

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/02/2022	Ref: 67828/FUL
Registration: 07/12/2021	LDfC: 07/01/2022	Expiry Date: 01/02/2022
Site Visit: 14/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey rear extension

Location: The Bridles, 2 Riders Gate, Bury, BL9 7RD

Description

The application relates to a pet crematorium business which is located within the grounds of the owners residential property. The site is located in a semi rural area and Green Belt land.

It is surrounded by open land to the north, east and south and there is residential development to the north west. Access to the site is via Smethurst Hall Road which leads from this housing estate to Riders Gate via an unmade and unadopted lane.

Apart from the applicants dwelling, No 2 Riders Gate, the site also comprises a single storey building in use as a cattery which is attached to the pet crematorium. The pet crematorium is also single storey and is rectangular in form with a pitched roof. Consent for a side dormer was granted in March 2021.

This application seeks a single storey rear extension. The extension would project 7m from the rear elevation and span 14m across the rear elevation. It would be 3.5m high with a flat roof. The proposed extension would provide garaging for 2 vehicles.

Relevant Planning History

60808 - Change of use of existing stable block to pet crematorium with incinerator - Approve with Conditions 29/03/2017

61925 - Variation of conditions 2 & 3 of planning permission 60808 (Change of use of existing stable block to pet crematorium with incinerator) Substitution of "SB-AB Cremator" for "PETCREM200" incinerator. - Approve with Conditions 07/11/2017

62810 - Non-material amendment following grant of planning permission 61925 for change of use of existing stable block to pet crematorium with incinerator:

Alteration to position of extraction flue, the flue to the incinerator needs to be lengthened and repositioned to ensure its efficiency - Approve 08/06/2018

66369 - First floor dormer extension at side; External works including replacement of shutters at front with doors and windows; Landscaping at front of property including external wall - Approve with Conditions 26/03/2021

Publicity

letters sent on 16/12/21 to 8 adjacent properties.
No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
EC4/1	Small Businesses

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 - Impact on the openness of the Green Belt and visual amenity - In Chapter 13 of the NPPF, paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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 considers the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this is:

c) extension or alteration of a building provided it would not result in disproportionate additions over and above the size of the original building.

Existing volume - 1644 m³

Proposed volume - 1955 m³

The proposed development would add an additional volume of 311 m³ which would equate to an 18% increase in volume and within the guidelines advised in SPD8.

The proposed extension would be located on the rear elevation and wholly contained within the site confines. Whilst there are open views from the land to the rear, views of the site would be long ranging and as such the extension would not be a highly visible addition in the Green Belt. The proposed extension would also be viewed against the rear elevation of the existing building, lower in height and therefore considered not to be a discordant or dominant addition or result in a disproportionate addition to the existing building.

The proposed extension would not be visible from the front of the site.

In terms of materials, elevations would comprise brick to match the existing building. Two large roller shutter doors would be inserted in the rear elevation for access but given the relatively minor scale of development, and far ranging views, this would be an acceptable solution for this development and for this particular site and location.

It is therefore considered the proposed extension would not harm the openness of the Green Belt and would comply with the principles of the NPPF, EN1/1 and EN1/2.

Impact on amenity - The proposed extension would be located at the rear of the building within the site confines. It would not be visible from any neighbouring properties nor would the use of the extension result in any intensification of the existing business.

Therefore impact on residential amenity is considered to be insignificant.

The proposed development is therefore considered to be acceptable and accord with policies EN1/1, EN1/2, EC4/1 and the principles of the NPPF.

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:

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- 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 - Location plan ZT21-196-00 received 21/12/21; Existing site plan ZT21-196-00-01; Existing floor plans ZT21-196-02; Existing site plan ZT21-196-03; Proposed floor plans ZT21-196-04; Existing elevations ZT21-196-02.5; Proposed elevations ZT21-196-04.5 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 match those of the existing building.
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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT 24/2/22			