

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/08/2024	Ref: 70658/FUL
Registration: 01/07/2024	LDFC: 15/08/2024	Expiry Date: 26/08/2024
Site Visit: 25/07/2024	Site Notice: 25/07/2024	Press Date: 11/07/2024
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of vacant land to accommodate 2 no. static caravans for a temporary period of 2 years

Location: Land to south of Brick House Farm, Griffie Lane, Bury, BL9 8QS

Description

he site was previously located within the Green Belt however the adopted Places for Everyone Joint Development Plan has now been adopted, and the Green Belt boundaries amended. There were three large industrial buildings on site, with a central hardstanding. The buildings, which were last used for employment purposes (Class B2) have been demolished in order to commence the development. Access to the site is from Griffie lane and the site is surrounded by open fields with a golf course to the south. Brick House Farm is a Grade II listed building and is located to the north of the site with its own separate access.

Planning permission was granted in June 2011 for the demolition of the existing buildings and the erection of 7 live/work units, a central hub building and the provision of a bridge, ponds and internal access roads. Access to the site would be from Griffie Lane with a new bridge and 3 new ponds would be formed on site. Planning permission was subsequently granted in January 2013 for a change in the house types for the 7 live/work units. The main change involved making each unit detached, following advice from estate agents. The proposed units would consist of 67 square metres of workspace (Class B1) and associated living accommodation within the same building.

A series of material and non material amendments have been submitted for the site, and for individual units and are listed in the planning history section below.

Planning permission is sought for the change of use of vacant land within the site to accommodate 2 no. static caravans for a temporary period of 2 years. A site visit to the site by the Case Officer confirmed that one of the static caravans is already in situ.

Relevant Planning History

53633 - 7 No. residential live/work units (one with associated barn); Central support hub building and development of site to include internal site road, bridge, ponds and landscaping - Approve with Conditions 10/06/2011

55289 - Variation of Condition No.2. following granting of planning permission 53633 to allow detached live/work units and provision of mezzanine/bed 4 - Withdrawn - Invalid 24/10/2012

55738 - Change of house type/design of 7 no. live/work units, approved under planning permission 53633 - Approve with Conditions 22/01/2013

57530 - Variation of condition no. 2 (plans) of approved planning permission 55738 -

alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors. - Approve with Conditions 16/06/2014

62273 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

Unit 1 : the ground and first floor layouts now shown handed and the associated barn moved south. Unit 2 : this is now shown handed, and rotated. Unit 3 : this is now shown handed. Unit 8 : this is moved to the north, and one pond deleted. - Approve 22/05/2018
63895 - Erection of 1 no. live-work unit in lieu of approved office hub - Approve with Conditions 30/04/2019

63937 - Non-material amendment following grant of planning permission 57530:
Basements to be added to units 2-7 - Approve 19/03/2019

64051 - Change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in single storey side and rear lean-to - Approve with Conditions 10/06/2019

64294 - Non-material amendment following grant of planning permission 57530;
Unit 2 to be re-positioned 5 metres to the south. The barn to be relocated 3.5 metres to the north. Glazing across the rear of the feature oak frame to be moved to the front of the frame. One additional rooflight on the roof pitches facing into the courtyard for units 2-8. - Approve with Conditions 17/06/2019

64460 - Non-material amendment following grant of planning permission 64051 for Change of house type of approved dwelling on plot 3 for: Staircase from basement to be directly beneath stair from ground to first, and be accessed from office space; Sub-dividing the work space into work space/office/brew; Remove external barn door to allow fire exit door from basement; Increase the size of the hall; Chimney to sitting room to be constructed externally and Roof pitch over single storey part slightly increased in pitch. - Approve with Conditions 07/08/2019

64697 - Change of house type of approved dwelling on plot 4 (approved under planning permission 57530) with addition of detached garage and removal of pergola at side - Approve with Conditions 07/05/2020

64703 - Non-material amendment following grant of planning permission 64051 for change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in single storey side and rear lean-to:

Bi-fold doors (8 doors) to rear elevation. One window removed from side elevation. Five rooflights added in single storey lean-to. - Approve with Conditions 10/10/2019

64727 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

1. Larger windows over all front doors, with 1.5m wide front entrance opening, and revised front door canopies to plots 4 and 5.

2. Replace 2 ground floor windows on the field elevation with patio doors.

3. Additional window on side elevation for en-suite.

4. Removal of chimney on kitchen dining side.

5. Remove barn door.

6. internal amendments to partitions and stair to basement.

7. Slot windows amended on plots 4 and 5. - Approve with Conditions 24/10/2019

64729 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard

elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

Rotate units 1 and 8. Unit 7 to have brick elevations (rendered areas deleted). - Approve with Conditions 13/05/2020

64857 - Non-material amendment following grant of planning permission 57530 for variation of condition no. 2 (plans) of approved planning permission 55738 - alterations to courtyard elevations, additional chimneys, ground floor access to Unit 1 and terrace over garage doors:

Window and door frames to be upvc timber effect. - Approve 06/03/2020

65337 - Non material amendment following granting of planing permission 57530: Rotate units 1 and 8. - Approve 13/05/2020

65439 - Change of house type of approved dwelling on plot 8 (p/p ref. 63895) with addition of single storey side and rear lean-to, use of basement for garage and enlargement of basement, conversion of attic to bedroom - Approve with Conditions 09/07/2020

65542 - Change of house type of dwelling on plot 7, approved under planning permission 57530 resulting in a single storey side and rear lean-to, with ramp to basement below. Plot rotated slightly and moved north by 1 metre. Previously approved pergola removed. - Approve with Conditions 17/08/2020

65543 - Change of house type of dwelling on plot 1, approved under planning permission 57530 resulting in a single storey side and rear lean-to, with some areas of render. Rotation from previous approval to avoid below ground mains. - Approve with Conditions 21/07/2020

65720 - Change of house type of approved dwelling on plot 4, approved under planning permission 57530 resulting in the addition of a detached garage, with mezzanine and external dormer, and no pergola on the side. - Approve with Conditions 11/11/2020

66031 - Non-material amendment following grant of planning permission 64051 for change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in single storey side and rear lean-to:

Oak window frames and door frames amended to dark grey aluminium. - Approve 30/10/2020

67045 - Change of use of land from agricultural to accommodate a domestic garage and store for use ancillary to the house. - Withdrawn - Invalid 31/03/2022

67694 - Non material amendment following approval of planning permission 57530- Condition 10, details of the bricks to be used shall be submitted to the L.A before the development is commenced. An application to discharge this condition was approved on 26/03/2015 relating to our chosen brick 'York Handmade Old Clamp.' We wish to change this brick to be 'Newlyn Heritage Blend.' - Approve with Conditions 12/11/2021

69563 - Variation of condition no. 2 following approval of planning permission 65439 - lean-to roof above the single storey part (approved plans) to a terrace in place of the lean-to roof, plus minor changes to windows and an external door. - Approve with Conditions 08/05/2024

70509 - Erection of 1 no. live-work unit to replace barn - Pending

70796 - Change of house type of dwelling to plot 1 - Approve with Conditions 18/07/2024

Publicity

Letters sent to neighbouring properties 05/07/2024

Site notice posted 25/07/2024

Press notice in Bury Times 11/07/2024

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no response

Borough Engineer - Drainage Section - no response

Environmental Health - Contaminated Land no comments to make regarding contaminated land and air quality.

Public Rights of Way Officer - no response

Conservation Officer - Raise no objections

Waste Management - No response

United Utilities (Water and waste) - no response

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-J1	Supporting Long-Term Economic Growth
EC2/2	Employment Land and Premises
JP-J2	Employment Sites and Premises
EC4/1	Small Businesses
EC6/1	New Business, Industrial and Commercial
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
JP-C1	Our Integrated Network
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
JP-P2	Heritage
EN2/3	Listed Buildings
JP-S4	Flood Risk and the Water Environment
EN6/3	Features of Ecological Value
JP-P1	Sustainable Places
EN7/2	Noise Pollution
EN7/5	Waste Water Management
JP-G7	Trees and Woodland
EN8/2	Woodland and Tree Planting
JP-G1	Landscape Character
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
HT5/1	Access For Those with Special Needs
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
SPD1	Open Space, Sport and Recreation Provision
SPD6	Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury
NPPF National Planning Policy Framework
RT3/3 Access to the Countryside

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 (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 states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

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 deliverable land 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). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

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%) 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, 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.

In terms of housing delivery the Borough has underdelivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is now sits outside of the Green Belt and is located within the red edge of a previously approved residential scheme. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential development of this site in principle.

The site is located within PfE allocation GMA1.1. The red edge of the site however is within

the red edge of approved application 57530 and involves the siting of 2 no. caravans on site to allow for unit 1 to be constructed. As a scheme has already been approved on this site, prior to the adopted of PfE it is considered that this site can be excluded from the masterplan requirement.

Layout and Design

Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 35 dwellings per hectare. The application form states that the site area is 0.06 hectares. The proposal would therefore lead to a density of 33 dwellings per hectare. As the proposal is temporary in nature this is considered to be acceptable.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

The proposed caravans would be typical in design, and functional in nature to provide accommodation on site during construction of unit 1. The caravans would provide 4no. bedrooms, kitchens and internal amenity space for the occupiers. The caravans would be set back from the access to the dwellings at the south of the site, and would not conflict with the PROW.

As the proposal is temporary in nature no objections are raised.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

As the proposal is for temporary siting of caravans to allow the construction of a dwelling the above criteria have not been applied as the proposal would not lead to a permanent residence and would be removed from site after 2 years.

Impact on Listed Building

The existing farmhouse is a Grade II listed building and is located to the north of the application site. The proposed caravans would be approximately 36 metres away from the listed building. The proposed development would be located to the front of an existing unit on site screened from the Listed Building. As such, the proposed development would preserve the character of the listed building and would be in accordance with Policies EN2/3 of the Bury Unitary Development Plan and the NPPF.

Residential Amenity

UDP 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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking

and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The access to the site has not changed from the previously approved applications at the site. The Traffic Section has raised no objections.

Policy RT3/3 - Access to the Countryside is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way. Public Right of Way (PROW) No 6 passes through the site from north to south. It is proposed that the PROW would pass in front of Brick House Farm as existing and then be diverted to the east of the site. The Public Rights of Way Officer has not provided any objections to the scheme.

Parking

SPD11 states that the maximum number of parking spaces would be 3 spaces per 4 bed dwelling.

There would be an area of existing concrete hardstanding to the front of the proposed caravans that, whilst not demarcated could accommodate parking for the site. Given the temporary nature of the scheme the creation of a formal parking area would not be appropriate and would impact on the overall design of the site. As such, the level of car parking would be acceptable and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Ecology and Biodiversity Net Gain

It is considered that the approval of a Biodiversity net Gain Plan will not be required before development commences as the development is exempt as it would impact less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.

Carbon and Energy and Digital Connectivity

JP-S2 - Carbon & Energy sets out the steps required to achieve net zero carbon emissions.

Policy JP-C2 requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

Due to the temporary nature of the proposal, that would not lead to permanent dwellings on the site it is considered that the above policies would not need to be addressed.

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 Permission is hereby granted for a limited period only, namely for a period expiring 2 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.

Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.

- 2 This decision relates to drawings numbered GK11-00, GK11-01, GK11 - 03N, GK11-04 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 09/08/2024		DM - 16/08/2024	