

DELEGATED REPORT

Report by Tom Beirne	Date of report: 22/06/2022	Ref: 68337/FUL
Registration: 10/05/2022	LDFC: 03/06/2022	Expiry Date: 05/07/2022
Site Visit: 31/05/2022	Site Notice: N/A	Press Date: 19/05/2022
Objections: 0	Con Area:	Adv Type: ALB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Variation of condition 02 following approval of planning permission 60870:-
Amendments to internal layout of unit 2; First floor - additional bedroom and ensuite; Second floor - additional floor area to provide dressing room & ensuite and East elevation amended to reflect the above changes.

Location: Bast House Barns, Manchester Road, Ramsbottom, Bury, BL9 5LZ

Description

The application relates to a redundant farm complex immediately to the east of Bast House and Bast House Farm Cottage and to the west of Bast House Farm. The site is to the south east of Gollinrod, next to the junction 1 of the M66 between Bury and Ramsbottom. The site is surrounded by open countryside and there is a small lodge to the south-east. The site is accessed from a private track off Manchester Road which loops around the site and runs back onto Manchester Road at the same point.

The site lies within the Green Belt and Area of Special Landscape. Bast House Farm Cottage, to the west, is a Grade 2 listed building and a Public Right of Way (PRoW) (229) runs through the site west to east. The location plan shows the routes of the PRoW in and around the site.

The previously approved proposal (60870) involved converting the existing farm buildings into six dwellings, five in the larger building, the subject of this application, and one in the single storey barn.

A subsequent application (66016) amended the approved conversion scheme to allow the single storey barn to be demolished and a single dwelling erected in its place.

This latest amended scheme involves revising the internal layout of unit 2, specifically adding a first floor bedroom and en suite and a dressing room & en suite on the second floor. New windows would be added on the east elevation to reflect the additional rooms.

Relevant Planning History

60870 - Conversion of two redundant agricultural outbuildings to create 6 no. dwellings - Approve with Conditions 01/03/2017

68336 - Variation of condition 02 following approval of planning permission 66016-Garage widened to provide internal corridor and WC and the back door position amended accordingly; position of window GW-03 moved (Ground Floor WC and additional en suite to First Floor Bedroom 3); addition of window GW-05 to boot room / cloaks entrance and introduction of a stove to the kitchen - additional flue indicated on the elevations and internal amendments to layout - Undecided

66016 - Demolition of existing detached barn and erection of 1 no. dwelling - Approved 05/02/2021.

Publicity

Immediate neighbours notified by letter dated 13/05/2022. Press and site notices posted.
No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Unitary Development Plan and Policies

OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN9/1	Special Landscape Areas
EN1/1	Visual Amenity
EN2/3	Listed Buildings
EN7	Pollution Control
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
NPPF	National Planning Policy Framework
SPD 9	Conversion and Re-use of Buildings in the Green Belt
HT2	Highway Network
SPD11	Parking Standards in Bury

Issues and Analysis

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

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.

Visual amenity, Heritage and impact on Green Belt - The proposed alterations in the form of new windows would not have a significant impact on the originally approved scheme in terms of visual amenity, heritage and Green Belt. The revised scheme is therefore acceptable in terms of visual amenity, heritage and Green Belt and complies with UDP Policies EN1/1, EN9/1, H2/1 , H2/2, OL1/4 and other policies listed.

Residential amenity - The proposed new windows would not increase overlooking and would not have any significant impact on the residential amenity of the nearest neighbours at Bast House Farm Cottage and as such are acceptable in terms of UDP Policies H2/1 and OL1/4.

Access and other issues - There are no access or other issues arising from the revised plans.

Conditions - Those conditions attached to the original approval (60870) that have been discharged or part discharged have either been removed or amended as required. The outstanding conditions have been retained.

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 Paragraphs 186-187 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 Location Plan and drawings numbered 1119/A/DR/000B, 100G, 203J, 205H, 206C, 207E and 208E 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 The development shall be constructed in the materials and manner of construction as approved under planning reference 60870.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.
- 4 The boundary details shall be implemented as approved under reference 60870.
Reason. - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.
- 5 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.
- 6 The development shall be implemented as per the construction environmental management plan dated 2019 approved under reference 60870.
Reason. In the the interests of ecology and protected species pursuant to the NPPF and UDP Policy EN6 Conservation of the Natural Environment.
- 7 Prior to occupation, a "lighting design strategy for biodiversity" for areas and buildings to be externally lit shall be submitted to and approved in writing by the LocalPlanning Authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and barn owls and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
Reason. In the interests of visual amenity and ecological protection pursuant to the NPPF andf UDP Policy EN6 conservation of the Natural Environment.
- 11 Following the discharge of Condition 10 under refrence 60870 and with reference to Bury Council Letter dated 21/01/2020 relating to contamination measures, 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 11 - Conserving and enhancing the natural environment.

- 13 Within 3 months of the date of this decision, a scheme for the disposal of foul and surface waters has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason. Drainage details have not been submitted and to ensure a satisfactory means of drainage pursuant to the NPPF and UDP Policy EN7/5 Waste Water Management.
- 14 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the extension 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 turning facilities indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall be subsequently maintained free of obstruction at all times.
Reason. In the interests of highway safety pursuant to the NPPF and UDP Policy H2/2 The Layout of New Residential Development.
- 16 The 'Construction Management Plan' (CMP), approved under reference 60870 shall be fully implemented and adhered to throughout the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.
Reason. 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, in the interests of highway safety pursuant to UDP Policy H2 Highway Network.
- 17 Unless the section of Public Footpath No.229 Ramsbottom located within the application site is first diverted, details of an alternative location for the parking spaces which obstruct its line shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The parking spaces should be provided prior to the first occupation of the dwellings and subsequently retained.
Reason. To ensure that the Public Right of Way that crosses the site is adequately accommodated pursuant to UDP Policy RT3/3 Access to the Countryside.
- 18 In the event that the section of Public Footpath No. 229 Ramsbottom located within the application site is to be diverted, no development shall commence unless and until full details of following have been submitted to and approved by the Local Planning Authority:
- the provision of a gate at the interface between the existing access track with the open field/diverted route of the Public Right of Way;
 - construction specifications for the diverted footpath and any fencing;
- The details subsequently approved shall be implemented before the development is first occupied/ Public Footpath No. 229 Ramsbottom is diverted.
Reason. To ensure that the Public Right of Way that crosses the site is adequately accommodated pursuant to UDP Policy RT3/3 Access to the Countryside.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	22/06/2022		