

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 22/11/2023 | <b>Ref:</b> 69812/FUL          |
| <b>Registration:</b> 26/06/2023 | <b>LDFC:</b> 11/08/2023           | <b>Expiry Date:</b> 21/08/2023 |
| <b>Site Visit:</b> 20/07/2023   | <b>Site Notice:</b> 20/07/2023    | <b>Press Date:</b> 20/07/2023  |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> ALB           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIDW        |

**Proposal:** Conversion of existing barn to 4 no. dwellings and replacement of existing stables with 1 no. dwelling

**Location:** Barrack Fold Farm, Knowsley Road, Ainsworth, Bolton, BL2 5PU

### **Description**

The site is located within a farm complex located within the Green Belt and in the West Pennine Moors area of landscape value. The site can be accessed from Arthur Lane and Knowsley Road. The farm complex consists of a number of buildings.

To the east of the access from Knowsley Road is the Grade II listed farmhouse. It is constructed from a mix of materials including stone, slate and brick. This building dates back to circa 1631 and was damaged by fire several years ago. The listed building has been restored and extended in accordance with planning permission 53450. As part of the permission (53450), there is an extant consent for a garage on the land to the west of the farmhouse.

Opposite the listed building are the barn, hay barn, parlour and lean-to, which form one large building and is Grade II listed. The barn dates to the late 18th/early 19th century and is constructed from stone and slate, as is the hay barn. There is a single storey extension to the barn, which is constructed from red brick as is the parlour. This barn has a consent to conversion to residential use, which has been implemented.

There is a agricultural building, which is located to the north of the barn, hay barn, parlour and lean to and on the perimeter of the site. The agricultural building is constructed from blockwork within a portal frame building. There is a hardstanding between the grade II listed barn and the agricultural building. This building has a consent for conversion of a dwelling under planning reference 69436.

To the west of the farmhouse, there is a parking area (which has an extant consent for a garage), a agricultural building and a stables building. The existing agricultural building is constructed from stone base with timber boarding above and a profile metal roof. The stables building is located to the west of the agricultural building and is constructed from painted breezeblock with a profile metal sheet roof.

### **Proposed development**

The proposed development involves the conversion of an existing barn to 4 dwellings and the replacement of a stables building with 1 dwelling.

The proposed development would utilise existing openings on the existing barn and would be subdivided to form 4 dwellings.

The existing stables building is located to the west of the site and would be demolished and replaced with a proposed bungalow. The proposed bungalow would be constructed form

stone and slate.

The site would be accessed from Knowsley Road via a private access and passing places would be provided.

### **Relevant Planning History**

53188 - Conversion of an existing barn into a single dwelling; Detached garage at Barrack Fold Farm, Arthur Lane, Ainsworth. Approved with conditions - 17 November 2010.

53450 - Demolition of two storey side extension (east & west); Renovation and conservation of the building fabric; Erection of two storey extension to rear; Two storey extension to side (west) & single storey extension to side (east) at Barrack Fold Farm, Arthur Lane, Ainsworth. Approved with conditions - 7 February 2011

53451 - Listed Building Consent for demolition of two storey side extensions (east & west); Renovation & conservation of the building fabric; Erection of two storey extension to rear; Two storey extension to side (west) & single storey extension to side (east) at Barrack Fold Farm, Arthur Lane, Ainsworth. Approved with conditions - 7 February 2011

54216 - Non-material amendment following grant of planning permission 53450 to form independent stud partition with dry lining to cover original fireplace in kitchen area at Barrack Fold Farm, Arthur Lane, Radcliffe. Approved with conditions - 16 August 2011.

56565 - Listed building consent for conversion of existing barn into a single dwelling and construction of a detached garage at Barrack Fold Farm, Arthur Lane, Ainsworth. Approved with conditions - 25 September 2013

69436 - Prior approval for the change of use from agricultural building to dwellinghouse at Barrack Fold Farm, Arthur Lane, Ainsworth. Prior approval required and granted - 3 May 2023.

69803 - Listed building consent for conversion of existing barn to 4 no. dwellings and replacement of existing stables with 1 no. dwelling at Barrack Fold Farm, Arthur Lane, Ainsworth. Received - 26 June 2023.

69945 - Variation of condition 2 (approved plans) on 53450: to refer to replacement proposed site plan showing amended siting of detached garage (Drawing ref: 23/1301/201) at Barrack Fold Farm, Knowsley Road, Ainsworth. Received - 27 July 2023.

### **Publicity**

The neighbouring properties were notified by means of a letter on 13 July 2023 and a press notice was published in the Bury Times on 20 July 2023. Site notices were posted on 20 July 2023.

There has been no response.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No comments received.

**Drainage Section** - No response.

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

**Environmental Health - Air Quality** - No objections, subject to the inclusion of conditions relating to electric vehicle charging point.

**Environmental Health - Pollution Control** - No comments.

**Waste Management** - No response.

**Conservation Officer** - No objections.

**Public Rights of Way Officer** - No objections.

**Building Control** - No response.

**GM Ecology Unit** - No objections, subject to the inclusion of conditions relating to bats and landscaping and an informative relating to nesting birds.

**GM Fire Service** - No response.

**United Utilities** - No objections.

**Pre-start Conditions** - Applicant/Agent has agreed with 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                   |
| H2/4  | Conversions                                                 |
| EN1/1 | Visual Amenity                                              |
| EN1/2 | Townscape and Built Design                                  |
| EN1/3 | Landscaping Provision                                       |
| EN2/3 | Listed Buildings                                            |
| EN6   | Conservation of the Natural Environment                     |
| EN6/3 | Features of Ecological Value                                |
| EN7   | Pollution Control                                           |
| EN7/1 | Atmospheric Pollution                                       |
| EN7/2 | Noise Pollution                                             |
| EN7/5 | Waste Water Management                                      |
| OL1/2 | New Buildings in the Green Belt                             |
| OL1/4 | Conversion and Re-use of Buildings in the Green Belt        |
| RT3/4 | Recreational Routes                                         |
| HT2/4 | Car Parking and New Development                             |
| HT6/2 | Pedestrian/Vehicular Conflict                               |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| NPPF  | National Planning Policy Framework                          |

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

**Principle - Green Belt** - The application site is located within the Green Belt and involves the conversion of the existing barn into 4 dwellings and the conversion of the existing stables into 1 dwelling.

NPPF Chapter 13 - Protecting Green Belt Land and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as 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.

Paragraph 150 states that certain forms of development are also not inappropriate in the

Green Belt providing they preserve its openness and so not conflict with the purposes of including land within it. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure, which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- material changes in the use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds); and
- development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Paragraph 148 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.

Policy OL1/2 states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture or forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- 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;
- limited infilling in existing villages as set out under Policy OL1/3.

UDP Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt is not inappropriate development and would be permitted provided that:

- it would not have a materially greater impact than the present use on openness;
- any extensions of re-used buildings and any associated uses of land surrounding the building do not conflict with the openness of the green belt;
- the buildings would be capable of conversion without major or complete reconstruction; form, bulk and design would be in keeping with the surroundings;
- suitable access and traffic can be accommodated;
- necessary services can be provided;
- no damage to habitats or protected species.

Conversion of barn - The proposed development would involve the conversion of the barn to 4 dwellings and there is an extant planning consent to convert this building into a single dwelling. The barn is constructed from stone with a slate roof and is of permanent construction. The issues of form, bulk, design and access will be addressed later. Therefore, this element of the proposed development would be in accordance with Policy OL1/4 of the bury Unitary Development Plan and the NPPF.

Replacement of stables - The proposed development involves the demolition of the existing stables building and the erection of a dwelling. The applicant has put forward that the proposed development would comply with the last bullet point - 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 upon the openness of the Green Belt.

The proposed replacement dwelling would be a bungalow and would result in a footprint

increase of 4% and a volume increase of 22%. The eaves of the existing building would be 2.5 metres in height, whilst the eaves of the proposed dwelling would be 2.3 metres in height, which would result in a reduction in the bulk and massing. The proposed development would be viewed against the existing agricultural building and the existing barn, which would be converted as part of these proposals. The proposed dwelling would not be readily discernable from the existing grouping of buildings and there would be no significant change in character. Therefore, the proposed development would not have a greater impact upon the openness of the Green Belt and would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

**Principle - Residential** - 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 'tilted balance' does not apply to sites in the green belt and the points in paragraph 11d) do 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 proposed development would be located within a clearly defined complex of buildings and as such, the proposed development would not conflict with the surrounding land uses. Adequate infrastructure could be provided to the 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 and the NPPF.

**Heritage** - The existing barn and the existing dwelling (Barrack Fold Farm) are Grade II listed buildings.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The impact of the proposed conversion on the listed barn will be considered under listed building consent application 69803.

As such, the heritage comments on this application relate to the impact of the demolition of the stables and replacement with a dwelling on the setting of the listed barn and farmhouse.

The proposed dwelling would be within the setting of the listed barn and farmhouse and would replace an existing 20th century single storey stable block which represents a negative impact on the setting of the listed barn and farmhouse.

Although the proposal would be on a slightly different footprint and would be slightly higher than the stable block it would replace, it would relate better to the barn and farmhouse by virtue of its orientation, size, scale, design and materials without representing a pastiche of the barn or farmhouse. The proposal would not materially alter the setting of the barn or farmhouse or how the barn and farmhouse is experienced. It would not be materially more visually dominant than the building it would replace and would not challenge the barn or farmhouse architecturally.

The proposal would not alter the layout of the farmstead as a whole and therefore, the legibility of the site with regard to the context of the evolution of local and national agriculture would be maintained.

The Conservation Officer has no objections to the proposed development.

Therefore there would not be an unacceptable impact on setting of the listed barn or farmhouse and therefore would not cause any loss of significance. As such the significance of the listed buildings would be sustained. The proposal would not represent less than substantial harm requiring the justification of public benefit (paragraph 202 of the National Planning Policy Framework) and would comply with adopted UDP policy EN2/3 - Listed Buildings and paragraph 197 National Planning Policy Framework.

### **Design and layout**

Conversion of the barn - The number of openings on the south elevation, which faces the existing dwelling and listed building, has been kept to a minimum and there would be some new openings on the northern elevation. The majority of the proposed openings relate to the existing openings and by keeping the number of new ones to a minimum, the simplicity of the building has been retained by keeping the number of new openings to a minimum.

The barn openings would be retained as windows, with three vertical glazed sections and this theme is continued on the rear elevation. The existing opening on the rear elevation of the parlour would be reduced in width and two vertical glazed openings would be created from ground floor to the roof. These new openings, along with the proposed openings on the northern elevation would not detract from the character of the original building. As such, the proposed development would preserve the character of both the listed buildings.

The proposed porch to units 2 and 3 would connect to the barn with a glazed section. This would be continued on the front elevation, where a floor to roof glazed entrance would be provided. The proposed porch would be constructed from stone and slate, which would be acceptable.

Whilst the plans indicate that the windows and doors would be uPVC, the planning consent (53188 and 56565) for the conversion of the barn was clear that timber or aluminium windows should be used. The use of aluminium or timber will be secured by a condition.

Overall, the simplicity of the building has been retained and the proposed extensions would be small, unobtrusive and subsidiary to the building. As such, the proposed development would preserve the character of the two Grade II listed buildings and would be in accordance with Policy OL1/4, EN1/1 and EN1/2 of the adopted Unitary Development Plan and the NPPF.

**Replacement dwelling** - The proposed development would involve the replacement of the stables building with a dwelling.

The proposed dwelling would be single storey and would be located on the footprint of the existing stables building. The proposed dwelling would be constructed from stone with a slate roof, which would preserve the character of the nearby listed buildings. The proposed openings would be of a similar size and scale to those in the proposed barn conversion, which would maintain a similar design approach. The use of headers and cills would add visual interest to the proposed dwelling. Therefore, the proposed development would preserve the character of the two Grade II listed buildings and would be in accordance with Policy OL1/4, EN1/1 and EN1/2 of the adopted Unitary Development Plan and the NPPF.

**Impact upon surrounding area** - The level of private amenity space for the dwellings in the proposed barn conversion would be acceptable and there would be space within the gardens for bin storage. The proposed boundary treatments would be a post and rail fence between 1.2 metres and 1.5 metres in height. A hedgerow would be planted around the perimeter of the proposed gardens. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

**Impact upon residential amenity** - SPD 6 provides guidance on aspect standards between residential properties and would be relevant in this case.

There would be 8.4 metres from the northern elevation of the barn to the boundary and 10.3 metres from the northern elevation of the barn to the southern elevation of the agricultural building (unit 5). This would be in excess of the 7 metre aspect standard.

There would be between 17.5 and 19.5 metres between the proposed barn dwellings and the existing dwelling, which would be in excess of the aspect standards.

There would be 6.7 metres between the eastern elevation of unit 6 and the existing agricultural building. Whilst this is 0.3 metres below the aspect standard of 7 metres, it would not have a significant adverse impact upon the amenity of the future occupiers of unit 6. There would be between 12.5 metres from the western elevation to the boundary, which would be in excess of the 7 metre aspect standard.

Therefore, the proposed development would not have a significant adverse impact upon residential amenity.

**Ecology** - A bat survey has been submitted with the application and concludes that one of the buildings is low risk. An emergence survey was undertaken and no evidence of bats roosting was recorded in either building and very low levels of bat activity was recorded. GM Ecology Unit has no objections, subject to a condition relating to bats and an informative relating to nesting birds.

Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. GM Ecology Unit recommends that 1 bat box and 1 bird box are provided as mitigation/enhancement and this would be secured by a condition.

Therefore, the proposed development would not harm a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

**Public Right of Way issues** - There are several Public Rights of Way (PROW) which pass through the centre of the site and along Knowsley Road, which is the main access. The proposed development includes the provision of passing places along the access to the proposed dwellings, which is also a PROW.

The existing PROW at the rear of plots 1 - 4 would remain at a width of 3.3 metres and the agent has reduced the fencing to the rear gardens of plots 1 - 4 to 1.2 metres in height. In addition, the bin collection point and the parking for plot 5 have been relocated to an area of hardstanding to the north of the PROW and as such, would be kept clear of the PROW.

The Public Rights of Way Officer has no objections to the proposed development.

Therefore, the proposed development would not have an adverse impact upon the PROW and would be in accordance with Policy RT3/4 of the Bury Unitary Development Plan.

**Highways issues** - The proposed development would be accessed from Knowsley Road and the proposed development would include the provision of 5 passing places, which is welcomed. Turning facilities and parking would be provided on site.

The proposed development would be beyond 250 metres from a single access point and in this instance, a secondary emergency access would be required. Whilst the main access is from Knowsley Road, there is an access road which connects to Arthur Lane. This could be used to gain access to the site in the unlikely event that Knowsley Road is blocked or impassable. In addition, there is 1 residential property and an extant consent for a second dwelling on site currently. GM Fire Service have been consulted on the proposal. No comments have been received. Given the existing dwellings on site and the alternative access, it is considered that the proposed development would be acceptable.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

**Parking** - SPD11 states that the maximum parking standards for a 3 and 4 bed dwelling are 3 spaces per unit, which would equate to 18 spaces (including the existing dwelling).

The proposed development would provide 15 parking spaces, which would be clear of the PROW. Each unit would have 3 parking spaces, except units 2 and 3, which are located in the courtyard, where there is space to accommodate additional parking if required. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

**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 pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions and Reasons:**

- 1 The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 23/1283/100, 23/1283/101, 23/1283/112, 23/1283/113, 23/1283/162B, 23/1283/163B, 23/1283/201, 23/1283/202, 23/1283/203, 23/1283/212, 23/1283/213, 23/1283/262B, 23/1283/263B, M693/BFF/LAND/01 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Details/Samples of the (materials/bricks/window frames) 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.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/1 Visual Amenity and EN2/3 - Listed Buildings of the Bury Unitary Development Plan
- 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.Reason. 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.

- 7 The developmetn hereby approved shall be carried out in accordance with the method statement and reasonable avoidance section of the bat report, dated 31 August 2023.  
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 8 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 9 The boundary treatments shall be as shown on approved plan 23/1283/201B and shall remain as such whilst these boundaries serve the development. No other means of enclosure thall be erected without the prior written consent of the Local Planning Authority.  
Reason. To maintain the openness and character of the Green Belt and its setting in relation to the development pursuant to Policy OL1/4 - Conversion and Re-Use of Buildings in the Green Belt of the Bury Unitary Development Plan.
- 10 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 EN5/1- 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.

- 11 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development shall be carried out within the terms of Classes A to G of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.  
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 12 The garage hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.  
Reason. To ensure adequate car parking provision is retained pursuant to Policy H2/3 -Extensions and Alterations of the Bury Unitary Development Plan and Associated DC Guidance Note 6- Extensions and Alterations.
- 13 The turning facilities indicated on the approved plans shall be provided before the development is brought into use and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:  
Policy H2/1 - The Form of New Residential Development  
Policy H2/2 - The Layout of New Residential Development  
Policy EN1/2 - Townscape and Built Design
- 14 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being brought into use.  
Reason. 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 Bury Unitary Development Plan.
- 15 The passing places indicated on the approved plan 23/1283/202 shall be provided before any of the dwellings hereby approved are occupied and shall subsequently be maintained free of obstruction at all times.  
Reason. To minimise conflict with pedestrians and vehicular traffic pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| HL - 22/11/2023     |             |                         |             |