



Mr. R. Lewis
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Our Ref: RG/G267/L001
Date: 26 October 2020

Dear Reid

**APPLICATION 65923 - BLEAKLOW HALL, BOLTON ROAD, HAWKSHAW, BL8 4JF
S73 APPLICATION SEEKING 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**

Further to your recent correspondence in respect of the above application, you have requested commentary on the extent of compliance with Green Belt policy. We consider this below.

We have reviewed the submitted drawings and covering statement and we understand that the following changes are proposed that might *arguably* have a discernible impact on the openness of the Green Belt in that this necessitate new building work :

- The relocation of the bin store for Plots 1, 3 and 4 such that these will be external of the dwellings.
- The extension of the bin / cycle store for Plot 3 by 1.5m to create a flat roofed gym, as an extension to the garage.
- Extending the music room of Plot 4 underground, beneath the lounge and dining room. We understand that these works will not be visible or perceptible from any perspective externally, and as such can have no impact on the openness of the Green Belt.

All other works appear to relate to changes of materials and minor adjustments to the access arrangements, none of which have a discernible impact on the openness of the Green Belt.

You have confirmed that the revised built volume(s) will equate to :

- New external bin stores – 6 cu m each x 3 = 18 cu m= 0.35% volume increase
- Plot 3 garage extension - a 2.1% above ground volume increase
- Plot 4 lower ground music room extension - a 6% increase (all below ground and not perceptible)

As such, the total built volume will increase by 8.45%, albeit the total above-ground ‘perceptible’ increase will equate to just 2.45%.



Our view is that the very small changes proposed, when considered against the context of the scheme as a whole, represent no more than Minor Material Amendments, but we note that a S73 application has been submitted as an alternative mechanism.

We were not involved in the original application, but we have noted the Design and Access Statement which (in chapter 4) explained how the design had evolved up to that submission. It identified four fundamental elements, namely :

1. Respecting the Tree Preservation Orders
2. The amount / extent of development to represent limited infill in a village
3. Respect for the streetscape and linear layout of Hawkshaw village
4. Respect for the openness and visual amenities of the Green Belt

It is our contention that the revisions proposed by this S73 application do not fundamentally alter those design constraints, concept or overall vision of the scheme.

The positioning / footprint of the dwellings will not change, and will continue to “flow” around the central TPO trees, linking the street-side dwellings to the east and west. Nor will the number of dwellings change. The proposition very much remains as limited infill in the village.

Crucially, the gaps / vistas between the buildings will not materially change, and as such the views through the development from the north and south (many of which are heavily filtered through trees) will remain unchanged, as will the sense of openness flowing around and through the development.

While small adjustments are being proposed to certain materials, the architectural language of the dwellings remains unchanged.

POLICY CONSIDERATIONS

The Development Plan

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

For the purposes of this application, the Development Plan is the Bury UDP (adopted August 1997).

The site is located within both the *Green Belt* and a *Special Landscape Area*. It is not located in or close to any Conservation Area and there are no listed structures close by.

UDP Policy O11 (Green Belt) seeks to maintain the Green Belt, ensuring that it fulfils the following strategic purposes:

- a. to check the unrestricted sprawl of large built-up areas;



- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from further encroachment;
- d. to preserve the setting and special character of historic towns;
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed alterations will not result in harm to any of these purposes, and as such we maintain that there is no conflict with Policy OL1, as below :

- ✓ No '*unrestricted sprawl*' will arise.
- ✓ There will be no merging of towns.
- ✓ There will be no encroachment into the countryside.
- ✓ There will be no harm to the setting of any town.
- ✓ There are no implications for urban regeneration elsewhere.

Policy OL1/2 relates to 'New Buildings in the Green Belt' and advises that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for, *inter alia* :

'limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling'

It is worth noting that the policy wording is slightly out of kilter with NPPF §145, which confirms that the following are appropriate in the Green Belt :

'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'

UDP Policy H2/3 – *Extensions and Alterations* states that applications will be considered with regard to the following factors:

- a) the size, height, shape, design and external appearance of the proposal;
- b) the character of the property in question and the surrounding area;
- c) the amenity of adjacent properties; and
- d) visibility for pedestrians, cyclists and drivers of motor vehicles.

The amount of 'extension' and new build elements is very modest and have been designed to reflect and respect the qualities and character of the new homes, and we venture that the changes will be indiscernible to any party, hidden as they will be within the context of a private housing development, behind mature tree cover and other vegetation.

Policy EN9/1 (*Special Landscape Areas*) states that any development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected, and '*unduly obtrusive*' development will not be permitted in such areas.

We contend that the proposal is consistent with this policy. The modest alteration / additions will be very small and discrete (not at all '*unduly obtrusive*') and well designed, using quality materials to



complement the existing buildings. The works will be barely visible / perceptible from the public domain.

In these terms, the proposal will have nothing more than a neutral impact on the *Special Landscape Area*, and is in turn in accordance with Policy EN9/1.

For the same reasons, the proposal is consistent with *Policy EN1/1 (Visual Amenity)*, which states that development will not be permitted which would have a detrimental effect on the visual amenity (both within, or viewed from) of areas of environmental interest, including the Green Belt and Special Landscape Areas.

In view of the above assessment, we contend that the proposal is in accordance with the development plan when considered in overall terms, and – furthermore - there are no material considerations that suggest that Section 38(6) ought not to be applied.

Consideration of National Policy

The NPPF is an important material consideration. Fundamentally, it promotes sustainable development.

The application is consistent with the NPPF. It will make efficient use of a limited infill plot and will create excellent quality family accommodation.

The changes proposed will further enhance the quality and liveability of the new homes.

The NPPF promotes good design, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective use of land and existing infrastructure (such as unused buildings). In this case, the design quality of the proposed changes is very good and respectful of the site, its character and value, and its setting within the village of Hawkshaw and the wider rural / agricultural context.

As noted earlier, the NPPF echoes UDP policy (albeit it is not identical) by confirming at §145 that the following is appropriate development in the Green Belt :

‘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’

As per our earlier comments, a perceptible ‘above ground’ increase in built volume in the order of 2.45%, all at low level, hidden within the context of a modern ‘infill’ housing development cannot sensibly be considered to be *‘disproportionate.’*

We accordingly conclude that, in addition to being compliant with the relevant policies of the Development Plan, the application is also consistent with the NPPF, and should be approved accordingly.



We trust that this letter is of assistance, but please do contact Richard Gee at these offices if further commentary is required.

Yours sincerely
for Roman Summer Associates Ltd

A handwritten signature in black ink that reads "Richard Gee".

Richard Gee
Director