

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/06/2023	Ref: 69649/FUL
Registration: 24/05/2023	LDfC: 16/06/2023	Expiry Date: 19/07/2023
Site Visit: 06/06/2023	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: MIDW

Proposal: Variation of condition nos. 2 (approved plans) & 3 (materials) of planning permission 65373 (demolition of existing stable building and erection of 1 no. dwelling); Change the fenestration detailing, reduce the amount of the glazed area and brick finish to outside.

Location: Land to rear of 41 Bury Old Road & west of Arthur Lane, Ainsworth, Bolton, BL2 5PF

Description

The application relates to the site of a former brick/render stable block (approx 190cu.M) on the west side of Arthur Lane, that was for the most part, demolished during recent conversion works. The red edged site measures 0.72ha and is accessed from Arthur Lane via a single track driveway which terminates in a turning head and parking next to the stable block. The site is enclosed by a mixture of post and wire fencing and mature hedging along the western boundary.

The site is located within the open countryside to the west of Ainsworth Village and is designated Green Belt, West Pennine Moors and is a Special Landscape Area.

Following the almost complete demolition of the stable block, a planning application for the construction of a new building single storey dwelling was submitted and approved in November 2019 under reference 64731. A second application (65373) for residential conversion, simplifying the design, was approved and this is what is being amended.

It is proposed to alter the arrangement of the windows:

- North/front elevation - moving the entrance door.
- South/rear elevation - changing a narrow full height window to a wider window with a higher sill height.
- East/Side elevation - omit two narrow windows.
- West/side elevation - add small high level window.

The other change is the replacement of the proposed render with a brick slip finish.

Relevant Planning History

60784 - Change of use of stable to dwelling with single storey extension - Approve with Conditions 25/01/2017

61734 - Change of use of storage building to dwelling with new front porch - Approve with Conditions 01/09/2017

63246 - Detached 1 no. bungalow to replace existing storage building - Approve with Conditions 08/11/2018

63321 - Change of use of stable to dwelling and single storey extension at side with subterranean accommodation and window/door modification - Approve with Conditions 21/11/2018

65373 - Demolition of existing stable building and erection of 1 no. dwelling
- Approve with Conditions 18/06/2020
67459 - Demolition of existing garage/store to be replaced with 1 no. dwelling with attached garage - Approve with Conditions 14/12/2021
68978 - Variation of conditions 2 (approved plans) & 3 (materials) of planning permission
65373 - Reduce amount of glazing, internal changes and external brick finish - Approve with Conditions 01/12/2022

Publicity

Immediate neighbours notified by letter dated 24/05/2023. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt
EN1/1 Visual Amenity
OL1/2 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) 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.

Green Belt and Visual Amenity - Policy - The site is within the Green Belt and as such the proposals need to be assessed against the NPPF, OL1/2 - New Buildings within the Green Belt, EN9/1 Special Landscape Areas and West Pennine Moors OL7/2.

The NPPF paragraph 145 establishes a presumption against inappropriate development in the Green Belt. There are several exemptions, including the redevelopment of previously developed land that does not have a detrimental impact on the openness of the Green Belt.

UDP Policy OL1/2 indicates that the construction of new buildings within the Green Belt is inappropriate development unless amongst other criteria a proposal involves the limited extension, alteration or replacement of existing dwellings; that proposals do not provide disproportionate additions over and above the size of the original dwelling or in the case of a replacement dwelling, is not materially larger than the one it replaces.

OL7/2 West Pennine Moors considers that proposals should consider relevant matters including landscape character, ecology and historic features.

EN9/1 states that any development should be strictly controlled and required to be sympathetic to its surroundings. High standards of design are expected and unduly unobtrusive design will not be permitted.

Green Belt - Given the principle of the dwelling is acceptable in terms of the NPPF and UDP policies, the issue is whether the alterations to the appearance in terms of the window configuration, would not have an impact on volume and the openness of the green belt.

The revised proposal is in line with existing policy and guidance within the NPPF and UDP and would preserve the existing openness and character of the Green Belt and as such is considered to be acceptable.

Design, Appearance and Character - The key issue to consider with the proposal is the impact of the revised window openings on the appearance of the building and character of the area in which the site is located.

It is evident that the building structure is not changing and would still retain its basic form.

In terms of appearance, the changes to the fenestration are relatively minor and would not have a significant impact on the character of the site and surroundings.

The change from the rendered finish to the brick slip would not be significant given the modest scale of the building and it not being particularly prominent within the landscape. It is also noted that there are brick buildings within the vicinity.

The proposed changes are considered to be acceptable and would comply with the NPPF and UDP Policies relating to the visual amenity, Green Belt, Special Landscape Area and West Pennine Moors.

Residential Amenity - In the light of UDP Policies H2/2 and H2/6 and relationship to the nearest dwellings approximately 60m to the south, there are no serious residential amenity issues arising from the proposal.

There are no changes to the footprint of the building, curtilage or access.

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 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 001, 002, 004D(Revised) 102, 103, 104 and Planting Plan RevA 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 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 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 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 Preliminary Risk Assessment (Phase 1 Desk Study), Land to the rear of 41 Bury Old Road, Ainsworth, G7 Geotech Ltd, Reference: 1195 Rev 0, 15 April 2019 and email to Local planning Authority from John Bridge (Chartered Architect) regarding gas protection measures, dated 5 June 20, 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 the development being brought into use.
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.

- 6 The parking and turning facilities indicated on approved site plan 102 shall be provided prior to the use hereby approved commencing and the areas used for the parking and 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 and private access road, in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 7 The 'Existing Paddock' area to the south of the building and indicated on the site plan, shall not be used as domestic garden curtilage.
Reason. In order to restrict the garden curtilage and maintain the openness of the site pursuant to the NPPF and UDP Policies EN1/1 Visual Amenity and OL1/2 New Buildings in the Green Belt.
- 8 A scheme for hedge planting along the southern boundary shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of the dwelling hereby approved. The approved scheme shall thereafter be implemented not later than 6 months from the date the building is first occupied. Any part of the hedge removed, dying or becoming severely damaged or becoming severely diseased within three years of planting shall be replaced by plants 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 the NPPF and UDP Policies H2/2 - The Layout of New Residential Development and EN1/1 Visual amenity.

<u>Case Officer</u> Tom Beirne	<u>Date</u> 22/06/2023	<u>Sign off Officer</u>	<u>Date</u>
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