

DELEGATED REPORT

Report by Tom Beirne	Date of report: 30/06/2022	Ref: 68457/FUL
Registration: 13/05/2022	LDFC: 01/07/2022	Expiry Date: 08/07/2022
Site Visit: 28/06/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Single storey extension at rear to be used for seating and shop display

Location: Farm Shop And Cafe, Falshaws Farm, Rowlands Road, Bury, BL9 5LJ

Description

The application relates to a detached single storey farm ice-cream shop/cafe to the west of the Walmersley Road. The farm is situated between Nabbs Farm and the rear of a ribbon of houses along Walmersley Road and is washed over by the Green Belt. The building is stone built with a small marquee area used for seating to the rear of the building, on the existing patio area.

The proposed extension would project off the rear of the existing building by 5m and run across 12.7m, essentially over the area covered by the existing marquee. It would have a pitched roof with a central lantern and be constructed in timber and natural stone to match the existing building. The extension would allow for additional shop display space and indoor seating.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 09/06/2022. No objections received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - Agreed.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework
S4/3	Nurseries, Farm Shops and Garden Centres
S2/6	Food and Drink
HT2/4	Car Parking and New Development
EC4/1	Small Businesses
OL1/2	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.

Need - The intended use of the proposed development is to provide additional seating and a shop display area for the current business. During the Covid-19 pandemic, people tended to shop locally and support local businesses and this meant Falshaw's Farm Shop's customer base growing. As a result, a temporary marquee was erected on the proposal site during 2020 in order to provide covered seating for the customers. It is now considered that customers should have a more aesthetically pleasing outlook into the fields to the rear.

The applicant states that the use is a continuation of the existing farm shop, café and ice cream parlour which is ancillary to Nabbs Farm. As per the conditions on the original approval in 2006 (45559), more than 85% of the produce sold is from the farm directly or from other farms within a 5-mile radius. This is also the case with food served in the café and ice cream parlour where over 85% of the volume of the produce is from Nabbs Farm itself or other farms within a 5-mile radius. This is compliant with policy represents a successful form of agricultural diversification.

In terms of economy, the NPPF states that planning policies should support the growth of

all types of businesses, including those in rural areas. UDP Policies EC4/1 Small Businesses and S4/3 Nurseries, Farm Shops and Garden Centres supports the growth of business and diversification within rural areas. In terms of its ancillary use, the proposed extension to the farm shop is in accordance with local and national planning policy.

Green Belt - In terms of Green Belt, the NPPF indicates that the extensions to buildings should not be disproportionate in relation to the original building and UDP Policy OL1/2 New Buildings in the Green Belt, supports this.

In terms of scale and impact on openness, the orangery would be a relatively modest structure to the rear and with a volume of less than a third of the existing building, would appear ancillary to the main shop and would not be considered disproportionate. It is also noted that the existing marquee could be retained on the site for a temporary period within each year under Permitted Development.

It is also noted that a covered seating area in the same location as the proposed orangery was included on the approved application for the original Farm Shop (ref.45559). The owners decided however to leave it uncovered in order to provide outdoor seating. Whilst the outdoor seating area was useful during the summer months, the success of the business has resulted in additional customers which are difficult to accommodate particularly when the weather is cooler. Whilst the marquee has provided a temporary solution, a permanent one is now necessary.

Given the size, siting and design, the proposed extension is acceptable and would not have a significant impact on the character and openness of the Green Belt. The proposal complies with the NPPF and UDP Policy OL1/2.

Visual Amenity - The extension that would be situated on the rear of the existing farm shop to form an oak framed orangery with a large proportion of glazing to create a more lightweight and ancillary appearance. The coursed stone would match the rest of the building around the base. The roof would be clad in reclaimed slates to match and would have a central glazed lantern feature. In terms of design and appearance, the new structure would be in keeping with the existing building and would not appear incongruous within the site and surroundings. The proposal is acceptable in terms of visual amenity and complies with UDP Policy EN1/1 Visual Amenity.

Access and Parking - Parking facilities (20 spaces) are provided within the site to the north of the Farm Shop and this is considered sufficient. As the area where the orangery would be sited is currently used as covered seating, there would be no significant additional vehicular traffic generated by the proposal. In terms of access and parking, the proposal is considered to be acceptable and complies with UDP Policies EC4/1 Small Businesses, S4/3 Nurseries, Farm Shops and Garden Centres and HT2/4 Car Parking and New Development.

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:

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- 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 51657/01 - 06 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 Before commencement of development, details/Samples of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	30/06/2022		