

DELEGATED REPORT

Report by Claire Booth	Date of report: 26/06/2023	Ref: 69505/FUL
Registration: 14/04/2023	LDFC: 08/05/2023	Expiry Date: 09/06/2023
Site Visit:	Site Notice: N/A	Press Date: 20/04/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: MIOT

Proposal: Erection of an agricultural building

Location: Cross Hall Farm, Mather Road, Bury, BL9 6RB

Description

The application relates to Cross Hall Farm, located on Mather Lane opposite the former site of Tetris Chemicals at Lumn Mill on Walmersely Old Road.

Permission is sought for an agricultural building to provide a covered muck store, sufficient to hold at least 8 months worth of manure, as required through separate Environment Agency legislation. The proposed building would measure approximately 20m x 15m. It would have an eaves height of 4.5m and would be approximately 6.5m to the ridge. The lower walls of the building would be pre-cast concrete panels, Juniper Green coloured corrugated steel walls and a corrugated mineral fibre roof covering.

An open midden currently exists at the farm which exists on a concrete pad and the proposed building is to be sited over this area.

The farm is located within the countryside on land allocated within the Unitary Development Plan (UDP) as Green Belt and is also within the Minerals Safeguarding area.

Residential properties located on Calder Close and Avon Drive exist to the south of the proposed building.

Procedural Matters

The submitted drawings have been amended to make it clear that the western gable of the proposed building will be fully open to allow the farmer to drive in and out of the proposed building/ manure store, for ease of farming operations and has also been amended to correct the red edge shown on the submitted Proposed Site Plan.

Relevant Planning History

55487 - Erection of livestock shed, equipment store and pitched roof to existing calf store - Approve with Conditions 15/10/2012

44109 - Prior Approval determination for siting of hay storage barn - Prior Approval Not required 16/03/2005

Publicity

The proposals have been advertised by Site Notice due to the access lane to the farm being a Public Right of Way, a Bridleway (no.15BUR). 19 nearby residents have also been consulted by letter.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to an informative being imposed relating to keeping the Public Right of Way clear of obstructions.

Environmental Health - Contaminated Land - No objections.

Public Rights of Way Officer - No objections, subject to an informative being imposed relating to keeping the Public Right of Way clear of obstructions.

Borough Engineer - Drainage Section - No comments or observations received

United Utilities (Water and waste) - No comments or observations received.

The Coal Authority - No objections, subject to an informative being imposed (original objection withdrawn).

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
OL4/5	Agricultural Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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 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: 'New buildings in the Green Belt' 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 be acceptable in principle, this proposal has to be assessed against other factors such as the impact on 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.

The proposed building would be located to the rear of the existing agricultural buildings so would be seen as part of the existing farm buildings and would be closely located to the nucleus of farm buildings. The materials would also be compatible with

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.

Residential properties located on Calder Close and Avon Drive exist to the south of the

proposed building and border the field in which the existing muck heap/ the proposed building would be sited. The closest properties; No. 27 Avon Drive, No. 1 and No. 3 Calder Close, with the nearest dwelling positioned approximately 29m from the site of the proposed building.

The proposed building is to replace the current open air muck heap with a covered building. This would ultimately reduce any decomposing odours emanating from the muck as they would be contained within the building. It is considered that given the proposed building would replace an open air muck heap the proposal would not lead to conditions which would be demonstrably worse than the existing situation. Therefore, the proposals are considered to accord with the residential amenity aspects of UDP Policy OL4/5.

Utilities, Drainage and Flood Risk

Paragraph 167 of the NPPF (2021) 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.

The building is required to accord with Environment Agency regulations which require dirty water run off from farms to be reduced/ minimised. The proposed building would therefore reduce dirty water run off from entering ground water sources. This would result in an improvement to local water quality. The proposal is therefore considered to accord with UDP Policy EN5/1.

Highways Matters

The farm is accessed via a Public Byway (no. 20BUR), and Public Bridleway (no. 15BUR). The Highway Authority, which includes the Council's Public Rights of Way Officer, have raised no objections to the proposals, provided the Public Right of Way is not obstructed or closed as a result of the development. These necessary informatics are therefore duly recommended.

Ground Conditions

The north eastern corner of site and where the agricultural building is proposed, falls within the Development High Risk Area. The Coal Authority initially objected to the proposals on the basis a Coal Mining Risk Assessment did not accompany the application and therefore the Coal Authority could not be satisfied that the proposals would not harm public amenity.

The applicant has provided the Coal Authority with additional information advising them the existing muck heap is already on a concrete pad which the building would be positioned above on pads. On this basis, the Coal Authority has withdrawn their objections but request a condition be imposed in the event any coal mining legacies are subsequently uncovered during the construction phase of the proposed development. This informative is therefore duly imposed.

Conclusion

The proposed agricultural building would be used for the storage of muck/ manure. The proposed development accords with the requirements of Policy OL1/4 of the UDP as it would not cause demonstrable harm to visual amenity, residential amenity, highway safety, or the other matters discussed in this report. For these reasons, it is thus recommended that the application be approved, subject to conditions requiring the development to be built

in accordance with the approved plans, and only being used for agricultural storage purposes and the informatives recommended by the both the Coal Authority and Highway Authority.

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 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 permission relates to the following plans:

Drawing no. JS.190320.B: Location Plan; and,
Drawing no. CHF-17-03-23-C(3): Proposed Site, Floor and Elevations Plan, amended 14 June 2023.

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 The occupation of the proposed building shall be limited to storage uses associated with agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended).
Reason. To ensure that future inappropriate development in the Green Belt does not occur and the amenity of nearby residents can be safeguarded, pursuant to Policy OL1/2 - New Buildings in the Green Belt and Policy OL4/5 - Agricultural Development, of the Bury Unitary Development Plan and the National Planning Policy Framework

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	26/06/2023		