

DELEGATED REPORT

Report by Helen Leach	Date of report: 08/05/2024	Ref: 69563/FUL
Registration: 17/04/2023	LDFC: 07/06/2023	Expiry Date: 12/06/2023
Site Visit: 16/05/2023	Site Notice: 16/05/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: 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.

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

Description

The site is located within the Green Belt. 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.

Live/work units provide unique properties with areas for both workspace and homespace. Live/work units are classed as sui generis and should provide separate accommodation and separate access to the two areas.

Planning permission was 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.

Planning permission was approved in June 2014 to vary the approved plans to amend the courtyard elevations, provide additional chimneys and provide ground floor access and a terrace over the garage doors to unit 1.

A non material amendment was granted in March 2019 for amendments to the scheme for the provision of basements to units 2 - 7. The ground conditions require a foundation of some 2 metres in depth and as such, this area would be retained as basement storage in connection with the live/work units.

Planning permission was granted in April 2019 for the change of use of the office hub building to a live/work unit. The design of the building was identical to the previously approved building in terms of appearance, size and scale.

A series of material and non material amendments have been submitted and are listed in the planning history section below.

The applicant seeks permission for the erection of a roof terrace on top of the previously approved single storey extension.

The proposed roof terrace would be located on the rear elevation and would extend as far as the existing chimney. A wall and railings would be constructed around the perimeter of the balcony. It would be accessed via an external staircase located on the north side of the previously approved extension.

On the side extension, the approved pitched roof would be replaced with a flat roof containing 3 rooflights.

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 at land to south of Brick House Farm, Castle Road, Bury. Approved with conditions - 10 June 2011.

55738 - Change of house type/design of 7 no. live/work units, approved under planning permission 53633 at land to south of Brick House Farm, Castle Road, Bury. Approved with conditions - 22 January 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 at land to south of Brick House Farm, Castle Road, Bury. Approved with conditions - 16 June 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 at land to the south of Brick House Farm, Griffie Lane, Unsworth. Approved - 22 May 2018.

63937 - Non-material amendment following grant of planning permission 57530: basements to be added to units 2-7 at Brick House Farm, Griffie Lane, Unsworth. Approved - 19 March 2019

63895 - Erection of 1 no. live-work unit in lieu of approved office hub at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 30 April 2019.

64051 - Change of house type of approved dwelling on plot 3 approved under planning permission 53633 resulting in a single storey side and rear lean-to at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 10 June 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 at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 17 June 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 at Brick House Farm, Griffie Lane, Bury. Approved - 7 August 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 at Brick House Farm, Griffie Lane, Bury. Approved with conditions - 7 May 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 at plot 3, Brick House Farm Griffie lane, Bury. Approved - 10 October 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. Approved with conditions - 24 October 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).

Approved – 13 May 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. Approved - 6 March 2020

65337 - Non material amendment following granting of planing permission 57530: Rotate units 1 and 8 Brick House Farm Griffie lane, Bury. Approved – 13 May 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 at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 9 July 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 at Brick House Farm, Griffie Lane, Unsworth. Received - 27 May 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 at Brick House Farm, Griffie Lane, Unsworth. Approved with conditions - 20 July 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 at Brick House Farm, Griffie Lane, Unsworth.

Approved with conditions - 11 November 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.

Approved - 30 October 2020

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.'

Approved with conditions - 12 November 2021

70509 - Erection of 1 live/work unit to replace barn at Brick House Farm, Griffie Lane, Bury. Received - 22 February 2024.

Publicity

The neighbouring properties were notified by means of a letter on 18 April and site notices were posted on 16 May 2023.

The neighbouring properties were notified of revised plans on 29 April 2024.
There has been no response.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

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

Unitary Development Plan and Policies

EC1	Employment Land Provision
EC2/2	Employment Land and Premises
EC3/1	Measures to Improve Industrial Areas
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
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN2	Conservation and Listed Buildings
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
EN8/2	Woodland and Tree Planting
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
RT2/2	Recreation Provision in New Housing Development
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
HT4	New Development

HT5/1	Access For Those with Special Needs
SPD1	Open Space, Sport and Recreation Provision
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.

Visual amenity - The proposed terrace would be located at the rear of the live/work unit and would be demarcated by a parapet wall with railings on top. The approved pitched roof on the approved side extension would be amended to a flat roof with a parapet wall and

would include 3 rooflights. The proposed parapet wall would be a design feature and would not harm the character of the original building.

The proposed development would be constructed out of brick with a stone coping stone and as such, would match the existing building. Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

The proposed terrace would be located over 20 metres from the rear boundary, which would comply with the aspect standards in SPD6.

The proposed development is set at a higher level to the adjacent property (No. 3 Killy Lane). The proposed terrace has been reduced in size and would be located above the rear extension only. As such, there is the potential to overlook the rear element of the rear garden to No. 3 Killy Lane. There would be 11.7 metres from the proposed terrace to the boundary with No. 3 Killy Lane, which would comply with the aspect standard in SPD6. In addition, the provision of railings would reduce any overlooking. Given the distance involved and the provision of railings, it is considered that the proposed development would not have a significant adverse impact upon the amenity of the occupiers of No. 3 Killy Lane.

Highways issues - The proposed development would not impact upon the parking and servicing arrangements.

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 gk8-01A, gk8-02D, gk8-03D, gk8-04A 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 Bury Unitary Development Plan:

Policy EC3/1 - Measures to Improve Industrial Areas

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 EN5/1 - New Development and Flood Risk and Policy EN7/5 - Waste Water management of the Bury Unitary 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.
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.
- 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 EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary 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 No development shall commence unless or until full details of the proposed width and surfacing of, and boundaries adjacent to, the Public Footpath No. 6, Whitefield to be diverted as part of the proposed development, along with confirmation that there will be no extra stiles or gates will be introduced along the diverted route when

compared to the existing footpath have been submitted to and approved in writing by the Local Planning Authority. The approved details 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>
HL - 08/07/2024		DM - 08/05/2024	