Ward: Radcliffe - North and Ainsworth

Applicant: Mr Karl Rawstron

Location: Land between 18 & 24 Bradley Fold Road, Radcliffe, Bolton, BL2 5QD

Proposal: Erection of 1 no. dwelling

Application Ref:68667/FullTarget Date:26/12/2022

**Recommendation:** Approve with Conditions

#### Description

The application site is a vacant cleared site and was last in use as a garage colony. The garages were demolished in 2018. Access to the site is via an unadopted unmade road, which leads to the rear of the terraced row on Bradley Fold Road, beyond which is a Grade II listed church and its grounds. The application site is adjacent to, but not within the Ainsworth Conservation Area.

There are residential properties to the north, south and east of the site. The Grade II listed church and associated graveyard are located to the west.

The proposed development involves the erection of a detached dwelling on the land between Nos 18 and 24 Bradley Fold Road. The proposed dwelling would be two storeys in height and would be constructed from brick with concrete roof tiles. The proposed development would be accessed from an unadopted access to the south of the proposed dwelling with parking for 1 vehicle at the rear.

#### **Relevant Planning History**

59997 - Outline - 1 no detached dwelling with details of access, layout and scale at garage site at land between 18 & 24 Bradley Fold Road, Ainsworth. Approved with conditions - 27 July 2016.

62431 - Prior notification of proposed demolition of garage block at garage site at land between 18 & 24 Bradley Fold Road, Ainsworth. Prior approval required and granted - 13 March 2018

#### Publicity

The neighbouring properties were notified by means of a letter on 3 November 2022 and a press notice was published in the Bury Times on 10 November 2022. Site notices were posted on 14 November 2022.

5 letters have been received, which have raised the following issues:

- Bradley Fold is a busy road with parking issues on Fridays and Saturdays due to the nearby pub and Italian restaurant. This land is used as unofficial parking and particularly for commercial vehicles. These vehicles would need to use the street, marking the parking issue worse
- Access to the two parking spaces would be extremely difficult and potentially dangerous due to increased parking on street and the continued problem with speeding vehicles.
- The building works would cause disruption to a congested area for a considerable period of time.
- The property does not appear to be in keeping with the visual appearance of the rest of

the street or the nature of property. The majority of properties are red Accrington brick and slate, however although the drawing say "red brick", it is to be rendered in white render. Being in a conservation area, consideration should be given to this.

- The proposal has 2 parking spaces however a four bed house is likely to result in more than two vehicles being associated with the property. There is already an issue with street parking on Bradley Fold Road in the vicinity of this proposal in the evening, and currently about 5 or 6 cars use this land for parking in an evening. I accept that this land is not designated parking however, my point is that, the vehicles currently using this land will have to park back on the street and if there is an additional property adding to the issue with occupants and/or visitors cars, the parking situation will become untenable.
- Following our recent committee meeting, I have asked to raise our concerns about this development. We do support the provision of a new dwelling on this site, but are concerned about the limited gap between this and No 18, which will make any maintenance work near impossible on either building.
- We would also note that the access for church maintenance/grave digger is also limited, so the boundary fence may also be a problem.
- I am the Vicar of Christ Church Ainsworth. The Church has a right of way from Bradley Fold Road to the rear gate of our churchyard. This is along the unmade access road that runs through the parcel of land, alongside the site of the proposed development.
- The churchyard is still in use as a burial site, so unimpeded access to the churchyard via the rear gate is required by visitors to the churchyard, particularly the bereaved visiting graves, gravediggers, who need to bring small mechanical diggers and other plant onto site to prepare for burials and monumental masons, who need to erect headstones.
- Environmental Services also require access to empty the Churchyard refuse bins.
- In view of the forgoing, we require access along this route to be kept free from impediment throughout the development of the proposed detached dwelling. I should be grateful if this could be made a condition of planning permission.

The neighbouring properties were notified of revised plans on 7 July 2023.

4 letters have been received, which have raised the following issues:

- The properties on Bradley Fold Road next to this land require access to the rear of our properties. This is along the unmade access road that runs alongside the site of the proposed development.
- Bradley Fold Road is a very busy road and has very little room for cars to be parked. Adding another property will only impede this already problematic issue the residents face themselves when pub goers park outside our houses.
- Another dwelling will cause overcrowding of the site.
- I have seen comments related to the issue of parking, but note that the application includes the facility for off-road parking.
- I know that residents are affected by custom at the local pub and restaurant with visitors parking on the road. Would a suitable alternative be to introduce resident-only parking in that area?
- The site has for a long time been an eyesore, and the development of a new property would be an improvement and obviously cater for the need for additional housing in the area.
- This piece of land has been fenced off and the hardstanding removed. Everyone now has to park on Bradley Fold Road
- Loss of an open space.
- Access to the church yard.
- A stupid place to build a house as it will cause chaos.

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

### Statutory/Non-Statutory Consultations

Traffic Section - Comments to be reported in the Supplementary Report.

**Drainage Section** - No response.

**Environmental Health - Contaminated Land** - No objections, subject to the inclusion of conditions relating to contaminated land.

Waste Management - No response.

**Conservation Officer** - No objections in principle. Further comments to be reported in the Supplementary Report.

**United Utilities** - No objections, subject to inclusion of informatives relating to drainage. **GM Ecology Unit** - No objections, subject to the inclusion of condition relating to a bat/bird box.

**Pre-start Conditions** - Awaiting confirmation that the agent agrees with the pre-start conditions.

### **Unitary Development Plan and Policies**

- H1/2 Further Housing Development
- H2/1 The Form of New Residential Development
- H2/2 The Layout of New Residential Development
- EN1/1 Visual Amenity
- EN1/2 Townscape and Built Design
- EN2 Conservation and Listed Buildings
- EN2/1 Character of Conservation Areas
- EN2/2 Conservation Area Control
- EN2/3 Listed Buildings
- EN5/1 New Development and Flood Risk
- EN6/3 Features of Ecological Value
- EN7 Pollution Control
- EN7/5 Waste Water Management
- OL1/2 New Buildings in the Green Belt
- HT2/4 Car Parking and New Development
- HT6/2 Pedestrian/Vehicular Conflict
- SPD6 Supplementary Planning Document 6: Alterations & Extensions
- SPD11 Parking Standards in Bury
- SPD8 DC Policy Guidance Note 8 New Buildings in the Green Belt
- 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.

**Principle - Green Belt** - Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. 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;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development unless -

- for agriculture and forestry,
- essential facilities for outdoor sports and recreation,
- limited extension, alteration or replacement dwelling provided it would not result in disproportionate additions over and above the size of the original dwelling or not materially larger than the one it is to replace;
- limited infilling in existing villages as set out under Policy OL1/3.

Policy OL1/3 states in all named villages which lie within the Green Belt, limited infill development may be permitted, provided it is in scale with the village and would not adversely affect the character of surroundings.

A Green Belt statement was submitted with the application, which identifies the site is located in the Green Belt and that outline consent has been granted several years ago. The Green Belt statement does not justify why this site is an exception in the Green Belt. However, based on the planning history, this site would be considered as an infill plot within a named village. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policies OL1/2 and OL1/3 of the Bury Unitary Development Plan and the NPPF.

**Principle - Housing** - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of

housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

However, the application site is located in the Green Belt and the tilted balance does not apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties to the north, south and east and the church and associated graveyard to the west. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The site contained garages until their demolition and as such, would be a brownfield site. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

**Places for Everyone** - The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified). However, the principle of this proposal does not give rise to any

conflict with PfE policies.

**Heritage, design and layout** - The application site is located outside of, but adjacent to the Conservation Area. As such, it is necessary to consider the proposal in terms of the Town and Country Planning Listed Building and Conservation Act. In this regard proposals should either preserve or enhance the Conservation Area and in terms of policy consideration National Planning Policy Framework paragraphs 189-202 and Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the Unitary Development Plan.

The site contained garages, which have been demolished a number of years ago. The site has been cleared, leaving a hardstanding. As such, the application site would have a negative impact upon the character and setting of the Conservation Area.

The proposed development would provide a detached dwelling, which would be two storeys in height. The eaves and ridge height of the proposed dwelling would match the height of the adjacent terraced row of dwellings that are located within the Conservation Area, which would be acceptable. The proposed dwelling has greatly simplified its appearance from the original submission to a much simpler form such that the main elevations would be of a similar design to the adjacent terraced dwellings. The proposed dwelling would be constructed from red brick and concrete tiles. Whilst brick would match the adjacent properties, it is considered that slates should be used, given that the proposed development is located adjacent to the Conservation Area. This would be secured by a condition. As such, the proposed development would not be a prominent feature in the streetscene and would make a positive contribution to the character and setting of the Conservation Area. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the NPPF.

**Impact upon surrounding area** - The proposed dwelling would have a rear garden, which would provide an acceptable level of private amenity space for a 3 bed dwelling. There would be space for bin storage at the side of the dwelling.

The proposed boundary treatment would be a brick boundary wall along the front, side and rear of varying heights from 0.75 metres to 1.5 metres in height. The proposed development would be appropriate in terms of the impact upon the Conservation Area. A 1 metre high timber fence would be provided adjacent to the parking space, which would be acceptable.

Therefore, the proposed development would be in accordance with Policies H2/1, H2/2, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be 8.5 metres from the proposed dwelling to the rear boundary, which would be in excess of the 7 metre aspect standard required.

There would be 16 metres between the proposed dwelling and the properties on the opposite side of Bradley Fold Road. This relationship would be the same as the existing relationship between the existing terraced row of properties on the street. As such, the proposed development would be no worse than the existing relationships between dwellings and would not have a significant adverse impact upon the amenity of the neighbouring properties.

There would be non-habitable windows (landing and bathroom) in the gable elevations and as such, would not have an adverse impact upon the amenity of the neighbouring residents.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Ecology - The main ecological issues relate to bats, nesting birds and landscaping.

<u>Bats</u> - A bat assessment has been submitted and a further report was submitted during the application process. The surveys confirm that the hanging tiles on the adjacent property have negligible potential for bats. GM Ecology Unit have no objections to the proposal.

<u>Nesting birds</u> - There is a low risk of species, such as a house sparrow nesting under the eaves of the adjacent property. GM Ecology Unit has no objections, subject to the inclusion of an informative relating to nesting birds.

<u>Contributing to and enhancing the natural environment</u> - Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. There would be no loss of vegetated habitat as a result of the development as the site contains a hardstanding. However, GM Ecology Unit recommend that a bat/bird box is included within the development as mitigation/enhancement.

Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

**Highways issues** - The proposed development would be accessed from an unadopted access to the south of the proposed dwelling with parking for 1 vehicle at the rear. The existing access would be 5.5 metres in width, which would be wide enough for 2 vehicles to pass and there would be acceptable levels of visibility at the junction with Bradley Fold Road. A parking space would be provided at the rear of the site and the fencing to the west would be lowered to 1 metre in height to ensure visibility would be maintained with the access track that runs along the rear of Nos 2 - 18 Bradley Fold Road. Pedestrian access would be taken from the footpath on Bradley Fold Road and the bins would be stored at the side of the proposed dwelling. The scheme comprising a single dwelling would not generate any noticeable uplift in traffic generation in response to comments of the busy nature of this particular highway. The Traffic Section has no objections in principle and further comments will be reported in the Supplementary Report.

**Parking** - SPD11 states that the maximum number of parking spaces for a 3 bedroom dwelling would be 2 spaces.

The proposed development would provide 1 space at the rear of the site. The proposed development is located within walking distance of Ainsworth village, where there is good access to public transport. Therefore, the level of parking provision would be acceptable in this instance and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

#### Response to objectors

- The issues relating to design, impact upon the conservation area, layout and parking have been addressed in the report above.
- Revised plans were submitted, which has reduced the size of the proposed dwelling to 3 bedrooms.
- The proposed development would provide parking for the proposed dwelling and the proposed layout has been amended to ensure that the parking is accessible.
- The impact of building works and the issues of maintenance are not a material planning consideration and cannot be taken into consideration.

• The access to the churchyard would be a private matter. However, the proposed development would not impede access to the grave yard or the unmade access road that runs along the back of the properties on Bradley Fold Road.

## 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**

- The development must be begun not later than three years beginning with the date of this permission.
   <u>Reason</u>. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- This decision relates to drawings numbered Location plan, P01C, P02B, P03A, P04E, P05C and the development shall not be carried out except in accordance with the drawings hereby approved. <u>Reason.</u> 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 described materials within the application, details/samples of the (materials/bricks) 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/bricks shall be used for the construction of the development.

<u>Reason</u>. 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. No development shall commence unless and until:-
  - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
  - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
  - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

<u>Reason</u>. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Following the provisions of Condition 4 of this planning permission, 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 Section 15 - Conserving and enhancing the natural environment.

6. Bat and bird boxes shall be installed in the dwelling hereby approved prior to first occupation.

<u>Reason</u>. 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 Section 11 of the National Planning Policy Framework.

7. 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.

<u>Reason</u>. 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 EN5/1- 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 NPPF.

 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwelling hereby approved being brought into use.
 <u>Reason</u>. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the

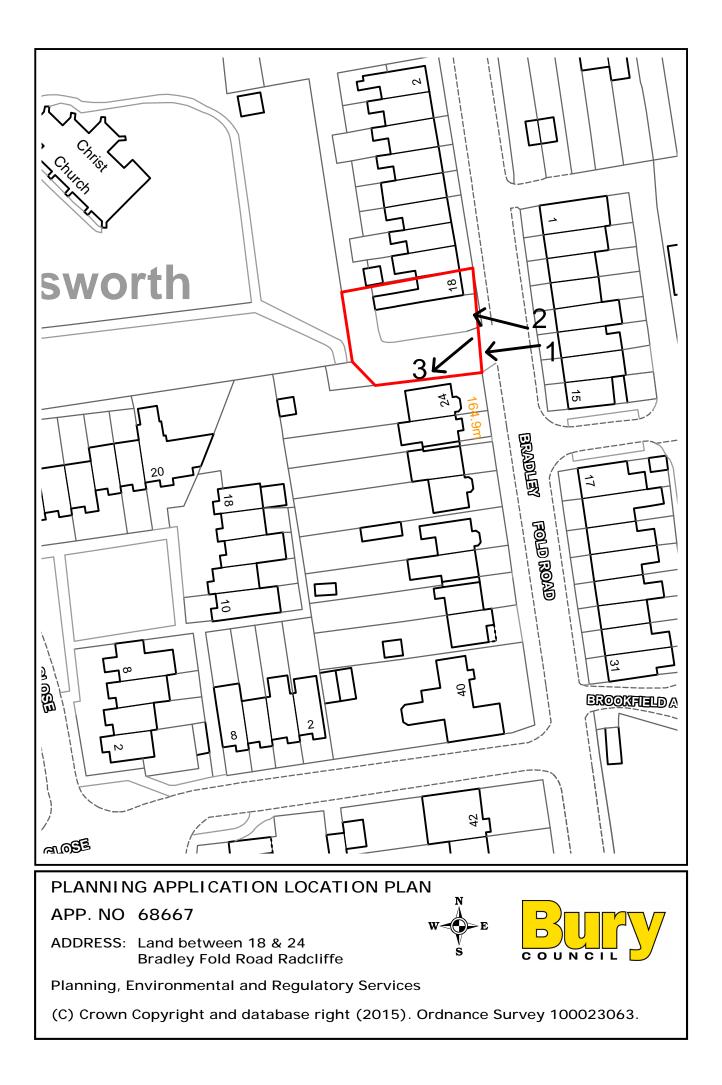
road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 9. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
  - 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 demolition/construction vehicles together with storage on site of demolition/construction materials;

 Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials. <u>Reason</u>. Information not submitted at application stage. 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 Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

For further information on the application please contact Helen Leach on 0161 253 5322



### 68667

Photo 1



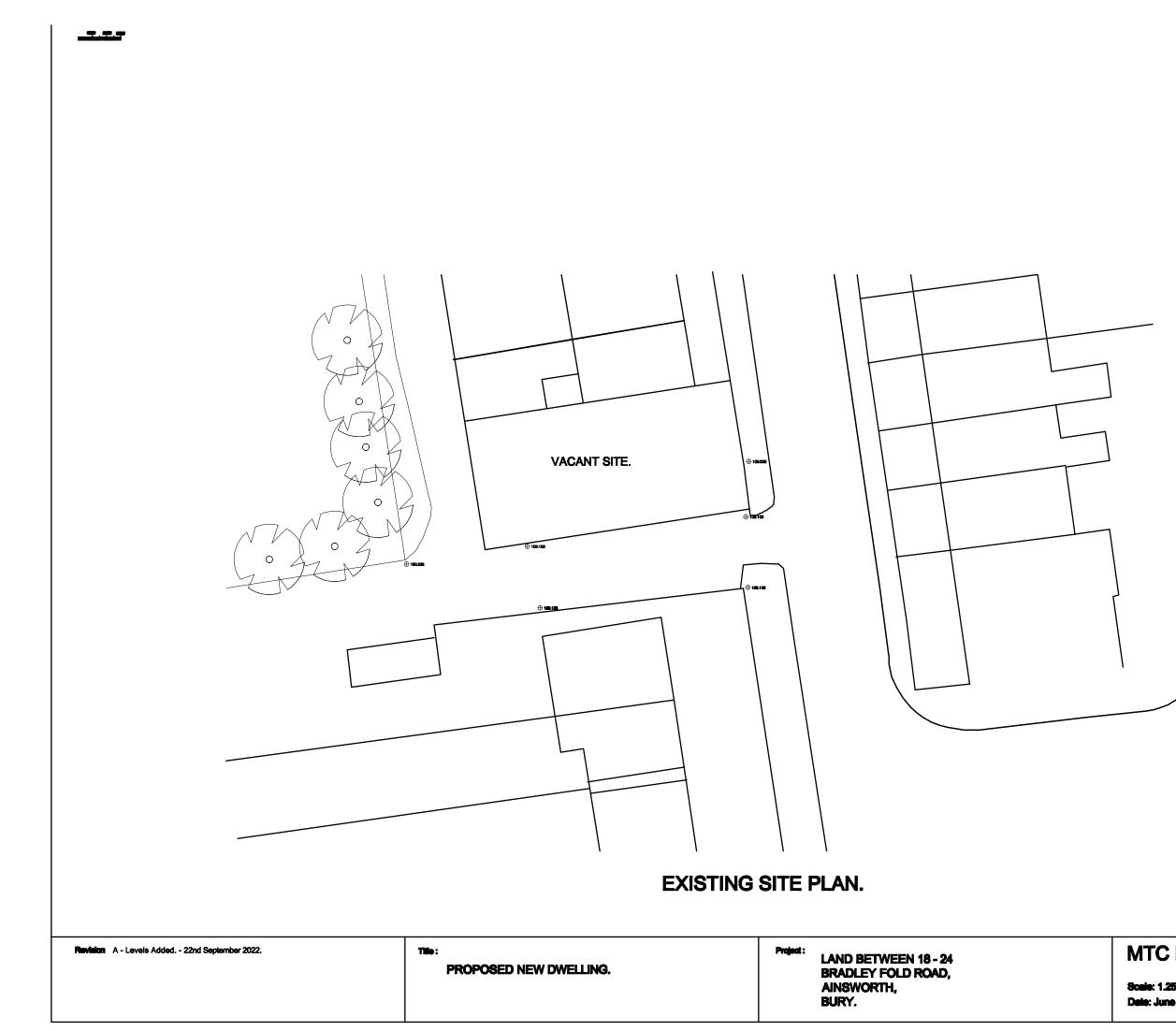
Photo 2



### 68667

Photo 3



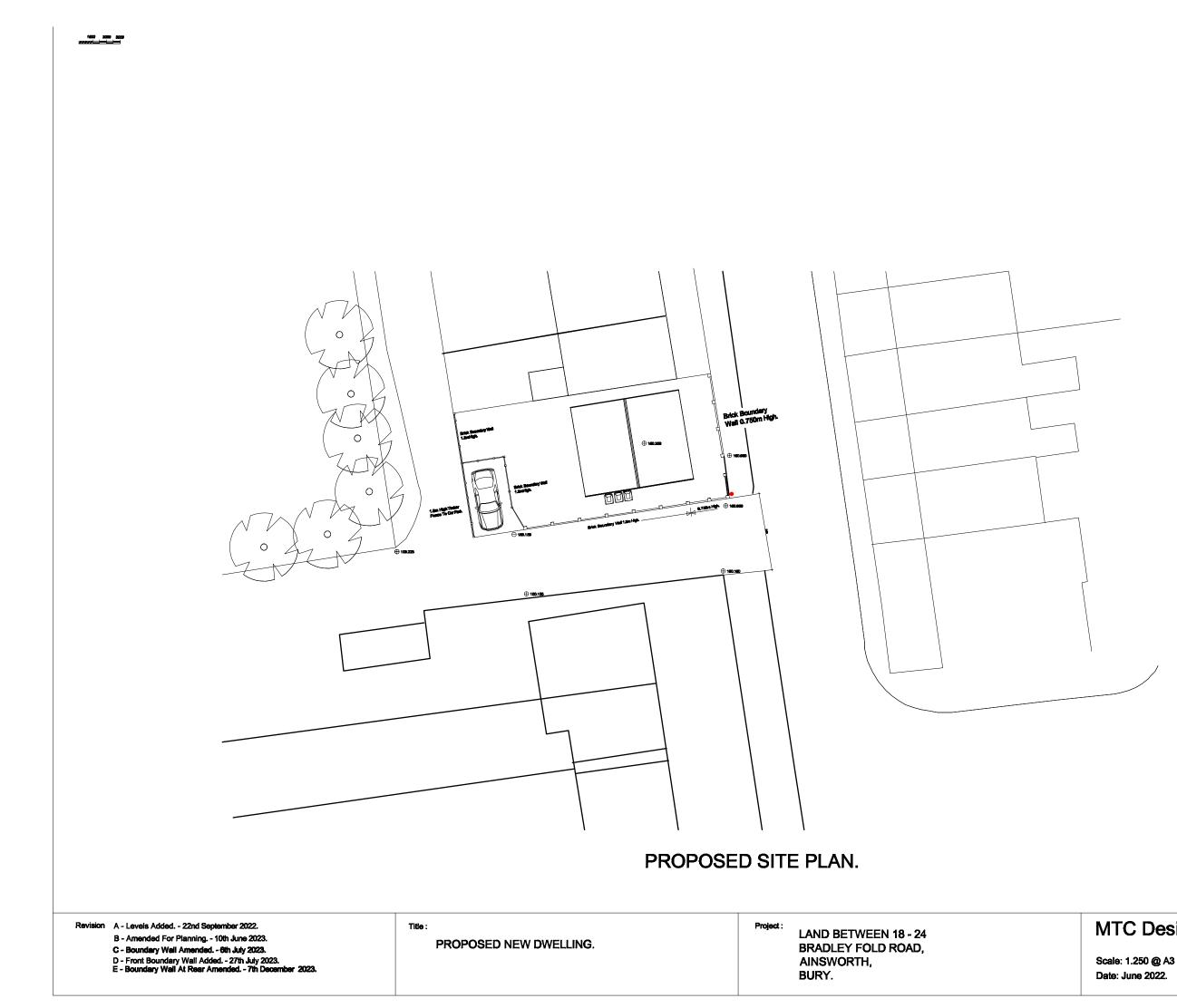


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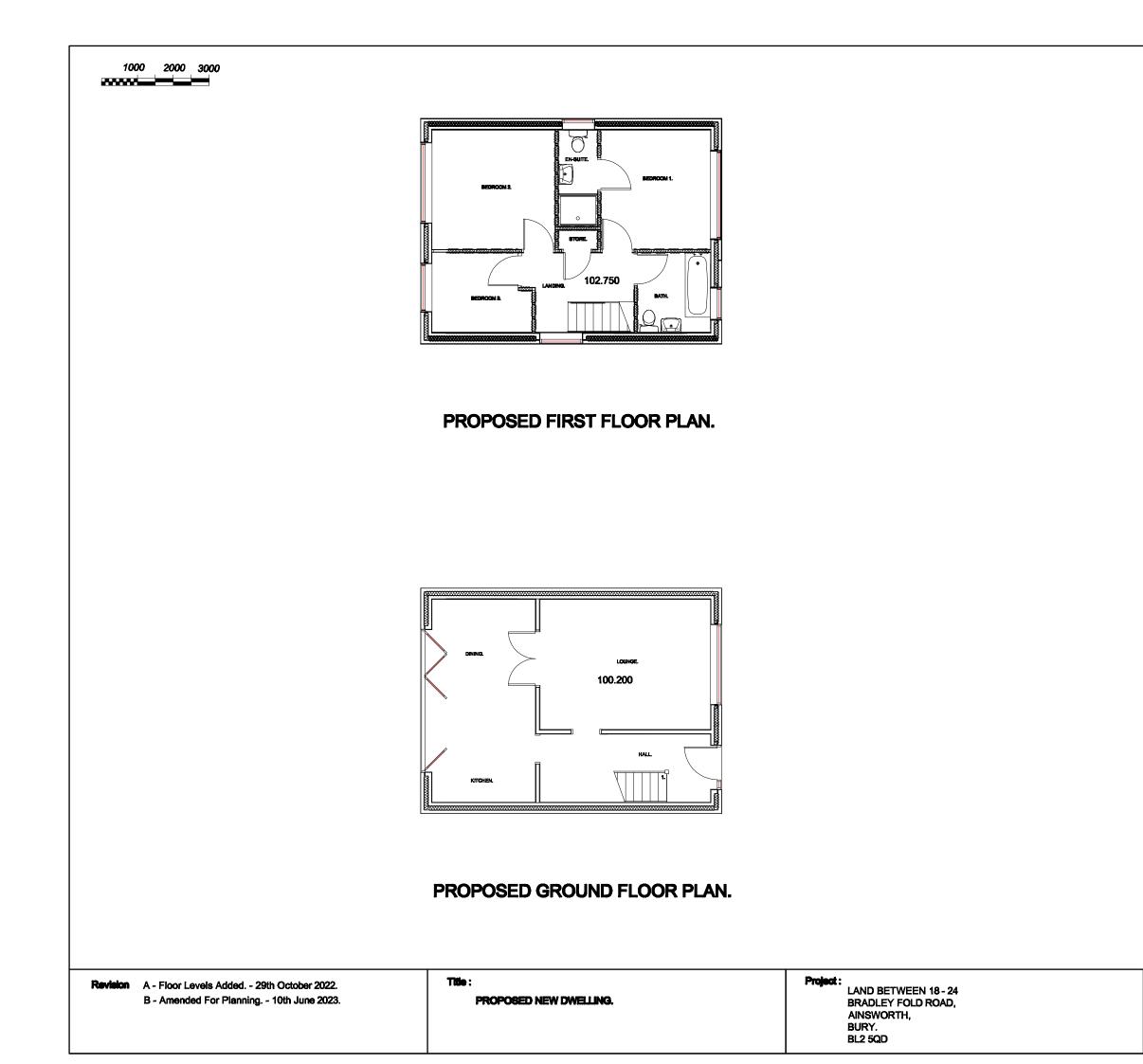


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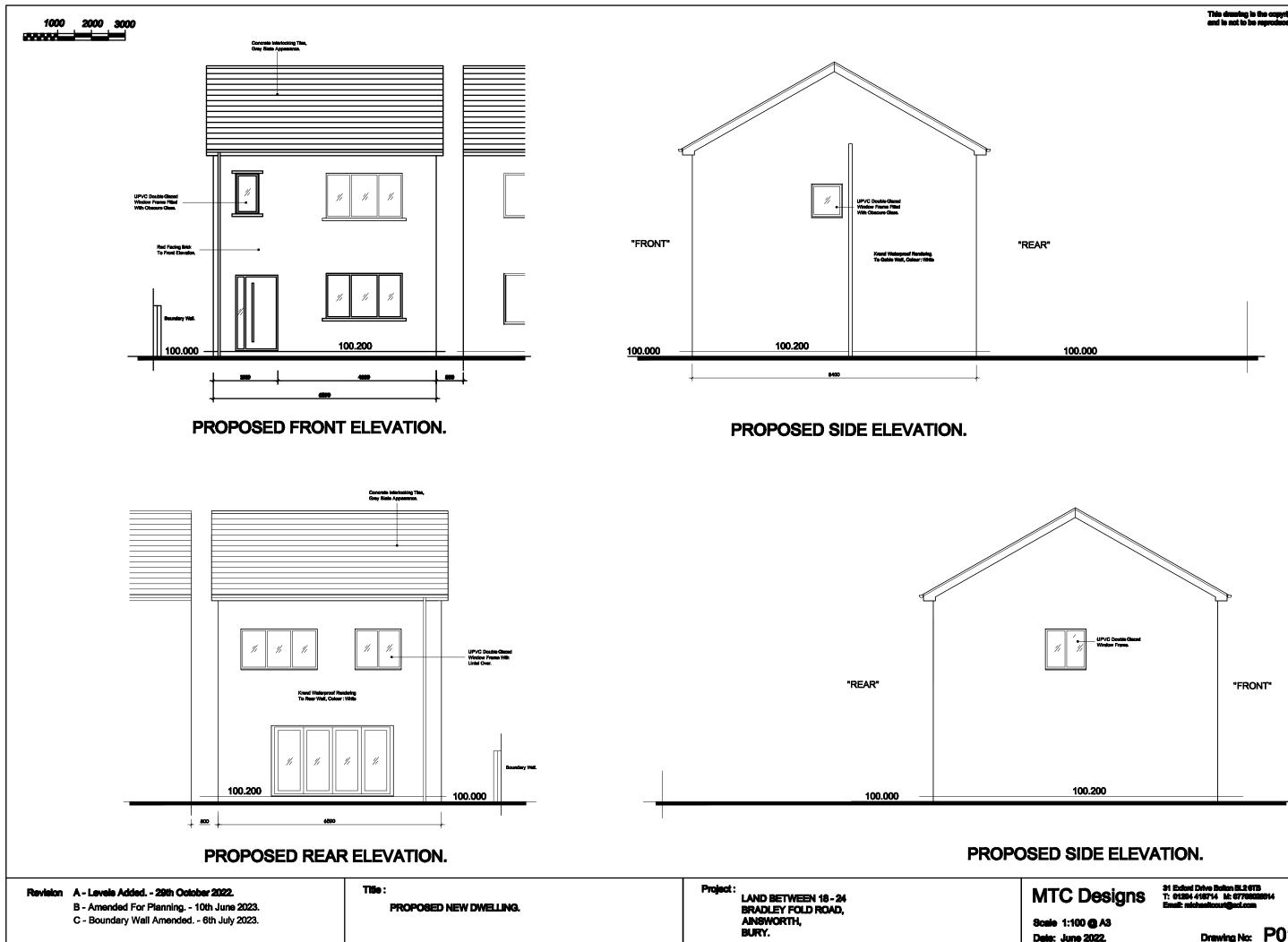


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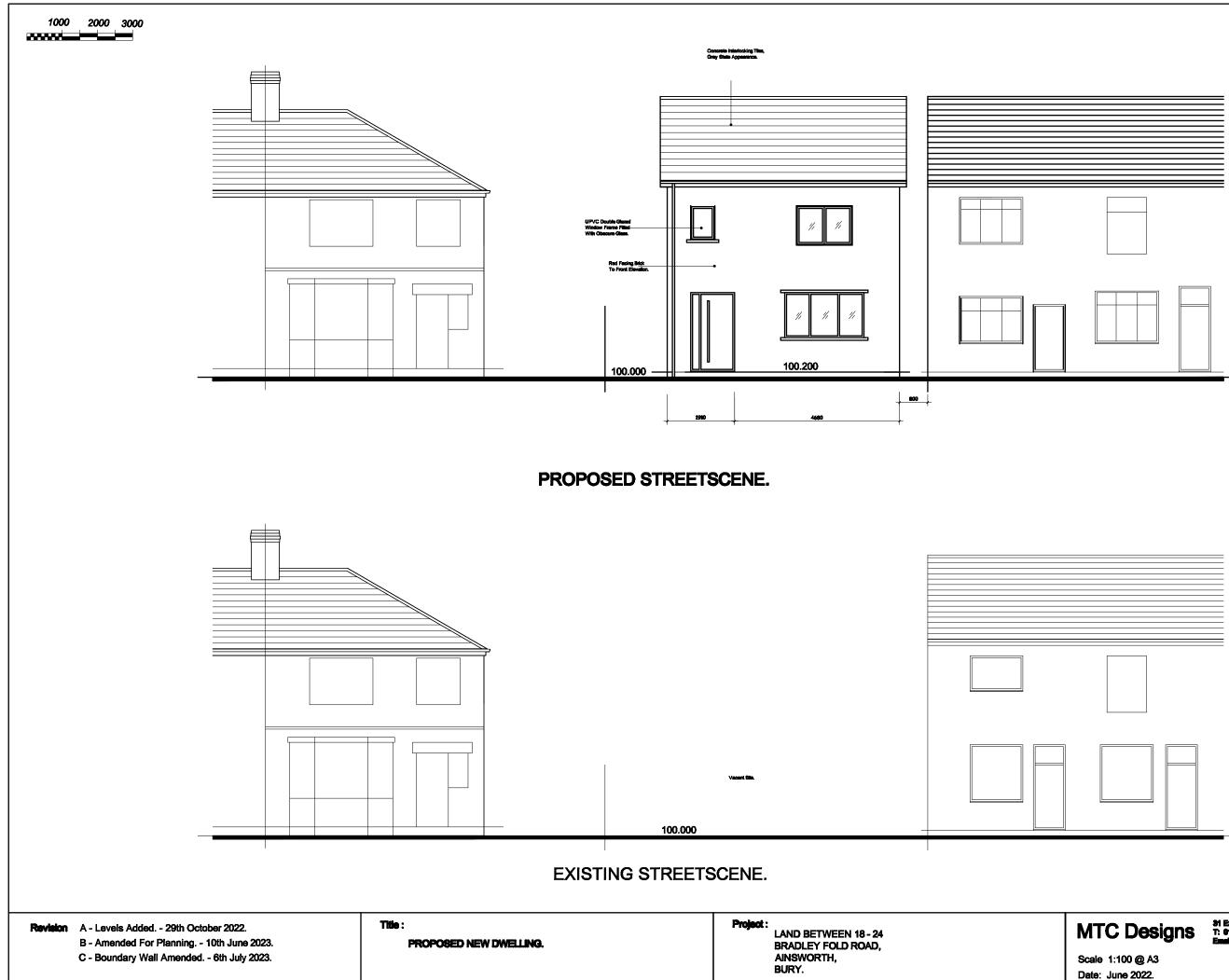
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# Drawing No: P01C Date: June 2022.



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Drawing No: P05C