

DELEGATED REPORT

Report by Helen Leach	Date of report: 23/05/2025	Ref: 70641/FUL
Registration: 04/06/2024	LDfC: 28/06/2024	Expiry Date: 30/07/2024
Site Visit: 18/04/2025	Site Notice: 18/06/2024	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: MIOT

Proposal: Erection of an agricultural building

Location: Land between 7 & 37 Arthur Lane, Ainsworth, Bolton, BL2 5PW

Description

The site lies to the west of Arthur Lane and is located within the Green Belt and is semi rural in character. The site is in use as an open field and there are no buildings on site. The site is accessed via an existing field gate onto an existing access, which is adjacent to No. 37 Arthur Lane.

There is a stables building, various outbuildings and a riding arena to the south of the application site and there are residential properties beyond. There is a farm complex and open fields to the west of the site and a field to the north with residential properties beyond. There are commercial buildings to the east with woodland beyond.

The proposed development involves the erection of a agricultural building, which would be used for the storage of agricultural equipment and hay. The proposed building would be located to the west of Arthur Lane and would be constructed from concrete block with yorkshire boarding above and a corrugated mineral fibre roof in dark grey.

An existing access would be closed off and a new access would be created off Arthur Lane, which would lead to a hardstanding. The proposed access would also be shared with a proposed dwelling, which is subject to a separate application (70626).

Relevant Planning History

70142 - Conversion, extension and alteration of stable block to form 1 no. dwelling and demolition of associated outbuildings at land at 7 Arthur Lane, Ainsworth. Received - 5 October 2023.

70626 - Demolition of existing stables/outbuildings and erection of 1 no. dwelling at land at 7 Arthur Lane, Ainsworth. Received - 15 May 2024.

Adjacent site

38337 - Two storey extension at side with conservatory at rear at 7 Arthur Lane, Ainsworth. Approved with conditions - 23 October 2001.

54601 - Formation of horse exercise arena/manege at land at 7 Arthur Lane, Ainsworth. Approved with conditions - 8 December 2011.

Publicity

The neighbouring properties were notified by means of a letter on 6 June 2024 and site notices were posted on 18 June 2024.

1 letter has been received, which has raised the following issues:

- An agricultural building would be ideal for House Martin bowls and integrated bird bricks

to help support our declining building dependent species. Please make this a condition of the development.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access improvements, construction traffic management plan, turning facilities, car parking and refuse storage arrangements.

Environmental Health - Contaminated Land - No comment.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds and biodiversity net gain.

United Utilities - No response.

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

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-G9	The Green Belt
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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.

Principle - Green Belt

The application site is located within the Green Belt.

NPPF Chapter 13 - Protecting Green Belt Land, Policy JP-G9 of the Places for Everyone Joint Development Plan and OL policies of the UDP set out the national and local considerations of development within the Green Belt. UDP Policies are largely consistent with the NPPF and therefore hold significant weight. The policies of the NPPF hold substantial weight in terms of the consideration of development within the Green Belt, not least as these policies are more up to date than the UDP.

Para 153 considers that inappropriate development in the Green Belt is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. 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), including buildings, 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h. Other forms of development provided they preserve its openness and do not conflict

with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Paragraph 153 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.

Policy OL1/2 states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture or forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- 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, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

The proposed building would be used as an agricultural building for storage of agricultural equipment and hay and would be appropriate development within the Green Belt. The proposed building would be 9.1 metres by 18.3 metres and would be 4.9 metres in height at the highest point. The proposed building would be located in the field adjacent to the industrial buildings and would keep the buildings in the Green Belt in a cluster. This would reduce the impact upon the openness of the Green Belt. Therefore, the proposed development would not have a significant adverse impact upon the openness of the Green Belt. Therefore, the proposed development would be in accordance with Policies OL1/2 of the Unitary Development Plan and the NPPF.

Design and layout - The proposed building is of a similar design to agricultural building. The proposed building would be constructed from concrete block with yorkshire boarding above and a corrugated mineral fibre roof in dark grey, which would be appropriate to the character of the area. The proposed building would be partly screened from view by the existing hedgerows and vegetation. The design of the proposed building has minimised its visual impact upon the locality and would be in accordance with Policies EN1/2, OL1/2 and OL4/5 of the adopted Unitary Development Plan.

Impact upon residential amenity - The nearest residential properties would be 65.4 metres and would be over 91.8 metres away from the proposed building, which would be used to store machinery and hay. Therefore, the proposed development would not have an adverse impact upon the amenity of the neighbouring residents and would be in accordance with Policy OL4/5 of the adopted Unitary Development Plan.

Ecology - The main considerations for this application are nesting birds and biodiversity net gain.

Nesting - All nesting birds are protected. GM Ecology Unit has no objections to the proposal, subject to the inclusion of a condition relating to nesting birds.

Biodiversity Net Gain - The information submitted with the application includes a small sites Biodiversity Net Gain (BNG) report and small sites statutory Biodiversity Metric, dated 02/09/2024. The BNG metric spreadsheet has been assessed and all the habitat trading rules have been adhered to. The appraisal found the site had some ecological value and aerial photography indicated the site formally included a row of trees, which have now been included in the metric considerations.

After construction of the development, onsite biodiversity remediation and the 10% net gain requirement, there would be a net gain of 0.03 area habitat units and 0.05 linear hedgerow units.

GM Ecology Unit has no objections, subject to the inclusion of conditions relating to biodiversity net gain.

Therefore, the proposed development would not cause harm to ecological features and would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development would close the existing field gate access, which is located off an existing access adjacent to No. 37 Arthur Lane and would create a new access on the inside of the bend onto Arthur Lane. This access would serve the proposed agricultural building and an dwelling (application reference 70626) and would have much better visibility. The proposed access would connect the agricultural building to the agricultural land to the south and would include turning facilities. The existing 1.2 metre high post and rail fencing would be installed across the existing access to block it.

The Traffic Section has no objections, subject to the inclusion of conditions relating to access improvements, construction traffic management plan, turning facilities, car parking and refuse storage arrangements.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan and Policies JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan.

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 GS.280324.A, GS-26-03-24-A2, GS-26-03-24-C3, AL-30-11-23-B, 3189-001 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 and Places for Everyone Joint Development Plan listed.

- 3 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 EN1/2 - Townscape and Built Design.

- 4 The Biodiversity Gain Plan shall be prepared and must include:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 2. the pre-development biodiversity value of the onsite habitat;
 3. the post-development biodiversity value of the onsite habitat;
 4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 5. any biodiversity credits purchased for the development; and
 6. any such other matters as the Secretary of State may by regulations specify.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 5 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
1. a non-technical summary;
 2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

has been submitted to, and approved in writing by, the local planning authority.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 6 The development hereby approved shall not be occupied unless and until:
1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and

Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity

- 7 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Places for Everyone Joint Development Plan Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.
- 8 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways and unadopted shared access to the Local Planning Authority:
1. Formation of the proposed new access onto Arthur Lane to a scope and specification to be agreed, incorporating the visibility splays at the junction shown in accordance with the standards in Manual for Streets and removal of a sufficient section of the existing hedge to achieve the visibility splays required;
 2. Proposed new access and hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
 3. Reinstatement of the redundant agricultural access onto the unadopted access to the north of the site to a scope and specification to be agreed with the Local Planning Authority, incorporating appropriate boundary treatment and any associated works within the 'agricultural land' indicated;

The highway works subsequently approved shall be implemented to an agreed programme and to the satisfaction of the Local Planning Authority before the dwelling hereby approved is first occupied.

Reason. To ensure good highway design and the intervisibility of the users of the site and the adjacent highways in the interests of road safety and to maintain the integrity of the adopted highway pursuant to the following Policies of the Unitary Development Plan and the Places for Everyone Joint Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy JP-C5 - Streets for All

Policy JP-C6 - Walking and Cycling

- 9 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
1. Photographic dilapidation survey of the adopted and unadopted highways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development, replacement of all boundary features and as a result of statutory undertakers connections to the site;
 2. Access route for all construction vehicles to the site from the Key Route Network;
 3. Access point/arrangements for construction traffic and all temporary works required to facilitate access for construction vehicles;
 4. If proposed, details of site hoarding/gate positions, incorporating the provision of adequate levels of visibility at any junction;
 5. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Arthur Lane;
 6. Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated within the curtilage of the site and number of vehicle movements;
 7. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site to ensure that they can enter and leave in a forward gear and/or

- measures to control/manage delivery vehicle manoeuvres;
8. Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
 9. Measures to ensure that all mud and other loose materials are not spread onto the adjacent 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 demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 10 The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Unitary Development Plan and the Places for Everyone Joint Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy JP-C5 - Streets for All
Policy JP-C6 - Walking and Cycling

- 11 The car parking facilities indicated on the approved plans shall be surfaced, and made available for use/implemented to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling hereby approved 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 23/05/2025			