2007, formulated (like the UDP) on the basis of now superseded Government policies and 5 years before the NPPF was first published. That said – like the UDP policies on Green Belt - there are inevitable inconsistencies. Crucially – like the UDP policy it is intended to supplement - the Guidance Note does not reflect the advice in the Framework that the following is appropriate in the Green Belt : 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.'

At §4.23, the Guidance Note states that : 'New residential development is not permitted in the Green Belt, other than for agricultural and forestry workers accommodation, proposals for limited infilling, or where it is for a replacement dwelling.' This proposal does of course represent what might be considered 'limited infilling', notwithstanding the fact that it is already occupied by a

building. Entitled 'Alterations and Extensions to Residential Properties', SPD6 (January 2020) provides supplementary guidance to UDP Policy H2/3 'Extensions and Alterations'. That said, it is arguably not applicable to this proposal, in that our client is not proposing either an extension or an alteration, and the property in question is not a house. Notwithstanding that, SPD6 provides guidance on 'aspect standards' between residential properties, which we anticipate will be applied to this proposal. On page 8 of the SPD, the aspect standards require : Ø a minimum distance of 13m between a principal window to a ground floor habitable room (e.g. living rooms and bedrooms) in one property and a two storey blank wall of a neighbouring property; and Ø a minimum distance of 6.5 metres between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property; The submitted drawings demonstrate adherence to those interface distances.

CONCLUDING COMMENTS

We have considered the proposal against both the development plan and NPPF, and have explained why, with a number of very special circumstances that may not be regarded in themselves special on their own but amount to very special circumstances in combination outweighing any harm to the Green Belt. On the basis that the replacement building will only be marginally larger than the previous in volume, and that its design quality / materials will be improved and more sympathetic - we consider it to be compliant with those policies that can be considered up to date. We have noted, however, that the UDP's principal Green Belt policy and the sister Guidance Note 8 are out of date, in that they make no allowance for what the NPPF identifies as appropriate development in the Green Belt, namely : 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.' We consider that the proposal - to redevelop previously developed land, and replace an existing unprepossessing building with a better quality building that is far smaller in size in comparison to both its adjacent dwellings/buildings that The Haven is situated between – we deem the proposal to be an appropriate form of development in the Green Belt, and one that will create a good quality home and will deliver net benefits

to the heritage context in which it sits. We accordingly commend the proposal to the LPA.