

DELEGATED REPORT

Report by Helen Leach	Date of report: 19/10/2023	Ref: 69945/FUL
Registration: 27/07/2023	LDfC: 20/09/2023	Expiry Date: 21/09/2023
Site Visit: 30/08/2023	Site Notice: 30/08/2023	Press Date: 17/08/2023
Objections:	Con Area: N/A	Adv Type: ALB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: 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)

Location: Barrack Fold Farm, Knowsley Road, Radcliffe, Bolton, BL2 5PS

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 building, which is known as Barrack Fold Farm. It was constructed from a variety of materials including stone, slate and brick. This building was restored and extended following the grant of planning permission in 2011.

Opposite the listed building are the barn, hay barn, parlour and lean-to, which form one large building. 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 building has a extant consent to be converted into a dwelling.

Planning permission was granted in 2011 for the demolition of the two storey side extensions (east and west), the porch extension on the front and the conservatory at the rear. The farmhouse would be renovated and restored, including a two storey side extension to the west, a single storey side extension to the east, a two storey extension at the rear and a single storey extension to the front.

The premission also included the demolition of the existing outbuilding to the west of Knowsley Road and its replacement with a garage, which would be constructed from stone and slate. The proposed garage would measure 13.5 metres by 6.98 metres and 4.36 metres in height.

As works to extend the dwelling have been completed, the permission is extant and the proposed garage can be constructed.

Proposed development

The proposed development involves the variation of condition 2 (approved plans) to relocate the garage.

On the original approval, the garage was set at 45 degrees and the proposed development would involve rotating the garage so it would be horizontal. The proposed garage would be the same size and footprint and would be constructed from the same materials - stone and slate.

The proposed garage would be accessed from the main vehicular access to the site as per the original approved plans.

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.

69812 - Conversion of existing barn to 4 no. dwellings and replacement of existing stables with 1 no. dwelling at Barrack Fold Farm, Knowsley Road, Ainsworth. Received - 26 June 2023.

Publicity

The neighbouring properties were notified by means of a letter on 11 August 2023 and a press notice has been published in the Bury Times on 17 August 2023. Site notices were posted on 30 August 2023.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Public Rights of Way Officer - No objections, subject to the inclusion of an informative relating to PROW.

Conservation Officer - No objections.

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

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN3/1	Impact of Development on Archaeological Sites
EN3/2	Development Affecting Archaeological Sites

EN6/3	Features of Ecological Value
EN7	Pollution Control
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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 in the Green Belt.

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.

There is an extant permission (53540) to erect a garage on this piece of land by virtue of the fact that the extensions on the farm house have been completed. The proposed development involves the relocation of the proposed garage by rotating it and would not change the size or height of the building. As such, the proposed development would not have a greater impact upon the openness of the Green Belt compared to that which was previously approved. Therefore, the proposed development would be in accordance with Policy OL1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed garage would be similar in design to the garage, which was approved and has been built as part of the barn conversion (53188). The proposed development involves the rotation of the proposed garage, so it would be parallel to the farmhouse that it would relate to. The proposed development would provide a better relationship with the adjacent listed farmhouse than previously approved. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, EN2/3 and OL1/2 of the Bury Unitary Development Plan.

Highways issues - The site would be accessed from Knowsley Road, which is a public right of way. As there is an extant consent for the garage, which would be linked to the farmhouse (existing dwelling), the proposed development would not intensify the use of Knowsley Road and would not impact upon the public right of way. The Traffic Section has no objections to the proposal. The garage would be accessed from an access road, which is a PROW. The PROW officer has no objections, subject to the inclusion of an informative relating to the PROW. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 and Policy RT3/4 of the adopted Unitary Development Plan.

Parking - SPD11 states that the maximum parking standards for a dwelling of this size is 3

spaces. The proposed development would include a garage, which would provide 3 parking spaces. Therefore, the proposed development would comply with the maximum parking standards and would be in accordance with Policy HT2/4 of the adopted Unitary Development Plan and SPD11.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions 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 1381/200A, 381/201B, 1381/202, 1381/203, 1381/204 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 policies of the Bury Unitary Development Plan listed below.
- 3 Sample panels of stonework and mortar, demonstrating the colour, texture, face bond and pointing for the stonework repair/rebuild, replacement and re-pointing, not less than 1 sq.m in size, shall be erected on site for inspection, and approval in writing, by the Local Planning Authority prior to the commencement of the development.
Notwithstanding the submitted plans, samples of the roofing materials (stone flags) shall also be made available for inspection on site. Thereafter the development shall be constructed in the approved materials and manner of construction.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury and Policy EN2/3 - Listed Buildings Unitary Development Plan.
- 4 The internal fireplace in the eastern elevation, which are removed in accordance with this consent, together with as much as practicable of the original external materials shall be incorporated in the new fireplace. Full details of the design of the proposed fireplace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The approved details shall be implemented in full.
Reason. In order to preserve the interior of the building of special architectural or historic interest pursuant to Policy EN2/3 - Listed Buildings of the Bury Unitary Development Plan and as provided for by Section 17 (1) (c) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5 No development shall commence unless or until full details of the window frames and doors and their fixing and siting in relation to the reveals at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development hereby approved.
Reason. In the interests of visual amenity and to ensure a satisfactory development

pursuant to the following policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN2/3 - Listed Buildings

- 6 No works shall be carried out on the site until a detailed scheme for the treatment, repair, replacement and upgrading of the cruck frames and roof structure, including the padstone details has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7 No development shall commence unless or until full details of the method to support the retained beams as shown in pictures 1A, and 1B - 6B of the historical/condition analysis and design justification, during the construction works has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8 No development shall commence unless or until a method statement for the breaking through of walls to form doorways has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with those details.
Reason. In order to preserve features of special architectural or historical interest and as provided for under Section 17(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9 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.
- 10 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. To secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.
- 11 Following the provisions of Condition 10 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 Planning Policy Statement 23 - Planning and Pollution Control.

- 12 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, 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 validity evidence (soil descriptions, laboratory certificates, photographs etc) 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 Planning Policy Statement 23 - Planning and Pollution Control.
- 13 All instances of contamination encountered during the development works which do not form part of an approved Remediation Strategy shall be reported to the Local Planning Authority (LPA) immediately and the following shall be carried out where appropriate:
- Any further investigation, risk assessment, remedial and / or protective works shall be carried out to agreed timescales and be approved by the LPA in writing;
 - A Site Verification Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the development being brought into use.
- Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 19/10/2023		DM 19/10/23	