

Title	Planning Applications
To:	Planning Control Committee
On:	09 October 2018
By:	Development Manager
Status:	For Publication

Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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, I have 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 Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Development Manager

Background Documents

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 01

Applicant: Mr A Winstanley

Location: Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8 4PD

Proposal: Conversion of agricultural building to a dwelling with extension and new access

Application Ref: 63006/Full

Target Date: 04/09/2018

Recommendation: Approve with Conditions

Head of Development management has requested a site visit by the Planning Control Committee for this item.

Description

The application relates to an existing steel portal framed agricultural building with Yorkshire boarding to the north of Lower Dickfield Farm to the north west of Ramsbottom village. The site lies within the open countryside which is designated Green Belt and is a Special Landscape Area. A public right of way (PRoW No.42) runs north/south, up the track that leads to the field access that is proposed to be used for the access to the new house.

The proposal falls into two distinct elements, firstly the new dwelling and secondly, the new access track leading to it from the existing track to the south east.

It is relevant at this stage to note that the building to be converted and extended was subject to a successful appeal, in February this year, following a decision by the Local Planning Authority to refuse a Prior Approval application to convert it to a dwellinghouse.

The current proposal is to extend the part of the building on the east side by 4m. The extension would run across 7.5m with a roof pitch extending up from the eaves to below the existing ridge line. The proposed dwelling would have 3 bedrooms and the extension would accommodate an extended kitchen/diner. It is proposed to retain the existing Yorkshire boarding on the original building but clad the extension in a larch boarding. The roof would be a plastic coated corrugated steel roof to reflect the original.

On the east side of the new house, there would be a parking and turning area with access to the proposed new track. This new single access track would be in the form of a 'cart track' with two hardcore filled wheel tracks with a central grassed strip. It would run east, across the existing field for approximately 140m before running south, approximately 140m to the existing field gate where it would join the existing access track. The existing gate would be set back 5m from the existing track to prevent vehicles blocking the footpath.

Relevant Planning History

60866 - Prior approval for the proposed change of 2 no. agricultural buildings to 2 no. dwellinghouses (Class C3) under part 3 class Q(a) of general permitted development order - 19/05/2017

60866 - Prior approval for the proposed change of 2 no. agricultural buildings to 2 no. dwellinghouses (Class C3) under part 3 class Q(a) of general permitted development order - Prior Approval Required and Refused 19/01/2017

61646 - Prior Approval to change use of barn to dwelling - Refused 14/08/17. Appeal Allowed 13/02/18.

62549 - Certificate of lawfulness for proposed access road to be 3 metres wide and with a tarmac surface - Refused 14/05/2018. Appeal ongoing. The hearing date, coincidentally is 09/10/18.

Publicity

Press notice in Bury Times 23/08/18. Site notices posted 18/07/18 and 20/08/18 and the following residents were notified by letter dated 10/07/2018.

Lower Dickfield Cottage, Pegg Lower Dickfield, Higher Dickfield, Higher Dickfield House, Lower Tops Farm, Hillcrest, The Old Mill, Topwood, 21, 27, 31, 35 Springwood Street, 2, 5,6, 7, 8, 9, 10, 11, 12 Uppingham Drive, 4, 10 Carr Bank Avenue, 15 Carr Bank Drive, 45 Cross Lane, 21 Earl Road, 470 Newchurch Road.

Objections have been received from Lower Dickfield Cottage, 2, 3, 5-12 Uppingham Drive, 1, 4, 6 and 15 Carr Bank Avenue, 31 Springwood Street, 21 Earl Road, 54 Tanners Street, 8 The Paddock, The Old Mill Hotel. Ramsbottom Heritage Society have also objected.

Issues raised by objectors are summarised below:

- The proposal is intrusive and contrary to Green Belt Policy.
- The extension to the building is inappropriate in terms of design and appearance.
- The approved dwelling is big enough and doesn't need an extension.
- There is no legal right of access for new dwellings over the existing track leading to the field gate/access point.
- The building is in use and therefore a new agricultural building would need to be constructed.
- The previous appeal inspector was misinformed and therefore the decision should be void. There are no services to the dwelling. A new dwelling would require new electricity supply via poles.
- The site is not sustainable with no public transport links.
- The additional traffic would lead to damage to the existing footpath.
- The proposal would double the traffic up the existing track/public right of way 42 and with no passing places, it would be dangerous to other users of the footpath.
- There is no legal access along the existing track.
- The site is adjacent to a Site of Biological Importance.

The objectors have been notified of the Planning Control Committee meeting.

Consultations

Traffic Section - Comments will be reported within the supplementary report.

Environmental Health - No objection.

Public Rights of Way Officer - Comments will be reported within the supplementary report.

Fire Safety - Turning required for emergency vehicles.

Drainage - Comments will be reported within the supplementary report.

Unitary Development Plan and Policies

OL1	Green Belt
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
H2/1	The Form of New Residential Development
H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN5/1	New Development and Flood Risk
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
HT4	New Development
SPD11	Parking Standards in Bury

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.

Policies - The National Planning Policy Framework (NPPF) indicates that there is a presumption in favour of sustainable development unless there are substantial and material reasons to refuse.

Paragraphs 145 and 146 of the NPPF are relevant and set out what is appropriate and inappropriate within the Green Belt. Paragraph 146 includes the re-use of buildings provided that they are of permanent and substantial construction.

It is relevant to note the appeal decision from the Planning Inspectorate in February this year, following an appeal against the refusal of a Prior Approval to convert the agricultural building into a dwelling. The inspector ruled that the building was capable of conversion without substantial rebuild and thus complies with Paragraph 146 of the NPPF.

In terms of local UDP policies, the following are considered relevant.

OL1/2 New Buildings in the Green Belt. The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) 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, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

OL1/4 - Conversion and Re-use of Buildings in the Green Belt . The conversion and re-use of buildings in the Green Belt is not inappropriate development and will be permitted providing that:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- b) any extension of re-used buildings, and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, gardens, boundary walling or fencing);
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- e) suitable access and likely traffic generation can be accommodated without creating a traffic hazard or the need for major road improvements or lengthy new routes;
- f) all the necessary services can be provided without extensive works;
- g) it can be established by the applicant, to the satisfaction of the local planning authority, whether or not the building contains any protected species, such as bats or barn owls. Where it is shown such species are present, measures to prevent damage to habitats will be required.

OL1/5 Mineral Extraction and Other Development in the Green Belt. Within the Green Belt other development, not including buildings, will be inappropriate unless:

- a) it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- b) in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

EN1/1 Visual Amenity. Development will not be permitted where proposals would have a detrimental effect on:

- a) public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- b) the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

EN5/1 - New Development and Flood Risk. The Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences. When assessing proposals against this policy, the following criteria will apply:

- a) the impact on the floodplain;
- b) the increase in surface water run-off as a result of the proposal;
- c) the impact on fluvial flood defences;
- d) the incorporation of mitigating works.

EN9/1 Special Landscape Areas. In those areas identified on the Proposals Map as Special Landscape Areas, any development which is permitted 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. Unduly obtrusive development will not be permitted in such areas.

H1/2 - Further Housing Development. The Council will have regard to the following factors when assessing proposals for housing development on sites not identified on the Proposals Map:

- a) the need to direct development towards the urban area;
- b) the availability of infrastructure;
- c) the need to avoid the release of peripheral open land, unless this can be shown to be consistent with urban regeneration;
- d) the suitability of the site in land use terms with regard to amenity, the nature of the local environment and surrounding land uses;
- e) other policies and proposals of the Plan.

H2/4 Conversions. Applications for the conversion of buildings into two or more self contained units, or the conversion of a building into a house of multiple occupation, will be considered with regard to the following factors:

- a) the effect on the amenity of neighbouring property through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- b) the general character of the area and the existing concentration of flats;
- c) the amenity of occupants;
- d) the effect on the street scene of any changes to the external appearance of the building;
- e) car parking and servicing requirements.

HT2/4 Car Parking and New Development. The Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

HT6/2 Pedestrian/Vehicular Conflict. The Council will take action, as appropriate, to reduce pedestrian/vehicular conflict through measures which include:

- a) pavement widening/realignment;
- b) pedestrianisation schemes;
- c) improved pedestrian crossing facilities;
- d) proposals designed to reduce traffic speed;
- e) provision of clearly signed pedestrian routes.

RT4/2 Safeguarding Tourism Assets. The Council will not permit proposals for development which would prejudice existing tourism assets or areas which have potential for tourism development.

Visual Amenity and Openness of the Green Belt and Special Landscape Area - Given that the Planning Inspector, in the recent appeal decision, considered that the existing agricultural building could be converted to a dwelling, the principle of the change of use is established. The difference between the proposed dwelling that was subject to the successful appeal and this proposal is an extension on the east side. The proposed extension, with a footprint of approximately 30sqm and a height not exceeding the existing roof ridge, is relatively modest in scale. In terms of volume the extension would add approximately 27% to the original volume of the building. The increase in volume is less than a third and in line with policy and guidance. The proposed curtilage is relatively modest and considered to be acceptable in terms of Green Belt policy. The boundary fencing would for the most part, follow the line of the existing timber post and rail fences and where it would form a new boundary, would be constructed using similar materials. A suitable condition would ensure this is the case.

In terms of appearance, the proposed extension, finished in larch timber boarding would appear as clearly subservient to, and not be out of keeping with, the existing Yorkshire boarded building.

The proposed access from the new dwelling, across the adjacent field, to the existing gated access is relatively long and quite exposed. However in the form of a simple cart track with two gravel filled channels with a central grassed strip, would not impact on the openness of the Green belt or appear particularly incongruous with the wide landscape. In this respect the proposed access track is acceptable and complies with the NPPF and UDP Policies and guidance.

The proposal in terms of the Green Belt, the Special Landscape Area and visual amenity, is considered acceptable and complies with the NPPF and UDP Policies.

Residential Amenity - Given the siting of the dwelling and the route of the new access, it is not considered that there are any seriously detrimental issues arising in terms of residential amenity.

Access Issues, Traffic and Parking - The Prior Approval for a dwelling, previously referred to and allowed on appeal, indicated an access running north/south from the new dwelling, past the immediate neighbour at Lower Dickfield Cottage. It is believed that this access cannot now be used for legal reasons, there being access allowed for existing dwellings only and not new ones.

The proposed new access to the proposed dwelling would run east from the new house, across the field and turn south to join the existing track at the field gate in the south east corner of the field. Photographs of the gated access and track are attached at the end of this report. The existing track leading up to the access gate is single width and constructed of hardcore. It is a designated Public Right of Way (No.42). On the west side there is a shallow ditch and on the east side is a wall forming the rear boundary of gardens fronting Uppingham Drive. Just past the access point, on the north side, the track turns into a dedicated footpath by the position of a stile, preventing vehicular access.

The existing track is passable with a vehicle up to the field gate and is currently used as access to the field that the proposed new cart track would cross. There are two gravelled passing places, one on the east /west section and another on the north/south section of the proposed track. A suitable condition of any approval would require details of both the cart track and the passing places to be submitted and works completed prior to any commencement of the development on the proposed dwelling. This would ensure a suitable means of access for construction traffic.

In addition to the works to the cart track, a condition would be attached to the approval that requires a survey of the existing track leading up to the field gate, to be undertaken and any remedial works carried out that would be required to make the track suitable for construction traffic. On completion of the development, a further survey would be undertaken and, if deemed necessary, the track would be reinstated to its former condition to the satisfaction of the Local Planning Authority. This would ensure that the track is not adversely affected by the construction of the development. It would be assumed that if the track is maintained in a suitable condition to take construction traffic, it would be suitable for the proposed domestic traffic.

With the necessary conditions attached to ensure the integrity of the existing track is not compromised, it is not considered that the proposal would have a seriously detrimental impact on the use of the track as a Public Right of Way.

It is noted that there is an objection from the adjacent landowner, stating that there is no legal right of access over the existing access track. This may be the case, however this is a private matter and not a specific planning matter.

In terms of parking, the proposed two parking spaces are considered sufficient for a single dwelling and complies with policy and guidance. There is a sizeable forcourt in front of the building that would allow for the turning of vehicles and this is also considered appropriate.

Flooding - Although the area is not within a flood zone, indications are that there have been localised flooding issues relating to water flow down the track and along the adjacent ditches. This has in some cases resulted in damage to the track and this has fuelled concern that the proposal, with the associated construction and domestic traffic, would make the situation worse.

The concerns of the neighbours and the Council's own footpaths officer are understandable and justified. However it is considered that the survey and any remedial works to be undertaken, would ensure that the situation is not made any worse. It is noted that it is in the interests of the applicant to not make the situation any worse but to actually try to improve matters in this area. A condition relating to surface water run-off would be attached to any approval.

Objections - The concerns relating to the impact of the proposal on the Green Belt and wider countryside, the appearance of the extension and legal access issues have been dealt with in the above report.

The concern that the conversion of the existing building would mean that a new agricultural building would be required is not a valid reason to refuse the scheme. The previous inspector has already allowed the conversion of the building and it would be unreasonable to resist it at this stage.

The accusations about misinformation on the previous appeal cannot be dealt with in this application which is considered on its individual merits. With regard to essential services, it is not considered that the provision of these would have a serious impact on the openness and character of the Green Belt and wider countryside.

The site of the new dwelling is not particularly sustainable but neither can it be considered

remote and the principle of the conversion to a dwelling has been allowed by the Planning Inspectorate thought the previous appeal decision.

It is not considered that the proposal would have a serious and detrimental impact on the Dick Field Site of Biological Importance, situated to the south of the site and the impact on the wider ecology and wildlife is negligible.

On balance, given the previous decision to allow for the conversion of the agricultural building to residential use, the proposal is considered acceptable and complies with the NPPF and UDP Policies listed.

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/ 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 location plan, site plan and sectional details, floor plans and elevations (revised) 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. 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 UDP Policies EN1/1 Visual amenity, OL1/2 New Buildings in the Green Belt and H2/6 Extensions and Alterations.
4. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/ New Development and Flood Risk , EN7/3 Water Pollution and EN7/5 Waste

Water Management and the NPPF.

5. Details of the proposed cladding to be used in the external elevations, 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.

6. No development shall commence unless and until the following details have been submitted to and approved in writing by the Local planning Authority -
 - A detailed survey of the existing access track, including sections and photographs between points X and Y, indicated on the approved plan.
 - The survey shall include details of any preliminary works that would be required to maintain the structural integrity of the track (X to Y) during the construction phase of development. Such preliminary works shall be carried out prior to development commencing and maintained thereafter during construction.
 - Within one month of the completion of the development, a further survey shall be undertaken to determine if any damage has occurred due to construction traffic/other domestic.
 - The findings of the survey and details of any remedial works, required to ensure that the track between points X and Y are not deleterious than prior to commencement of construction works, shall be submitted to the Local Planning Authority. The survey shall include a timetable for implementation of any approved remedial works.
 - The remedial works shall be implemented and the access track (points X-Y) shall be available for public use.Reason. In order to ensure the existing access track/PRoW is not damaged and in the interests of public safety pursuant to the NPPF and UDP Policies HT6/2 Vehicular and Pedestrian Conflict, RT3/4 Recreational Routes.

7. Prior to the commencement of development, proposed boundary and access gate details shall be submitted to and approved in writing by the Local Planning Authority. The approved details only shall be implemented.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.

8. Provision shall be made within the site to enable vehicles, including emergency services, to enter and leave the site in forward gear, and shall subsequently be maintained free of obstruction.
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of highway safety.

9. The proposed 'cart track' access shall be completed prior to commencement of works to the proposed dwelling.
Reason. In order to ensure adequate access for construction traffic in the interests of highway safety pursuant to the NPPF and UDP Policies H4 New Development and HT6/2 pedestrian/Vehicular Conflict.

10. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
 - Access route for construction traffic from the highway network;
 - Hours of operation and number of vehicle movements;

- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials.
- Provision of suitable wheel cleaning facilities to prevent the spread of mud onto the nearby footpath/roads.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. In the interests of road safety and ensure adequate construction facilities are provided pursuant to UDP Policy H4 New Development.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

63006

Photo 1



Photo 2



63006

Photo 3



Photo 4



63006

Photo 5



Photo 6



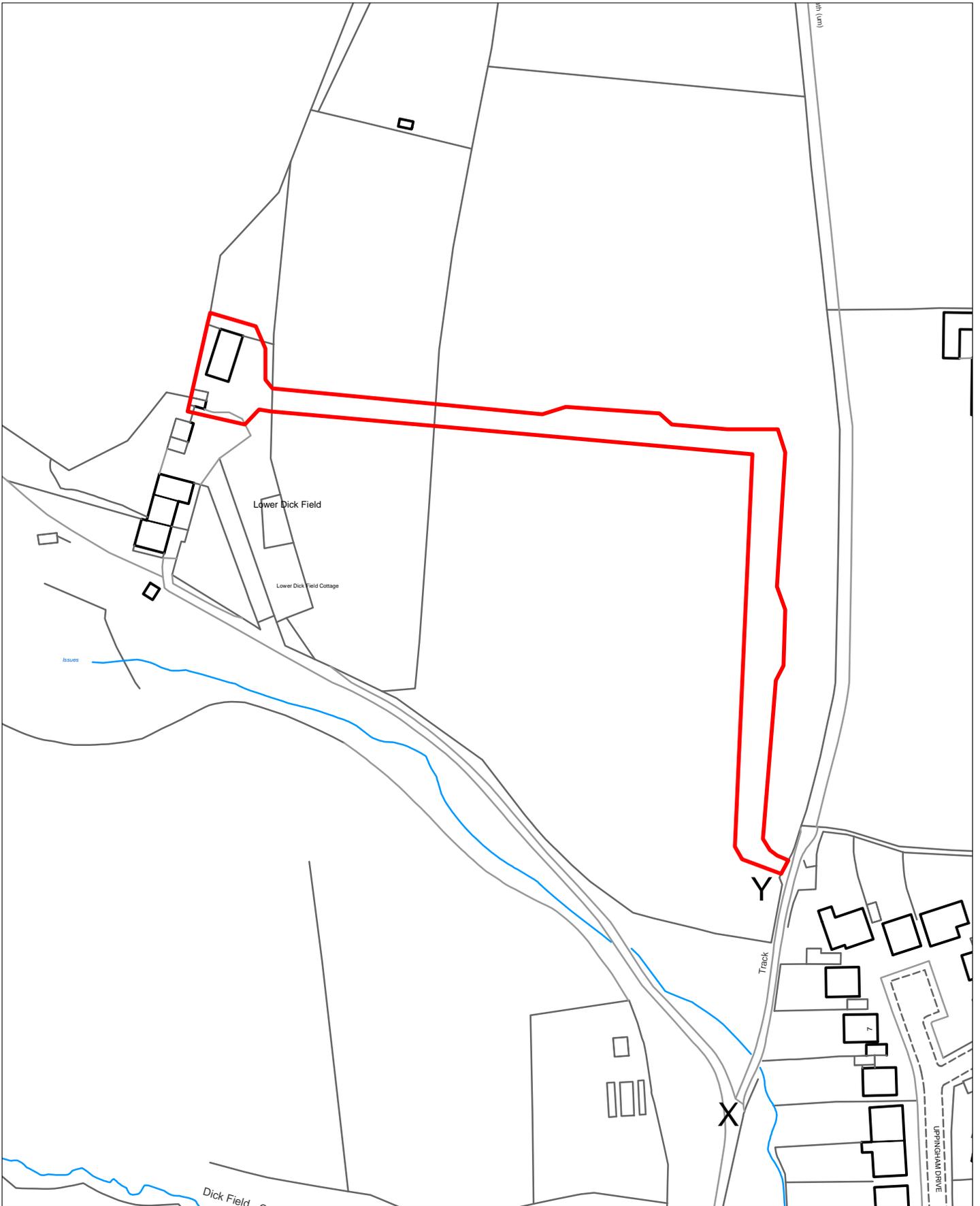
63006

Photo 7



Photo 8





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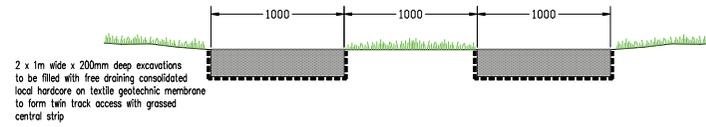
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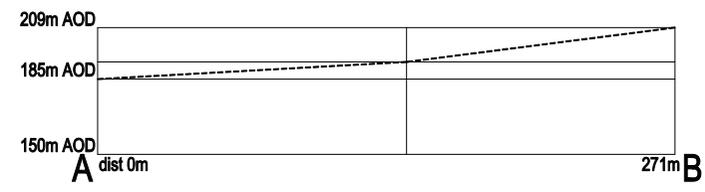


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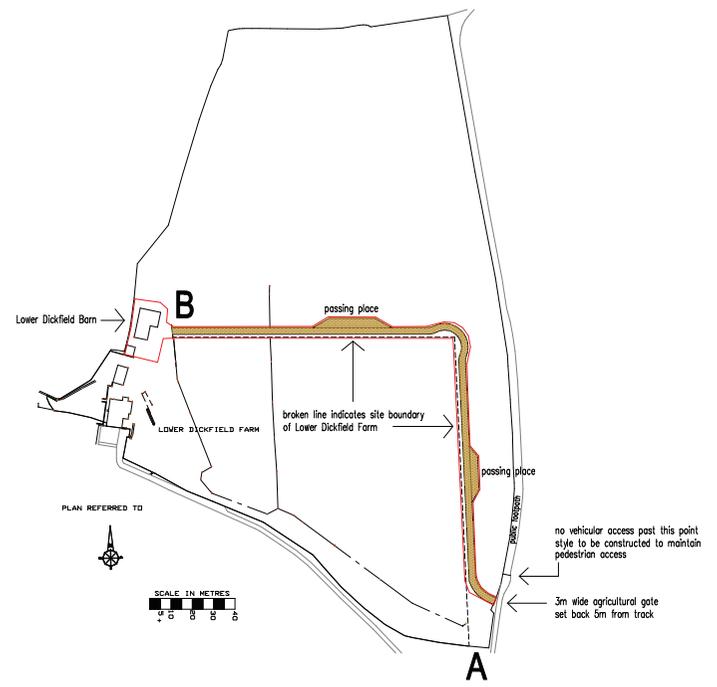




typical cross section



longitudinal section along line A-A (1:1250)



site plan (1:1250)

location plan

proposed conversion of agricultural barn into dwelling including extension and new access track at

Lower Dickfield Barn Ramsbottom

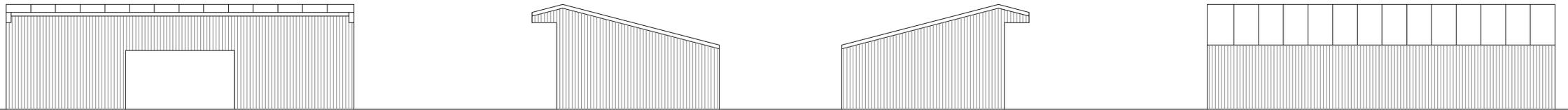


facing east proposed elevations

facing north

facing south

facing west

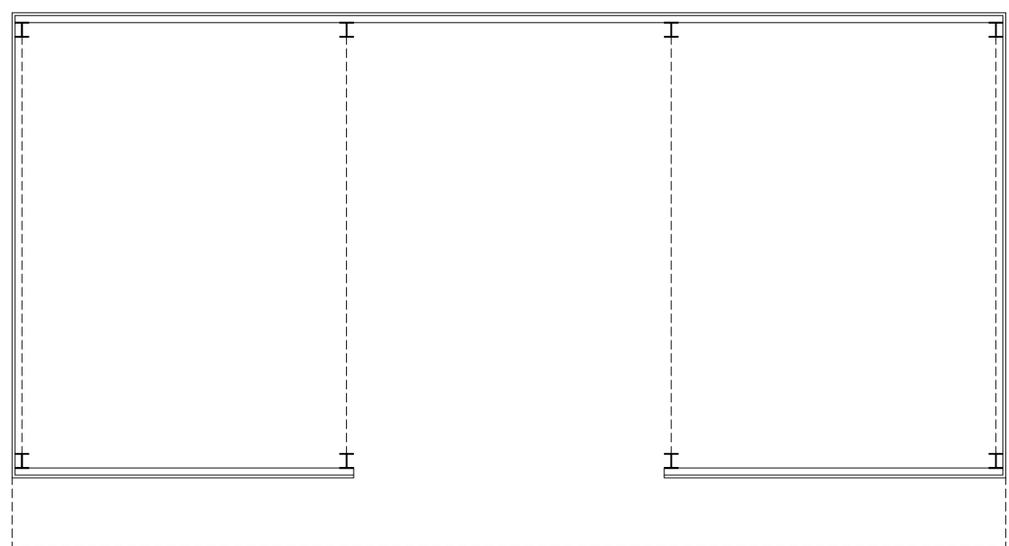


facing east existing elevations

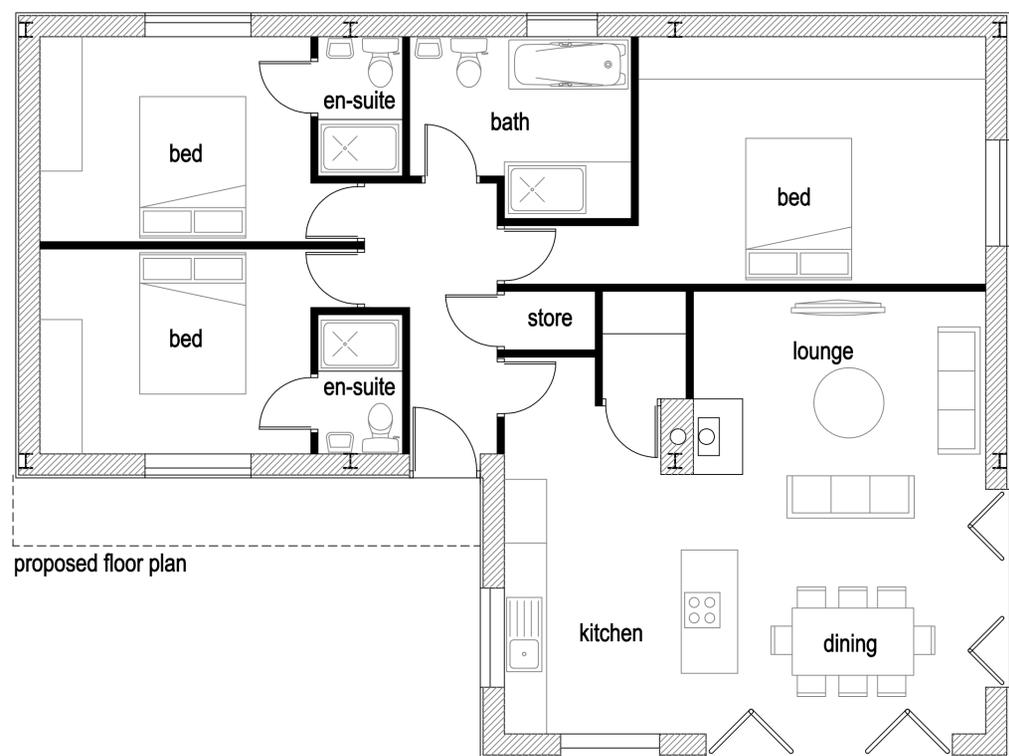
facing north

facing south

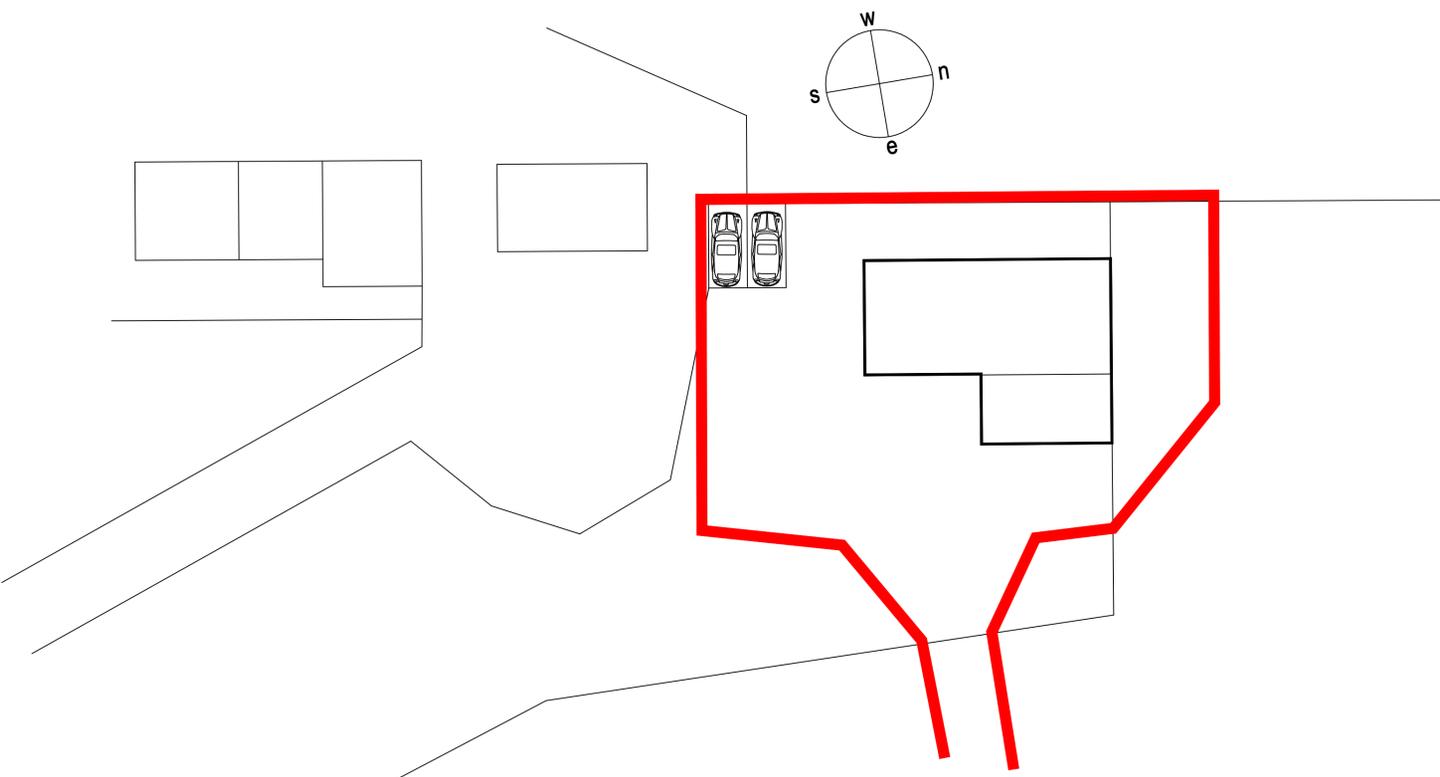
facing west



existing floor plan



proposed floor plan



proposed conversion and extension of agricultural building to form 3 bed dwelling at
Lower Dick Field
Ramsbottom

scale 1:100 1:50 @ A1
 0m 10m
 linear scale 1:100 @ A1

Ward: Ramsbottom + Tottington - Tottington

Item 02

Applicant: Mr Tanveer Ahmed

Location: 24A Moreton Drive, Bury, BL8 1QT

Proposal: Single storey extension at rear

Application Ref: 63144/Full

Target Date: 10/10/2018

Recommendation: Approve with Conditions

This item has brought to Planning Control Committee following a request by Councillor Wright and confirmation from the Chair Councillor Preston. The planning reason set out for this coming to Committee is to consider the application of Supplementary Planning Document 6 where a property is otherwise Permitted Development restricted.

Description

The application relates to a detached dwelling located on a corner plot on Moreton Drive. The premises is located on a residential estate, with Moreton Drive running along the front boundary, and a bridleway located to the south side boundary. The dwelling has a driveway and garden area to the front, with a further area of private amenity space located to the rear. The premises has previously been extended by means of a single storey rear conservatory extension, and conversion of the integral garage.

Planning permission is sought for the removal of the existing conservatory, and for the construction of a single storey rear extension that projects approximately 4000mm from the original rear elevation of the dwelling. The dwelling to which the planning application relates has had it's Permitted Development Rights restricted by condition on the original planning application. Work has commenced on site, however following enforcement intervention building work has stopped to allow this application to be considered.

Relevant Planning History

Planning

23321 - Outline - detached dwelling - Approve with Conditions 12/10/1089

24787 - Approval of reserved matters for one detached house - Approve with Conditions 06/09/1990

36381 - Conservatory at rear - Approve with Conditions 19/04/2000

Enforcement

13/0402 - Change of Use of Garage - 05/09/2013

18/0229 - Single storey rear extension - 15/08/2018

Publicity

Neighbour letters sent to 5 neighbouring properties on the 17/08/2018. 3 objections received (two from addresses not notified) with concerns relating to:

- Too many cars parked on the road.
- Extension started without permission.
- Informed that this is a restricted site and no building can take place.
- Ongoing drainage issues connected to the house.
- Why has no building regulator arrived on site to check everything was in order?
- Informed building work only stopped because homeowner at No. 24 sought legal advice.

- There is no parking at No. 24a.
- Clause on original planning permission (granted in 1989) states that the property "shall not have any extensions added without the prior consent of the Local Planning Authority" and as such the site is restricted and strict control must be applied to prevent over development of the site.
- Land has been illegally excavated, foundations put in, and damp proof brickwork laid and work only halted after Building Control put a hold on the development.
- The extension is illegal.
- Water company have not been informed and no permission has been granted from them.
- There is no land for building materials to be delivered to, and stored on and the applicant is illegally using other people's land to do this.
- No checks have been carried out - only visited by Steven Leach building enforcement officer to tell the occupants to stop and to put a planning application in.
- Extension will prevent access to 24's garage wall, guttering and drain pipe - access is required to repair drains and brickwork/pointing.
- The site would be grossly over developed with no garden at the rear to accommodate recycling bins, or hang out washing.
- Planning permission will be a contravention of GOVERNMENT POLICIES as to the ration of building to garden building being 90% building 10% garden.
- When people visit the children play at the front ant the car is not parked on the driveway
- The applicants park on the road and restrict access to 24 and bridleway.
- The applicant has outlined land they do not own - this land is in the process of legal action and the boundary fence will be removed and land taken back.
- There is not footpath around the side of the property as shown on the submitted map.
- There are two large trees overhanging property.
- "Mr. Ahmed is chair of a charity funded by Bury Council. He as relatives who have office inside Bury Town Hall. He is very, very well Known within that establishment and is strongly connected to Bury council and employees within or connected to it. SHAME ON YOU AND ALL THAT ARE CONNECTED WITH LIES, DECIET AND GROSS MISCONDUCT!"
- Applicant intends to build a two storey extension in the near future.
- Not enough people were notified.
- Planning department have breached notification requirements by not putting up a site notice.
- Applicant has converted garage without planning permission.
- Garage of no. 24 has subsided because of actions of the applicant.

Consultations

None

Unitary Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Visual Amenity

A condition was placed on the original outline approval for the construction of the dwelling stating that "Notwithstanding *the terms of the General Development Order 1988, or as subsequently amended, the development shall not have any extensions added without prior consent of the Local Planning Authority.*" As such, a planning application has been submitted to the Local Planning Authority (LPA) for consideration against the relevant policies, and material planning considerations.

Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions 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 proposed extension would be located entirely to the rear of the property, however glimpses of the roof may be available from the public bridleway to the south of the site. It is considered that the introduction of a single storey rear extension, in a residential context would not be out of keeping with the locality and as such would not detract from the character of the street scene. As such, the proposal is considered to be acceptable in principle.

The proposed extension is of a simple and unobtrusive design. The use of materials to match the original dwelling would create a harmonious development. The proposed windows and rooflights are considered to be suitably aligned, and the monopitch roof is on an appropriate design. The proposal is of a suitable scale and massing and would allow the applicant to retain garden to the front and rear of the property. It is considered that the proposal would not overwhelm the dwelling or result in over development of the associated residential amenity space.

It is considered that the proposal would not have a detrimental impact on the character of the dwelling, street scene or neighbouring properties and therefore complies with Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions.

Residential Amenity

Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

There are no windows facing towards No. 24a Moreton Drive, No. 2 Sandhurst Close or No. 4 Sandhurst Close. The proposed rear windows would be screened by the existing rear boundary, electricity sub station, and the side boundary of No. 29 Alcester Close. In this instance it is considered that the proposal would not lead to a loss of privacy.

The proposed extension would project approximately 3.4 metres beyond the rear elevation of No. 24, exceeding the 3 metres required by SPD 6. As such, it is a requirement to access the impact of the proposal on a 45 degree line as taken from the nearest habitable room window. The closest window of No. 24 to the proposed extension appears to relate to a kitchen which is a non-habitable room and as such not protected under policy. The nearest habitable room window would therefore be the window located adjacent to the boundary of No. 22. The proposed extension would not impact on a 45 degree line as taken from the midpoint of this window. In this instance therefore the proposal would comply with guidance set out within SPD 6.

The rear elevation of No. 4 Sandhurst Close faces towards the proposed extension. SPD 6 requires a distance of at least 6.5 metres to be provided between the proposed side elevation, and the rear of No. 4. A distance of approximately 17.6 metres can be provided. In this instance therefore the proposal exceeds aspect standards and is therefore considered to comply with guidance set out within SPD 6.

SPD 6 requires off-street parking to be required for one vehicle to be provided. In this

instance SPD 6 would require a 5 metre driveway to be provided in order to comply. The proposal would retain a driveway to the front of No. 24a that is approximately 6.6 metres long. In this instance therefore the proposal complies with the requirements of SPD 6 and no further parking is required.

It is considered that the proposal would not have a detrimental impact on the residential amenity of the neighbouring properties and therefore complies with Unitary Development Policy H2/3 - Extensions and Alterations and Supplementary Planning Document 6 - Alterations and Extensions.

Response to Objections

There appears to be some confusion over the timeline of the application and which members of Bury MBC have been involved. A timeline of the involvement of Bury MBC can be found below:

Building Control

- Building regulations application and first visit made 19/07/2018
- Foundations 20/07/2018
- Floor slab ready for concrete 27/08/2018

Planning Enforcement:

- Complaint received – 20/07/2018
- Case reviewed. No site visit required as confirmed PD right removed during site history check – 1/08/2018
- Letter sent to owner to inform of breach – 1/08/2018
- Planning application submitted – 07/08/2018

Planning Application

- Valid application received – 15/08/2018
- Site Visit (works on site were not ongoing on this date) – 06/09/2018

The applicant appears to have previously converted their garage, and this was reported to the LPA in 2013 and enforcement subsequently reviewed the matter. The original planning permission for the dwelling included a condition that stated "*Notwithstanding the terms of the General Development Order 1988, or as subsequently amended, the development shall not have any extensions added without prior consent of the Local Planning Authority*" The conversion of the original garage, would not have resulted in the applicant extending their property.

The removal of permitted development rights has been done to ensure that the LPA can assess any proposed extensions at the site. The removal of permitted development rights is not an outright ban on further development. The extension that has been started on site, was considered to be permitted development by the applicant and they were previously unaware of the conditions set on the original planning permission. Once contacted by the LPA in relation to the breach of this condition the applicant stopped works, and submitted a planning application. On the case officer's visit on the 06/09/2018 no building works were taking place.

In relation to parking as stated within the main body of the report, SPD 6 only requires one parking space to be provided at the site, following the completion of the proposal and the application complies with this requirement. The applicant is not seeking to amend the existing parking arrangements at the site, and the extension would provide additional kitchen and living room space rather than bedrooms. The LPA cannot enforce that the applicant only parks on the driveway and parking within the immediate vicinity is not restricted by means of permit parking, or double yellow lines. In addition to this the LPA are not able to restrict the way in which the applicant uses their garden, and they are free to dry their washing within the front garden if they so wish. The applicant would have sufficient space to store bins within the curtilage of the dwelling.

The government policies referred to by the occupants of No. 24 appear to relate to what can be constructed under permitted development. However it is a planning application that has been submitted and as such this is assessed in relation to the policies of the Unitary Development Plan, Adopted Supplementary Planning Documents, National Planning Policy Framework and other material planning considerations. The calculations provided by No. 24 in relation to building to garden ratio must also consider the front garden as part of the space around the dwelling, as the regulations do.

- The original building has a footprint of approximately 61 square metres. This does not include the conservatory which has now been removed.
- The proposed extension has a footprint of approximately 31 square metres.
- The land around the original building (excluding the disputed area to the rear of the garden) has an area of approximately 171.5 square metres.
- The land around the building (excluding the disputed area to the rear of the garden) retained after the proposed extension would be approximately 140.5 square metres.
- The area of the whole site is approximately 232.5 square metres.

As such, following construction approximately 39.57% of the area of the site would be taken up by the dwelling and extension and approximately 60.43% of the site would be retained as residential amenity space, not 90% building and 10% garden as stated within the objection letter. In addition to this the objector appears confused about the percentages allowed. The judgement in relation to what would be allowed under permitted development, the requirement in this instance is that no more than half the area of land around the "original house" would be covered by additions or other buildings. As such, it is the additions and other buildings that are taken into account, and not the footprint of the original building. Approximately 18% of the land around the original house would be taken up by the extension falling below what would be allowed under permitted development.

The applicant currently tends to and maintains an area of land to the rear of the property that is not in their ownership. Whilst this piece of land was originally included within the red line it has since been removed, and neighbours notified of this. A letter from the applicant's solicitor states that the previous owner has sworn a statutory declaration that this bit of land has been used without force since August 1999. The applicant is currently in the process of making an application to land registry to be registered with a possessory title to this area of land. The assessment of the application however has been made without taking into consideration this piece of land as residential amenity space.

The applicant has provided a further statement, outside of the application form stating his involvement with Bury MBC. The company he works for does have dealings with the communities department, and the community safety department however the applicant confirms he is not an officer of Bury MBC, an elected member, related to an officer of Bury MBC or related to an elected member of Bury MBC. No evidence has been provided by the objectors to contradict this.

For this scale of development the LPA are required to notify neighbours via letter OR site notice. A letter was sent to the neighbours that may be impacted by the proposal. Response have been received.

The applicant has applied for a single storey rear extension and this is what has been assessed. Should the applicant wish to add a first floor this would require a fresh planning application and would be assessed accordingly.

The trees highlighted by the neighbouring property are considered to be of a distance from the proposed extension so as not to be impacted by the proposal. The trees are not protected.

Matters controlled under building regulations or other non-planning legislation, private issues between neighbours, problems arising from the construction period of any works, and factual misrepresentation of the proposal are non-material planning considerations not

relevant to the decision.

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.

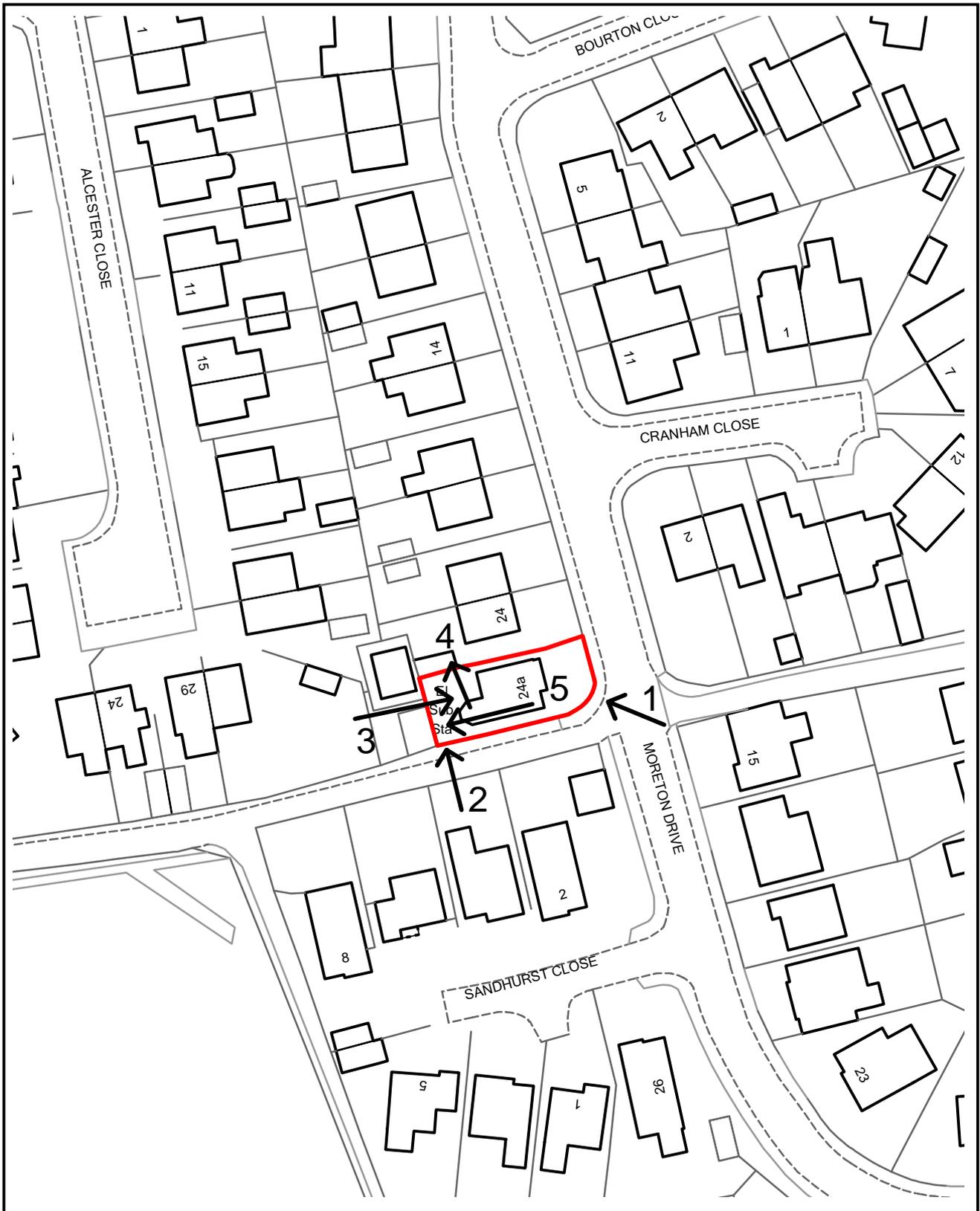
Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered Site Location Plan received 12th September 2018, Sheet 1 and Sheet 2 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.
2. 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 H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

For further information on the application please contact **Helen Goldsbrough** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 63144

**ADDRESS: 24A Moreton Drive
Bury**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

63144

Photo 1



Photo 2



63144

Photo 3



Photo 4



63144

Photo 5





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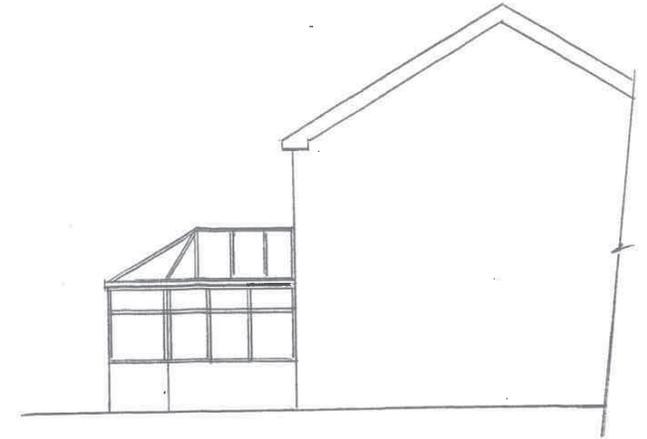
Plot centre co-ordinates: 378691,411198
Download file: 24a Moreton Drive.zip
Project name: BL8 1QT



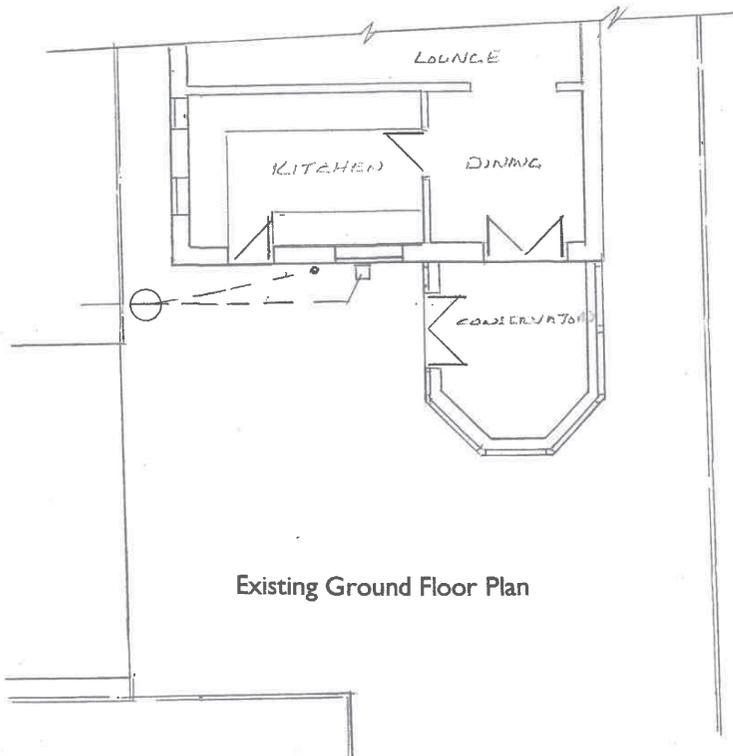
Existing Rear Elevation



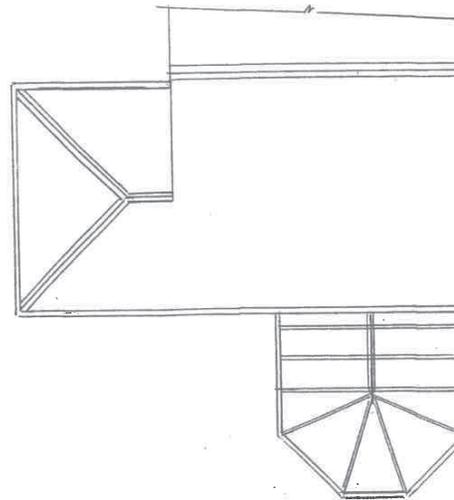
Existing Side Elevation



Existing Side Elevation



Existing Ground Floor Plan



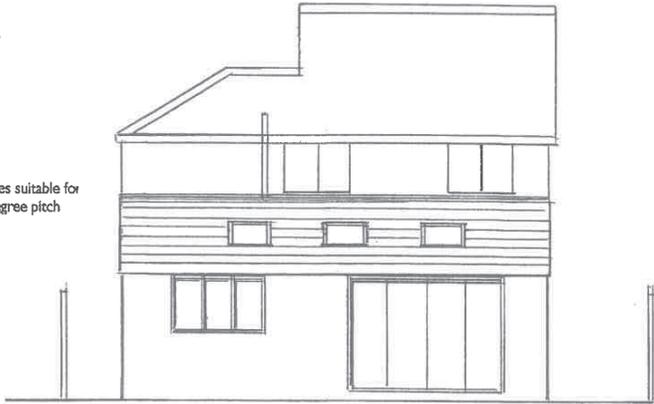
Existing Roof Plan

Thompson Designs
 Tel 0161 705 1458 Mob 07884 318634

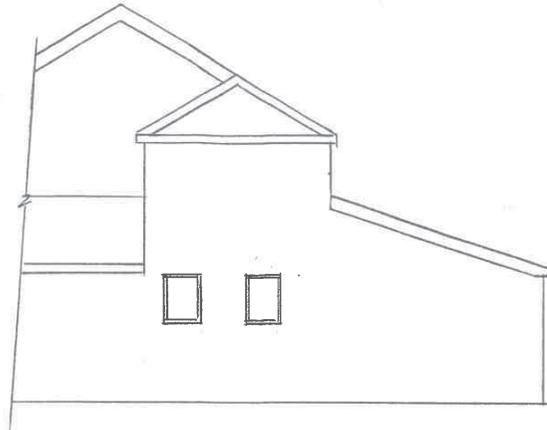
Sheet 1
 Existing Plans and Elevation
 24A Moreton Drive
 Bury BL8 1QT
 Scale 1 : 100 Date August 2018

REV1

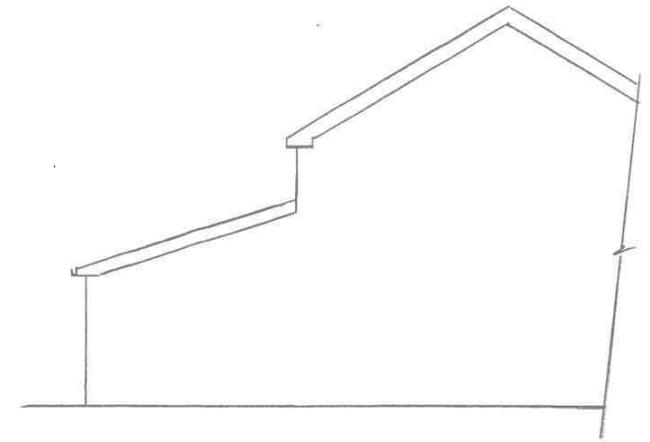
Roof tiles suitable for 17.5 degree pitch



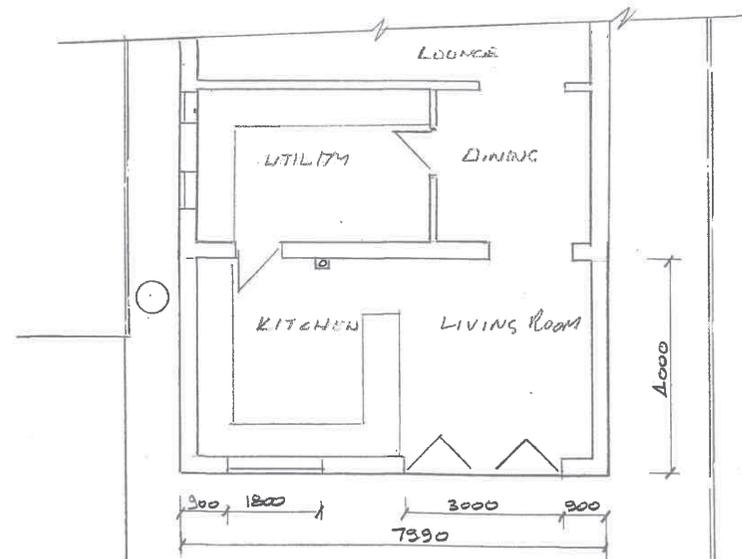
Proposed Rear Elevation



Proposed Side Elevation



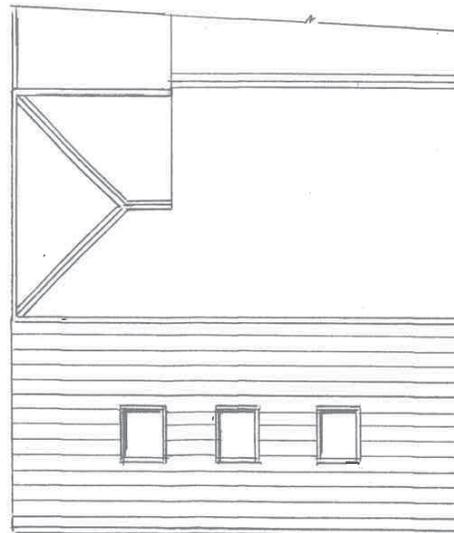
Proposed Side Elevation



Proposed Ground Floor Plan

600 x 150 strip foundation
Weak concrete mix fill to cavity
to 250 below dpc

Extend existing drains. Install
new manholes, position to suit
with screw down air tight covers



Proposed Roof Plan

Thompson Designs	
Tel 0161 705 1458 Mob 07884 318634	
Sheet 2	
Proposed Plans and Elevations	
24A Moreton Drive	
Bury BL8 1QT	
Scale 1 : 100	Date August 2018

REV 1