

DELEGATED REPORT

Report by Helen Leach	Date of report: 31/05/2022	Ref: 67808/RES
Registration: 15/11/2021	LDFC: 30/05/2022	Expiry Date: 10/01/2022
Site Visit: 17/12/2021	Site Notice: 17/12/2021	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for reserved matters approval (access, appearance, landscaping, layout and scale) for the erection of 3 no.dwellings and associated works

Location: Land adjacent to 6 Bentley Lane, Bury, BL9 6RZ

Description

The application site forms part of the garden to No. 6 Bentley Lane. The garden is slightly lower than the road and there is a 2 metre high stone wall along the frontage of the site. The garden contains a stone structure along the southern boundary and a hardstanding in the north eastern corner. The remainder of the site is overgrown with shrubs and trees. Access to the site is via steps from the rear garden of No. 6 Bentley Lane.

Bentley Lane forms the boundary to the north and there are garages and open land beyond. There is a terrace of dwellings to the east with the M66 motorway beyond. There is a detached dwelling to the west with a car park beyond, which has consent for residential development. There is open land to the south, which is at a lower level and has consent to be used for recreation purposes as part of the residential development at the Bevis Green site.

Outline planning consent was granted in May 2020 for the erection of 3 dwellings with all matters reserved.

The proposed development seeks reserved matters approval for the erection of 3 dwellings. The proposed dwellings would be located in a terrace and would be constructed from stone and slate.

The proposed dwellings would be two storeys in height at streetlevel and would have a lower ground floor level creating three storeys in total. Access would be taken from Bentley Lane.

Relevant Planning History

64525 - Outline application for residential development of up to 3 no. dwellings with all matters reserved at land adjacent to 6 Bentley Lane, Bury. Approved with conditions - 13 May 2020.

Adjacent site

34658 - Two storey extension at side of 2 Bentley Lane, Bury. Approved with conditions - 12 October 1998.

63533 - Residential development comprising 268 dwellings (Class C3) with associated access, car parking, landscaping and open space at Bevis Green Works, Mill Road, Bury. Approved with conditions - 6 February 2020.

Publicity

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The neighbouring properties were notified by means of a letter on 25 November 2021 and site notices were posted on 17 December 2021.

There has been no response.

The neighbouring properties were notified of revised plans by means of a letter on 20 May 2022.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to footway improvements and a construction traffic management plan.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Waste Management - No response.

Environment Agency - No response.

GM Ecology Unit - No response.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/4	Street Furniture
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
OL1/2	New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development 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 (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. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 143 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 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it meets the following exceptions:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;

- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. 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 developed land and contribute to meeting an identified affordable.

Paragraph 144 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.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories are inappropriate development and will only be permitted in special circumstances.

Policy OL1/3 states that in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

The principle of the development as an infill plot was established with the grant of outline planning consent in May 2020. Therefore, the proposed development would be in accordance with Policies OL1/2 and OL1/3 of the Bury Unitary Development Plan and the NPPF.

Principle (Residential) - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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 principle of the development was established with the grant of outline consent in May 2020. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would provide a terrace of 3 dwellings. The proposed dwellings would be split level with two storeys at the front and 3 storeys at the rear. The proposed dwellings would be of a similar design to the existing terraced properties to the east. The proposed dwellings would be constructed from stone with a slate roof, which would be acceptable. The use of headers, cills and pike details add visual interest. As such, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - All of the proposed dwellings would have a rear garden, which would provide a suitable level of amenity space. There would be space at the side of the proposed dwellings for bin storage and the proposed boundary treatments of 2.1 metre high timber fence, would be acceptable. As such, the proposed development would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

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

There would be between 7.3 and 8.4 metres from the rear elevation of the proposed dwellings to the garden boundary, which would be in excess of the 7 metres required.

There would be 10.4 metres between the No. 2 Bentley Lane and the gable of the proposed dwellings. The main aspects for No. 2 Bentley Lane is to the north west and south east. As such, the proposed dwellings would not impact upon the habitable room windows in this property.

The proposed site plan indicates that the proposed dwellings would be located towards the front of the site and as such, would not impact upon the 45 degree line drawn from the existing terrace of dwellings.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Highways issues - The proposed development would be accessed from Bentley Lane. The plans submitted originally showed parking to the front of the proposed dwellings. However, it would not be possible to achieve the required visibility splays from the driveways due to the position of the existing dwellings and boundary treatments. Revised plans have been received, which have removed the driveways and widened the footpath to 1.8 metres. The Traffic Section have no objections, subject to the inclusion of conditions relating to footway improvements and a construction traffic management plan. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy H2/1, H2/2 and HT2/4 of the Bury Unitary Development Plan.

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 the expiration of two years beginning with the date of this permission.
Reason. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 This decision relates to drawings numbered Location plan, 21.2513.1A, 21.2513.2D, 21.2513.3C, 21.2513.4C, 21.2513.5A, 21.2513.6B, 21.2513.7 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 Details/Samples of the (materials/bricks) 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/bricks 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 The development hereby approved shall not be first occupied unless and until the footway improvements and bin storage arrangements indicated on approved plan reference 21.2513.2 Revision D, incorporating the construction of the footway to a specification to be agreed, all associated accommodation works required to tie the new footway into the existing arrangements on Bentley Lane, demarcation of the limits of the adopted highway as a result of the highway works and hardstanding abutting the adopted highway in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, have been implemented.
Reason. To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design
- 5 There shall be no direct means of vehicular access between the site and Bentley Lane.
Reason. To ensure good highway design in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 31/05/2022			