

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/10/2023	Ref: 69398/FUL
Registration: 30/03/2023	LDFC: 18/08/2023	Expiry Date: 25/05/2023
Site Visit: 27/04/2023	Site Notice: N/A	Press Date: 03/08/2023
10:00:00		
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay:		EIA: NA
Negotiations		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of multi-purpose agricultural building with formation of vehicular access track from Bentley Hall Road

Location: Land adjacent to Bentley Hall Farm, Bentley Hall Road, Bury, BL8 3PH

Description

The application relates to a piece of land equating to approximately 10.92 hectares (27 acres) located on the south side of Bentley Hall Lane, Ainsworth/ Harwood adjacent to the west facing boundary of Bentley Hall Farm. The site is therefore positioned between Bentley Hall Farm, to the east, and Old Holts Farm to the west. The land slopes southwards/ downwards/ away from Bentley Hall Lane. Bentley Hall Lane is a restricted Byway and is a defined Public Right of Way.

The application site is located on sloping land allocated within the adopted Local Plan (Bury Unitary Development Plan) as Green Belt and within the West Pennine Moors Special Landscape areas.

Permission was initially sought for an agricultural building at the southern end of the parcel of land and for a 30m long access track positioned centrally along the boundary of the field with Bentley Hall Farm. Due to the LPA having concerns over the central location of the access track within the field, the buildings isolated position, and its conflict and lack of relationship with neighbouring agricultural buildings, alternative positions to the siting of the building and the length and siting of the access track were sought by the LPA.

Due to the amount of infilling and regrading of the countryside that various other locations would ensue, permission is again sought to erect an agricultural building on the lowest and flattest part of the field, close to the boundary of Bentley Hall Farm. The amendment being considered has re-sited the access track from the middle of the field to its edge so it would run against the land ownership boundary of Bentley Hall Farm and has re-orientated the building to follow the roof profiles and layout of the adjacent agricultural buildings.

The proposed agricultural building would be accessed from Bentley Hall Lane and the front of the proposed agricultural building would be positioned approximately 30m from the boundary of the application site with Bentley Hall Lane.

The proposed agricultural building would measure approximately 24.38m in length, by 12.19m wide, giving the building a floor area of approximately a 297m². The eaves height of the building is proposed at 3.65m with the ridge of the building proposed at 5.28m. Materials would consist of concrete panel base wall with timber boarding above. Cement profile roofing sheets coloured 'Gooswing Grey' is proposed to cover the roof. 5 clear roof panels spaced equally along the roof are proposed for each roofslope.

The proposed development has been sited down the field, close to its southern most boundary, on its flattest part, to avoid having to infill the land and regrade large parts of it,

to create a level plateau on which the building would have been sited, which would have been visually prominent from Bentley Hall Lane, a Public Byway.

Relevant Planning History

Non-relevant

Publicity

Due to the change in location of the proposed building, and the length of the proposed access track, the application has been advertised twice, both in the Press (the Bury Times) and by Site Notice.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to conditions

Public Rights of Way Officer/ Highways - No objections, subject to conditions

Environmental Health - Contaminated Land- No objections, subject to conditions

Environmental Health - Pollution Control - No objections.

Greater Manchester Ecology Unit - No objections.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
OL4/5	Agricultural Development
EN1/1	Visual Amenity
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
HT2	Highway Network
HT2/4	Car Parking and New Development
HT4	New Development
HT6	Pedestrians and Cyclists
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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.

Assessment

Principle of Development

The sites location in the Green Belt

The application site is on a parcel of land within the boroughs adopted Green Belt. Agricultural Buildings are one of the exceptions acceptable in the Green Belt, as defined by paragraph 145 of the National Planning Policy Framework (NPPF).

Policy OL1/2 of the UDP is in line with the policy of the NPPF and states that new buildings in the green belt are inappropriate unless for one of four purposes; one of the purposes being agricultural and agriculture and forestry. SPD8 states that new buildings for agriculture are appropriate within the Green Belt.

In the light of the NPPF and UDP policies, the principle of the agricultural building with the associated access track is considered to be acceptable in Green Belt terms.

Supporting rural businesses

Paragraph 83 of the NPPF states planning policies and decisions should, amongst other factors, enable the development and diversification of agricultural and other land-based rural businesses. In light of the above, the proposal is therefore acceptable in principle.

Whilst the proposed development may have a positive impact upon the local economy as it would enable the applicant to increase production and produce more livestock which can be sold on at local markets, this would have to be assessed against other factors such as the impact on the green belt, visual amenity, residential amenity and highway safety.

Siting, Design and Visual Impact

UDP Policy OL4/5 concerns itself with Agricultural Development seeks to ensure that buildings or structures which require permission should be sited and designed in such a manner to minimise their visual impact on the landscape having regard to height, materials, landform and landscaping; relate well to existing farm buildings; not have an unacceptable impact on the amenity of any neighbouring dwellings.

Agricultural buildings are fundamental to the character of the countryside, a working landscape.

After receiving various amendments and re-siting the building, the proposed building would be sited down the field on its flattest part. It would be sited in relatively close proximity to the farm buildings at Bentley Hall Farm and has been orientated

Out of the various amendments received, which would have resulted in large visually prominent bunds surrounding three sides of the building in close proximity to a field pond located on adjoining land, the revised proposal being considered is considered to be the least harmful on the landscape. The design and materials of the building would be similar to the materials of agricultural buildings at Bentley Hall Farm. It has been orientated to reflect the existing pattern of development from the junction of Harwood Road with Bentley Hall Lane to Bentley Hall Farm. From a visual amenity perspective, the slight re-orientation of the proposed agricultural building will reflect the pattern of development in this locality and is thus considered to be acceptable.

The proposal lacks detail of how much engineering works would be required for the proposed access track, and therefore, a planning condition is recommended ensuring that the sides of the access track are appropriately landscaped, even if it is with natural grasses.

Overall, subject to the above-mentioned condition being imposed, the proposal is considered to have an acceptable impact on this special landscape and will retain its agricultural, rural character.

Impact on nearby residential occupiers

UDP Policy OL4/5 - Agricultural Development seeks to ensure that buildings or structures which require permission should be sited and designed in such a manner to not have an unacceptable impact on the amenity of any neighbouring dwellings.

The nearest residential occupiers are at Bentley Hall Farm, a working farm, which according to the Council's mapping system contains two residential dwellings. The proposed building would be sited further away from the two dwellings at Bentley Hall Farm than their own agricultural building and would therefore not cause demonstrable residential amenity issues, such as noise and odour, over and above what the existing occupiers residing at Bentley Hall Farm experience from their own farm activities.

Utilities, Drainage and Flood Risk

Paragraph 167 of the NPPF (2023) states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

UDP Policy EN5/1 concerns itself with new development and flood risk and states 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, or

would be likely to increase the risk of flooding elsewhere, or affect river flood defences.

The application site is located in Flood Zone 1 which is identified as being an area which has the lowest risk of flooding.

Given the site is now to be located on the lowest part of the site, the proposal is highly unlikely to result in conditions that would result in flood risk occurring downstream. The proposal therefore accords with UDP Policy EN5/1 and the NPPF.

Crime and Design

Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities, with the NPPF recommending that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

PPG 3: 'Planning Out Crime in New Developments reflects the national requirement to consider crime prevention as part of the planning system, in accordance with the requirements of Section 17 of the Crime and Disorder Act.

The site is visible from the applicants property which would result in natural surveillance of the proposed building. In addition, CCTV cameras exist on the land. The proposal would therefore be resilient to crime.

Ground Conditions

The site is currently used as farmland. Current uses within the surrounding area include open land, farm buildings and residential. Previous land uses at the site and in the surrounding area have included quarries and ponds. The site is not located within 250m of a known landfill site and is not in close proximity to any major surface watercourses. The site is situated over the Lower Coal Measures and Old Lawrence Rock Secondary A Aquifers, where drift deposits are expected to be absent. Part of the site is located within a Category 3 Radon Affected Area.

The risks from ground gas are considered low as there are no nearby landfill sites and the fact that the building will be well-ventilated. Although part of the site is located within a Radon Affected Area, the proposed barn itself is not within the affected area. With relation to contaminated land, the site has not been previously developed and the end use as a barn is not considered sensitive. Therefore, the risks to future site users and the environment are considered low. However, based on the plans provided, there will be a significant uplift of the ground to create a level building platform. If the soil material used is to be imported to site, it must be clean and suitable for use. Consequently, in line with the National Planning Policy Framework, it is recommended that a condition ensuring any imported materials used to facilitate the development are not contaminated is placed on any grant of permission.

Highway Safety

Bentley Hall Lane is a restricted Byway, Footpath no. 130BUR, an unmade and unlit road. Access to the application site would be off this public right of way (PROW). The Highway Authority has no objections subject to the unmade path, the PROW, not being adversely affected and the safety of users of the PROW not being harmed. The Highway Authority thus have no objections, subject to conditions to a construction management plan condition being imposed.

Conclusion

Subject to the recommended planning conditions, the proposal is considered to accord with all relevant local and national planning policies and it is therefore recommended that it be conditionally approved.

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 permission relates to the following plans:

Drawing no. Drawing number: 003, Revision E: Location Plan;
Drawing no. Drawing number: 004, Revision E: Existing Site Plan;
Drawing no. Drawing number: 005, Revision. J: Proposed Site Plan;
Drawing no. Drawing number: 006, Revision B: Site Section; and,
Drawing no. Drawing number: C154 - 7 Revision B: Proposed Plans.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 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:

- Photographic dilapidation survey of Public Rights of Way No.'s 47 Christ Church, Radcliffe & 130, Bury, which forms the access to and about the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access route/point(s) for construction traffic to the site from the adopted highway;
- If proposed, details of site hoarding/gate positions clear of Public Rights of Way No.'s 47 Christ Church, Radcliffe & 130, Bury;
- The provision, where necessary, of temporary pedestrian facilities/protection measures;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on the Public Rights of Way that serves the site and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials clear of Public Rights of Way No.'s 47 Christ Church, Radcliffe & 130, Bury;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way/adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and,
- Measures to minimise dust nuisance caused by the operations.
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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. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason: To mitigate the impact of the construction traffic generated by the proposed development on Bentley Hall Lane, PROW no. 337BUR to ensure the safety of all users of the Public Rights of Way.

- 4 Any soil or soil forming materials brought to site for use in filling and level raising shall be tested for contamination and suitability for use on site.

Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and the approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) 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 11 - Conserving and enhancing the natural environment.

- 5 The vehicular and pedestrian access arrangements, turning facilities and parking/hardstanding for the new agricultural building indicated on approved plan reference C 154 - 7 Revision B, incorporating measures to prevent the discharge of surface water from the vehicular access track onto Bentley Hall Road/ Public Rights of Way No.'s 47 Christ Church, Radcliffe & 130, Bury, shall be implemented to the satisfaction of the Local Planning Authority before the development is brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason: To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the PROW, ensure adequate off-street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	06.10.2023	DM	06/10/23