

DELEGATED REPORT

Report by Helen Leach	Date of report: 30/10/2020	Ref: 65923/FUL
Registration: 04/09/2020	LDfC: 02/10/2020	Expiry Date: 30/10/2020
Site Visit: 09/10/2020	Site Notice: 18/09/2020	Press Date: 17/09/2020
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition no. 2 (approved plans) and no. 3 (materials) of planning permission 65260 (4 no. dwellings) to allow for minor alterations to the site plan, floor plans and elevations

Location: Bleaklow Hall, Bolton Road, Tottington, Bury, BL8 4JF

Description

The application site (0.82ha) lies on the eastern edge of Hawkshaw Village and was occupied by a large bungalow, built around 1976 within a large residential curtilage that historically was the site of Bleaklow Hall. The site is currently undergoing redevelopment to provide 4 detached dwellings. The site slopes up from Bolton Road from the stone boundary wall along the frontage. Behind the boundary wall are a row of mature trees, the majority of which are protected by an area Tree Protection Order (341). The large sycamore tree, set back into the site is also protected by this order. The site is within the Green Belt, West Pennine Moors and a designated Special Landscape Area.

Adjacent to the boundary in the south-east corner, there are a pair of two storey semi-detached cottages (Nos.238 and 236 Bolton Road) whilst on the west side, there is a row of terraced houses. To the south, across Bolton Road, are 25 apartments at Hawkshaw Lodge and there is permission to build another 24 houses on the site of Bleaklow Mill. To the north are open fields and Public Right of Way (4TOT) runs up the eastern boundary of the site where it splits off in north westerly and north easterly directions.

Planning consent was granted in February 2020 for the demolition of the existing buildings and the erection of 4 dwellings, located part way up the slope. Each dwelling would have 5 bedrooms and an attached garage all accessed via a private driveway from Bolton Road at a single access point at the south east corner of the site. The properties would be situated on the hillside and to varying extents cut into the slope. The height of the dwellings, due to their location on the slope and individual design, varies somewhat but generally they measure between 6.6m and 8m.

The proposed development involves the variation of conditions 2 (approved plans) and 3 (materials) to allow for minor alterations to the site plan, floor plans and elevations. The changes include:

Plot 1

- The bin store being relocated externally
- The garage door being widened

Plot 2

- remove the render and replace with standing seam or stone finish

Plot 3

- Relocation of the bin store externally

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- Extension of the bin/cycle store to create a flat roofed gym as an extension to the garage and the cycle store will be accommodated in the garage.
- Access doors to be relocated
- Remove the render finish and replace with standing seam or stone finish

Plot 4

- Relocate the bin store externally
- Remove the side door
- Extend the music room underground beneath the lounge and dining room
- Remove the bin store doors from the east elevation
- Extension of the driveway

Relevant Planning History

02021/E - Residential development of no. 5 detached houses - Enquiry completed 22/08/2017

63388 - Demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access - Approve with Conditions 20/02/2019

65156 - Non-material amendment following grant of planning permission 63388 for demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access:

Introduction of a small dormer window on each side of the houses referred to as plots 2 and 3 (4 dormers in total) - Approve with Conditions 11/03/2020

65260 - Variation of condition 2 (approved plans) of planning permission 63388 for demolition of existing bungalow and erection of 4 no. dwellings with associated parking and access;

Raising ridge height of Plots 2 & 3, addition of flat roofed dormer to each side of Plots 2 & 3 - Approve with Conditions 20/04/2020

Publicity

The neighbouring properties were notified by means of a letter on 11 September 2020 and a press notice was published in the Bury Times on 17 September 2020. Site notices were posted on 18 September 2020.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to a CTMP, access arrangements, bin collection areas and turning facilities.

Public Rights of Way Officer - No response.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
OL1/3	Infilling in Existing Villages in the Green Belt
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites
EN7	Pollution Control
EN7/5	Waste Water Management
EN8	Woodland and Trees

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
HT2/1	The Strategic Route Network
EN9/1	Special Landscape Areas
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

Visual amenity and impact on Green Belt - The proposed development involves a number of external amendments to the scheme for each plot.

The proposed bin stores would be relocated externally for plots 1, 3 and 4 and would be constructed from timber. The proposed bin stores would be located to the side of the proposed dwellings and would not be unduly prominent within the streetscene.

The approved bin/cycle store at the rear of the property would be extended to create a flat roofed gym. The proposed changes would result in the doors on the rear elevation being deleted and a new door being inserted in the gable elevation overlooking the garden. The proposed extension would be constructed in stone and would be flat roofed matching the approved garage. As such, the proposed development would not have a significant impact upon the overall design and appearance of the proposed dwelling.

The approved music room would be extended underground beneath the footprint of the approved dwelling. The proposed extension would be constructed from stone to match the approved dwelling above. The proposed extension would not be visible and as such, would not impact upon the overall design and appearance of the proposed dwelling.

The proposed external bin stores and the extensions on plots 3 and 4 would equate to an increase in the built volume of 8.45%. However, the volume of the above ground additions would be 2.45%. In relation to the openness of the Green Belt, given the small volume increase which would be visible (and therefore impact upon the openness), the amended scheme would not have a material impact. As such it is considered that the proposed amendments would be acceptable and would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

On plot 1, the garage door would be widened and on plot 4, the door leading to the bin store and the door on the eastern elevation would be deleted. These are minor changes, which do not impact upon the visual impact of the scheme.

On plots 2 and 3, there is a narrow arch detail, which was to be finished using a standing seam finish. This is not possible due to technical reasons and the proposed development would use render. The proposed use of render would not represent a material change to the appearance of the proposed dwellings and would match plots 1 and 4, which have render on the elevations. As such, the proposed development would be acceptable.

The proposed changes to the scheme would not impact significantly upon the design of the overall scheme and would not be unduly prominent in the streetscene. As such, the proposed development would be in accordance with Policies EN1/2, OL1/2, 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 as such, would be relevant in this case.

The proposed addition of a bin store adjacent to plot 1 would not impact significantly upon the amenity of the occupiers of the terraced properties. The other changes proposed would be located within the site and would not impact significantly upon the amenity of the occupiers of the existing dwellings.

The proposed extension to the music room on plot 4 would be located above the approved ground floor. As such, there would be no change to the external appearance and no impact upon the amenity of the neighbouring properties.

The proposed gym extension on plot 3 would result in a single storey rear extension. The proposed development would not cross the 45 degree line and as such, would not have a

significant adverse impact upon the occupiers of plot 4.

Therefore, the proposed development would not cause amenity issues and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Trees - The proposed development would include an addition to the driveway at plot 4. The proposed extension to the driveway would be partly located in the root protection area for a tree, which is protected by a Tree Preservation Order (TPO). A tree survey and impact assessment was submitted as part of the application. This confirms that providing the driveway is constructed using a 3D cellular confinement system, the tree and its roots would be unaffected by the proposed works. This would be secured by a condition. Therefore, the proposed development would not harm the trees on site and would be in accordance with Policies EN8/1 and EN8/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would result in the driveways to plot 1 being widened and an additional section added to plot 4. The proposed works would not restrict access and would not impact upon the turning facilities and parking spaces previously approved. The proposed access to the site from Bolton Road would be unaffected by the proposals. The Traffic Section has no objections, subject to the inclusion of conditions relating to a construction traffic management plan, vehicular access arrangements, turning facilities and car parking. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 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 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 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 numbered 10371 01 A, 10371 L18, 10371 P03 F, 10371 E07 E, 10371 E06 D, 10371 E05 C, 10371 P05 B, 10371 P06, 10371 E16, 10371 18, 10371 19, Arboricultural Constraints Appraisal 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 All materials to be used in the external elevations, boundaries, walls, entrance gates and areas of hardstanding shall be in accordance with details approved under the original planning consent 63388.
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 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development

shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

- 5 Following the provisions of condition 5 of the original planning consent 63388, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and a Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 If during the works on site, excess or waste soil material is removed from site, details of where and how the soil material was disposed of, including copies of waste transfer documentation, shall be submitted to the Local Planning Authority for approval.

Reason. To secure the satisfactory waste management arrangements in the interests of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 The Construction Traffic Management Plan (CTMP) approved under the original planning consent 63388, shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Unitary Development Plan Policy HT2/1 - The Strategic Route Network.
- 8 The vehicular and pedestrian access arrangements and bin collection area indicated on the approved plans, incorporating the relocation/replacement of the affected road gully, provision of tactile paving, partial removal of the existing guard railing (limits to be agreed on site) and all associated highway remedial works required as a result of the proposed development and statutory undertakers connections to the proposed dwellings, shall be implemented to an agreed scope and specification and to the satisfaction of the Local Planning Authority before the development is first occupied.

Reason. To ensure good highway design, maintain the integrity of the adopted highway and ensure the intervisibility of the users of the site and the adjacent highways in the interests of highway safety pursuant to Unitary Development Plan Policy HT2/1 - The Strategic Route Network.
- 9 The various turning facilities indicated on the approved plans shall be provided before the dwellings are first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to Unitary Development Plan Policies HT2/1 - The Strategic Route Network and HT2/4 - Car Parking and New Development.

- 10 The car parking indicated on the approved plans shall be surfaced and made available for use prior to the dwelling hereby approved to which it relates being occupied and thereafter maintained at all times.
Reason. To ensure adequate off-street car parking provision in the interests of road safety pursuant to Unitary Development Plan Policy HT2/4 - Car Parking and New Development.
- 11 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 12 The landscaping scheme, approved under the original planning consent 63388 shall be implemented not later than 12 months from the date any of the dwellings are first occupied and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within three years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 The Layout of New Residential Development, EN1/3 Landscaping Provision, EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 13 A minimum of 5 working days written notice shall be provided to the LPA of intended commencement of the development. The notification of commencement shall include a timetabled schedule of the intended tree protection measures and tree works. Any subsequent variation of the timetable shall be subject to further written notice.
Reason - To ensure that the development is carried out in accordance with the approved plans, to protect trees which are of amenity value on the site and pursuant to Policies EN8/1 – Tree Preservation Orders and EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan.
- 14 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 15 No trees subject to a Tree Preservation Order shall be felled, lopped or topped before, during or after the construction period without the previous written consent of the Local Planning Authority.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
- 16 The Written Scheme of Investigation (WSIs) approved under the original consent 63388, shall be fully adhered to and in accordance with the timeframes identified.
Reason: In order to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly

accessible in accordance with National Planning Policy Framework Section 16 - Conserving and enhancing the historic environment paragraph 199.

- 17 The surface water drainage scheme, approved under the original planning consent 63388, shall be fully implemented to the satisfaction of the Local Planning Authority prior to first occupation and thereafter maintained.

Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1 New Development and Flood Risk , EN7/3 Water Pollution and EN7/5 Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework.

- 18 The works to the driveway on plot 4 shall only be carried out in accordance with the Arboricultural Impact Assessment Overview, dated September 2020.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 30/10/2020		DM	30/10/2020