

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/04/2023	Ref: 68546/FUL
Registration: 07/09/2022	LDfC: 04/10/2022	Expiry Date: 02/11/2022
Site Visit: 22/09/2022	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: MIDW

Proposal: Demolition of existing dwelling and construction of 1no. dwelling

Location: Outwood Gate Farm, Ringley Road West, Radcliffe, Manchester, M26 1DL

Description

The application relates to an existing farm complex situated on the south side of Ringley Road West. There are dwellings, fronting Ringley Road West approximately 50m away, situated to the north and north west. Land to the east, west and south is open countryside. The existing detached dwelling is a non-designated heritage asset and situated around a farmyard with other outbuildings. The site is currently accessed by a driveway that only serves this site. It is the intention to retain, but upgrade the driveway the driveway.

The retention of the farmhouse was the initial consideration, but upon further investigation, this has been deemed unviable. The property has been the subject of vandalism and arson over recent years to the point where the property is very dilapidated and no longer habitable. The proposal is therefore to demolish the existing farmhouse and construct a new dwelling in its place. It would be in a similar position on the plot with a similar footprint. It is the intention to leave the remainder of the nearby farm buildings in-situ and to farm the surrounding land.

The new 4-bed dwelling would have a rectangular footprint 12.5m by 8.7m. It would have a traditional pitched roof with smaller pitched roof gables to the front and rear. The main increase in volume stems from the higher roof line which allows for additional accommodation within the loft area. The dwelling would be finished in brickwork with stone cills and slate roof tiles. The main garden area would be to the front which is also the parking and turning area.

The applicant has recently reported that there was recently a fire inside the building that has destroyed much of the roof and internal loft area. It is reported that the fire service has recommended that it is demolished for public safety reasons. Photographs have been supplied to support this.

Relevant Planning History

02431/E - Erection of 12 no. dwellings and creation of woodland with associated public access and public car parking - Enquiry completed 05/05/2020
68659 - Prior approval for proposed agricultural building

Publicity

Immediate neighbours notified by letter dated 19/07/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.
Conservation Officer - No objection.
Waste Management - No objection.
Greater Manchester Ecology Unit - No objection.

United Utilities - No objection subject to condition re water main.

Pre-start Conditions - Agreed.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN2/3	Listed Buildings
OL1/2	New Buildings in the Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
EN1/2	Townscape and Built Design
EN7	Pollution Control
EN6	Conservation of the Natural Environment
EN1/11	Public Utility Infrastructure
NPPF	National Planning Policy Framework
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H1/2	Further Housing Development

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.

Green Belt - Paragraph 149 states that the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces, is appropriate development in the green belt. In general terms, an increase of up to a third above the original volume may be acceptable, however each proposal will be considered on its own merits. The existing dwelling has a volume of approximately 690 cubic metres and the proposed dwelling has a volume of 1000 cubic metres. This means the proposed dwelling is approximately 44% larger than the existing dwelling.

Policy - Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages as set out under Policy OL1/3.

UDP Policy is supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, volume increase is not the only factor in any

assessment and a larger increase could be supported if a suitable case is made on its individual merits. According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents."

Given the current dilapidated state of the farmhouse and its location within the group of farm buildings, away from the public highway and partly screened by trees, its reconstruction and volume increase would not be significantly detrimental to the character and openness of the Green Belt. As such the proposal is acceptable and complies with the NPPF and UDP Green Belt policy OL1/2.

Curtilage - The proposed curtilage to the new dwelling is considered to be relatively modest in size and incorporates a parking and turning area with a natural native hedge boundary.

Visual amenity and Heritage - The farmhouse is registered as a non-designated heritage asset but it is in a very poor state of repair and has very little, if any, heritage value. The NPPF indicates that the test is whether there is any harm resulting from the proposed that is outweighed by the public interest and benefits of a proposal.

The heritage statement, submitted with the application assessed the building as low heritage value and assessed the proposed works as having a slight positive impact. Even though the building has a low level of interest and is proposed to be replaced, the development site retains a semi agricultural character more so its location rather than collection of recognisable agricultural buildings, its presence in a semi-rural location and the sites reuse as a modern farmhouse will result in a slight positive impact. The proposals strike a balance between the limited architectural and historic interest of the structure that is proposed to be replaced balanced against the development outcomes of the site. The report concludes that the proposals will not present any detrimental impact in accordance with national planning policy. The building has a low level of significance and possibly would not meet the minimum criteria to be recognised as a NDHA therefore its replacement is acceptable.

The conservation officer agrees with the findings set out in the heritage statement and does not consider that the building meets the necessary assessment criteria for it to be considered to be a NDHA and does not contribute to any significant group value of the farmstead as a whole. As such there is no objection to its demolition and replacement as proposed. In terms of design and appearance, the replacement dwelling would reflect the simple architecture and finish of the existing dwelling, and where possible re-use the materials that form the existing construction. This would be acceptable and comply with the NPPF and UDP Policies EN1/1 Visual Amenity, H2/1 The form of New Residential Development, H2/2 The Layout of New Residential Development.

Residential amenity - Given that the farmhouse sits within its own plot, over 50m away from the nearest neighbours, fronting Ringley Road West, there are no serious residential amenity issues arising from the proposal. In terms of residential amenity the proposal is acceptable and complies with the NPPF and UDP Policies listed.

Ecology - The access road to the site is lined on either side by trees and hedges and serve to screen the site from Ringley Road West. Tree along the the access road would be retained to provide privacy and screening. It would be appropriate for a native hedge to be replanted along the boundary and the site landscaped and this would be secured by a condition. A condition securing root protection for existing trees would also be required.

With regard to bats, GMEU had previously required a further bat survey to be carried out on the house to safeguard protected species. However following the recent fire in the building,

this is no longer required. The proposal is acceptable in terms of ecology and landscaping and complies with UDP Policies EN1/1 Visual Amenity, EN1/3 Landscaping Provision, EN6 Conservation of the Natural Environment and EN8 Woodland and Trees.

Access and Parking - The site is currently accessed by a private driveway from Ringley Road West that only serves this site. As part of this proposed development, the driveway and access would be significantly upgraded. The new parking and turning area on the north side of the new house would allow parking and turning for three cars. With the improved access and parking arrangements, the proposal is acceptable and does not raise any objection from the traffic team. The proposal complies with UDP Policies H2/2 The Layout of New Residential Development and HT2/4 Car parking and New Development.

United Utilities - United Utilities have indicated that a water main crosses the site and this must not be built over, or access to it compromised. Although it is unlikely that the replacement house would interfere with this, the applicant has been notified and a suitable condition is attached to require a survey to be carried out prior to development commencing.

Permitted development rights - Given its Green Belt location, it is considered appropriate to attach a condition to any approval removing permitted development rights.

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 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 EXK1047/00, EXK1047/01, PLK1047/00D, PLK1047/01/D, PLK1047/02/C, PLK1047/03/B and PS-2218-TS 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 No development, other than demolition, shall be commenced unless and until details/samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks 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.
- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no development

shall be carried out within the terms of Classes A to G of Part 1 and Part 2 Class A of Schedule 2 of the Order, without the submission and approval of a relevant planning application.

Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.

- 5 No development, other than demolition, shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:
- Photographic dilapidation survey of the footways and carriageways abutting the site access onto Ringley Road West in the event that subsequent remedial works are required following construction of the development and as a result of any statutory undertakers connections to the new dwelling;
 - Access point(s) construction traffic from the adopted highway and the development plot;
 - Proposed site hoardings (if proposed) clear of appropriate visibility splays at the junction of the site access with Ringley Road West;
 - Hours of operation and number of vehicle movements;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site access;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
 - Parking on site (or on land under the applicant's control) of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
 - Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/construction materials. All highway remedial works identified as a result of the dilapidation survey shall be implemented to the written satisfaction of the Local Planning Authority prior to the dwelling hereby approved being occupied.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent adopted highways, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety.

- 6 The car parking and turning facilities indicated on approved plan reference PL K1047/00A shall be provided before the dwelling hereby approved is first occupied and shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the site access/highway, in the interests of road safety.

- 7 No development, other than demolition, shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify

mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

- 8 No development, other than demolition, shall commence unless and until:-
- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 9 Following the provisions of Condition 8 of this planning permission, where remediation is required, the approved Remediation Strategy 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 15 - Conserving and enhancing the natural environment.

- 10 No development, other than demolition, shall be commenced unless a landscaping scheme is submitted to, and approved by the Local Planning Authority. The scheme should include boundary hedge planting and native tree and shrub planting and the provision of bat and bird boxes. The approved scheme shall thereafter be implemented not later than 6 months from the date the building is first occupied or within the first available planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 The Layout of New Residential Development, EN1/1 Visual Amenity and EN8/2 Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 Conserving and enhancing the natural environment of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/04/2023	HL	04/04/23