

DELEGATED REPORT

Report by Mo Warsame	Date of report: 30/09/2024	Ref: 70880/FUL
Registration: 06/08/2024	LDfC: 29/08/2024	Expiry Date: 01/10/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of 1.85m high electric gates at front and 1.85m high gates / fencing to garage driveway

Location: Old Wash House, 2 Knowsley View, Ainsworth, Bolton, BL2 5PT

Description

The site relates to a plot and building which forms part of the former Ainsworth Nursing Home. It is accessed via a private lane which is formed from the top of Ainsworth Road. The whole site is located in the Green Belt, Special Landscape Area and West Pennine Moors and is on the Council's Draft local list as a Non-Designated Heritage Asset. The site is covered by a blanket TPO.

The site is located to the north of Ainsworth Village and is self-contained and remote from the rest of the village, nearby farm settlements and residential dwellings, having formally being an isolation hospital for infectious diseases. It was later used as a nursing home for the elderly up until the time it closed down.

The nursing home site is rectangular in shape and the existing built development is generally focused centrally within the site, with the main internal access running north through the site which branches to the east to serve the main building and other buildings to the north. The remaining land is grassed, treed or vegetated. Surrounding the site is open land and fields.

By way of background, the site has now been sold off as separate plots and three plots have planning permission for the conversion to residential dwellings with alterations and extensions.

Planning permission is sought for the erection of gates and side panels to the garage entrance and the erection of electric gates at the driveway entrance of the wash house. The electric gates would be 1.85m high and would be situated at the front. The other gates with side panels would also be 1.85m high but would be located near the existing garage.

A change of use has recently been granted to convert the existing building into a dwelling and a further application granted for the erection of a garage. This application is for the erection of gates and side panels at both the garage entrance and the entrance to the driveway. The gates are visible from the access road within the site.

Relevant Planning History

67368 - Demolition of existing building to be replaced with 2 no. dwellings - 10/01/2023
69616 - Demolition of existing building to be replaced with 2 no. dwellings - 15/07/2024
00459/E - REDEVELOPMENT OF NURSING HOME -
02159/E - Change of use from residential institution (C2) residential (C3) plus new units to

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replace part of existing buildings - Enquiry completed 24/07/2018

02246/E - Proposed change of use from residential institution (C2) to residential (C3) plus new units to replace part of existing buildings - Enquiry completed 19/02/2019

02458/E - Construction of three dwellings and associated drives and gardens, and provision of landscape buffer - Enquiry completed 07/09/2020

02509/E - Demolition of existing former nursing home and construction of 1 no. 5 bed detached dwelling - Enquiry completed 11/01/2021

02525/E - Demolition of existing building and erection of 2 no. detached dwellings - Enquiry completed 10/02/2021

02533/E - Demolition of existing building ('The Haven') previously used for elderly care accommodation as part of the former Ainsworth Nursing Home, and erection of a replacement building to be used as private dwelling, with associated garden curtilage and parking - Enquiry completed 27/04/2021

52196 - Conservatory (Retrospective) - Approve with Conditions 19/04/2010

65412 - Conversion of wash house to 1 no. dwelling with single storey extensions and dormer to rear - Approve with Conditions 22/06/2020

66142 - Change of use from nursing home to private dwelling including alterations and garage extension - Approve with Conditions 21/01/2021

66292 - - ZZZ Special deleted application

66398 - Non-material amendment following grant of planning permission 65412 - Removal of two windows on the west elevation and replace with timber French doors - Approve with Conditions 05/02/2021

66763 - Demolition of existing nursing home and construction of two storey detached dwelling with associated garages - RefuseRefused 09/12/2021

67342 - Erection of two dwellings and associated access, parking and landscaping, provision of landscape buffer; Change of use and refurbishment of Gate House within the curtilage of the former Ainsworth Nursing Home - Withdrawn by Applicant 11/07/2022

67368 - Demolition of existing building to be replaced with 2 no. dwellings - RefuseRefused 30/11/2021

68661 - Erection of a dwelling and associated access, parking and landscaping, provision of landscape buffer, and change of use and refurbishment of Gate House within the curtilage of the former Ainsworth Nursing Home - Approve with Conditions 10/11/2022

69616 - Demolition of existing building to be replaced with 2 no. dwellings - RefuseRefused 24/08/2023

20/0037 - Partial demolition of buildings, rebuilding works and change of use - 17/02/2020

21/0155 - Damage to heritage asset and damage to trees and removing vegetation - 25/01/2022

Publicity

Neighbour letters sent. One objections received.

Comments

The concern relates to the impact the proposed gates would have when closed, as the objecting party believes that this would have impact on the street scene.

Statutory/Non-Statutory Consultations

Traffic Section - No objections raised.

Conservation Officer - No objections raised.

Pre-start Conditions

N/A

Development Plan and Policies

OL7/2 West Pennine Moors

OL1 Green Belt

NPPF National Planning Policy Framework

H1/2 Further Housing Development

H2/1 The Form of New Residential Development

H2/2	The Layout of New Residential Development
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN8/1	Tree Preservation Orders
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

The application site is located in the Green Belt and as such, paragraph 149 is relevant.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- 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 housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings if this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL/3.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be disproportionate SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The wash House is considered to be A Non-Designated Heritage Asset. It was built around the turn of 19th century. It was purpose built as a smallpox isolation hospital and later became a nursing home remaining in that use until 1986. The wash house is part of the group asset that is the former nursing home. The former nursing home is a good example of civic/hospital architecture of that period and is largely intact and unaltered and it also possesses other heritage values.

The proposal is for gates and side panels and therefore, there would be no floorspace or volume created by the proposed development and will form a means of enclosure to the site with the existing retaining walls. The gates would be used to prevent trespassing onto the site from the access road and as such, would not impact on the openness of the Green Belt, as they are within the curtilage of the property and not visible from

any public aspect.

Heritage

Paragraph 197 of the NPPF requires:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Paragraph 189 of the NPPF requires that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

Ainsworth Nursing Home is considered to be A Non-Designated Heritage Asset. It was built around the turn of 19th century. It was purpose built as a smallpox isolation hospital and later became a nursing home remaining in that use until 1986. The wash house is part of the group asset that is the former nursing home. The former nursing home is a good example of civic/hospital architecture of that period and is largely intact and unaltered and it also possesses other heritage values.

The submitted heritage statement satisfactorily identifies and describes the significance the building as having architectural, historical and associative/communal heritage values. The proposed gates and side panels subject of the current application do not impact on the form of the original wash house. they would support the use of the dwelling. The development would form a subservient and unobtrusive addition to the former wash house and would have no material impact on the integrity of the site in terms of its architectural, historic and social interest. .

As such the proposal would not cause harm to the significance of the building or the setting of the group as a whole.

Visual Amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposal entails; the erection of electric gates and non-electric gates with side panels that would all be 1.85m above the ground. The proposed development would be considered to be of a suitable scale and massing and as such, would not overwhelm the dwelling or result in overdevelopment of the associated residential amenity space.

It is therefore considered that the proposed development would comply with UDP Policy H2/3 and SPD 6.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

Given the size and siting of the proposed development in relation to immediate neighbours,

there are no serious residential amenity issues arising. The proposal is acceptable in terms of residential amenity and complies with H2/3 Extensions and Alterations and SPD6.

Parking

The development will not interfere with the existing parking arrangement.

Response to Objection

The report have investigated all the possible constraints that the proposed development could have on the visual and residential amenities. There would not be any significant detrimental impact on any of the neighbouring properties nor the street scene at the front of the house. Overall, the above assessment has highlighted that there would not be serious adverse impacts and the concerns from the objecting party would not warrant a refusal.

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:

- 1 This decision relates to drawings numbered dwg no. 1/16/2024 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MW	30/09/2024	DM	01/10/24