

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/08/2025	Ref: 72129/FUL
Registration: 03/07/2025	LDFC: 28/08/2025	Expiry Date: 28/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition 9 (approved materials) following approval of planning permission 65542 to change roof tiles over single storey lean-to to Planum Roof Tiles by La Escandella

Location: Brick House Farm, Griffie Lane, Bury, BL9 8QS

Description

The 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. 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. These are listed in the planning history section below.

This application relates to plot 7 and seeks a variation of condition 9 (approved materials) following approval of planning permission 65542 to change roof tiles over single storey lean-to Planum Roof Tiles by La Escandella

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

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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 - Approve with Conditions 20/11/2024

70658 - Change of use of vacant land to accommodate 2 no. static caravans for a temporary period of 2 years - Approve with Conditions 16/08/2024

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

71547 - Non-material amendment following grant of planning permission 65542 for removal

of previously approved ramp and entry to the basement below via external steps and modifications to doors and windows - Approve 20/02/2025

72078 - Single storey rear extension and front porch - Approve with Conditions 4/09/2025

Publicity

Neighbour letters sent 17/07/2025 and 07/08/2025

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Pre-start Conditions - Not relevant

Development Plan and Policies

EC2/2	Employment Land 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
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
RT2/2	Recreation Provision in New Housing Development
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
JP-J1	Supporting Long-Term Economic Growth
JP-J2	Employment Sites and Premises
JP-G1	Landscape Character
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-P2	Heritage
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD1	Open Space, Sport and Recreation Provision
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), 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.

Layout and Design

Condition 9 of application 65542 requires:

The external finishing materials shall be those materials approved as part of condition 10 of permission 57530.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

The pitch of the approved lean-to is 10 degrees, which the applicant states is too shallow to use natural slate, so an engineered double interlocking roof tile has been sourced which is guaranteed at this pitch.

The materials proposed would be a double interlocking planum clay roof tile, in Slate Klinker (grey). These roof tiles would not be directly adjacent to the slate of the main roof and would be limited to the side and rear single wrap around element of the proposed dwelling. As the tiles would not be directly adjacent to the roof they would appear less incongruous and they are located on less visually prominent roof slopes. Given the issues set out above in relation to the proposed pitch of the wrap around element of the building no objections are raised to the change in tiles.

The proposed amendments to a limited part of the materials for the scheme would not amend the overall layout, or principle of the proposal. As such the assessments made under application 65542 stand in relation to all other aspects.

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 decision relates to drawings numbered gk7-00 and gk7-b03C 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 business floorspace of the live/work units shall not be used for any other purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to the following Policies of the Development Plan:
Policy JP-J2: Employment Sites and Premises
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development
- 4 The building shall be occupied and operated only for the dual purposes of business floorspace with ancillary residential floorspace. The residential floorspace shall not be occupied unless the business floorspace is used for business purposes. The residential floorspace shall be occupied only by the person(s) who operate(s) the business and by members of his, her or their household and the business floorspace shall be operated to the extent that at least one occupant of the residential

floorspace shall derive the equivalent of a full time employment from that operation. The only exception to this is where the building is occupied by a person who has retired from employment (or whose business has failed and is unemployed) following demonstrable use of the business floorspace for five years (during which time that person(s) shall have derived the equivalent of full time employment from that operation) or a widow or widower or other dependant of such a person who was residing with him or her when he or she died.

Reason. To retain the unit in employment use and due to its position, residential development would not normally be granted consent pursuant to Policies of the Unitary Development Plan listed below:

Policy EC2/2 - Employment Land and Premises Outside the Employment Generating Areas

- 5 No internal alterations which would lead to a reduction in the area of the building allocated on approved plans as being used for employment purposes shall take place without the prior consent of the Local Planning Authority. In addition no internal openings into the approved business space shall be made or closed up without the prior consent of the Local Planning Authority.

Reason. To ensure the employment use is maintained at the building pursuant to Policy EC2/2 - Employment land and Premises Outside the Employment Generating Areas of the Bury Unitary Development Plan.

- 6 The remediation strategy approved as part of condition 6 of permission 57530 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.

- 7 The remediation strategy approved as part of condition 6 of permission 57530 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 alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

- 8 The development hereby approved shall be carried out in accordance with the drainage scheme approved as part of condition 13 of permission 57530.

Reason. To reduce the risk of flooding by ensuring the satisfactory storage/disposal of surface water pursuant to Policy JP-S4 Flood Risk and the Water Environment and Policy EN7/5 - Waste Water management of the Development Plan and Section 10 of the National Planning Policy Framework.

- 9 The external finishing materials shall be those materials approved as part of condition 10 of permission 57530 other than the roof of the single storey side and lean-to approved under application 65542 which shall be finished in Planum Roof Tiles by La Escandella - Colour Slate Klinker.

Reason. In the interests of visual amenity and to ensure a satisfactory development

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pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

- 10 No works shall be carried out to the trees that would disturb nesting birds between 1st March and 31st August inclusive in any year .
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 – Features of Ecological Value of the Development Plan and Section 11 of the National Planning Policy Framework.
- 11 The proposed development shall be carried out in full accordance with the Ecology Report, dated April 2019, containing a Great Crested Newt Method Statement.
Reason. To protect a protected species and its habitat within and adjacent to the development site pursuant to Policy EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan.
- 12 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the residential live/work unit hereby approved being occupied and thereafter maintained at all times.
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.
- 13 The development hereby approved shall only be carried out in accordance with the details approved as part of condition 14 of permission 57530.
Reason. To ensure compliance with the requirements of the Greater Manchester Fire & Rescue Service, in the interests of highway safety, pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H1/2 - Further Housing Development
Policy H2/2 - The Layout of New Residential Development
Policy EC6/1 - Assessing New Business, Industrial and Commercial Development.
- 14 The boundary treatment shall be as stated on approved plan gk1-09.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 15 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008, or as subsequently amended, no development shall be carried out within the terms of Classes A to H of Part 1 of Schedule 2 of the Order and Class A of Part 2 of Schedule 2 of the Order, without the prior written consent of the Local Planning Authority.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed below.
- 16 The development hereby approved shall be carried out in accordance with the details approved as part of condition 16 of permission 65543 and shall be implemented before the residential live/work unit hereby approved is first occupied.
Reason. To ensure the Public Right of Way is not affected by the development pursuant to Policy RT3/4 - Recreational Routes of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 29/08/2025		HL 29/8/25	