

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 08/12/2022	Ref: 68930/FUL
Registration: 29/09/2022	LDfC: 08/11/2022	Expiry Date: 24/11/2022
Site Visit: 24/10/2022	Site Notice: 24/10/2022	Press Date: 27/10/2022
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of goat shelter; Extension of agricultural bale storage area following the piping of a small ditch and the importation of approximately 256 m3 of inert material

Location: Tom Nook Farm, Turton Road, Tottington, Bury, BL8 3QG

Description

The proposal relates to a site south of Turton Road, adjacent to the access to Tom Nook Farm. There is an existing hardstanding accessed from the existing access to Tom Nook Farm and Footpath 63TOT falls to the immediate west of the proposed site. A drainage channel is routed through the site and is culverted under Turton Road.

The site is located in the Greater Manchester Green Belt, a Special Landscape Area and West Pennine Moors. It forms a part of an agricultural holding.

The proposal is for the erection of a goat shelter; extension of agricultural bale storage area following the piping of a small ditch and the importation of approximately 256 m3 of inert fill material to form a level platform.

The agricultural shelter would be positioned upon the filled area and would have a footprint of 8m x 9.14m and a maximum height to ridge of 5.5m. It would be finished in olive green coloured profiled metal sheeting.

The proposal has been amended to change the proposed finishing materials.

Relevant Planning History

50616 - EXTENSION TO MANEGE AND CONSTRUCTION OF TIMBER STORE - Approve with Conditions 03/12/2008

53280 - Erection of two roofs on timber frames to cover existing hard-core yard areas to provide sheltered accommodation for agricultural vehicles. - Approve with Conditions 29/11/2010

59513 - Replacement garden building to be used as "granny annex" - Withdrawn by Applicant 17/03/2016

60670 - Replacement garden building to be used as "granny annex" - Approve with Conditions 19/12/2016

Publicity

Advertised by site notice and direct neighbour notification. One representation received raising the following concern:

Water running in the ditch in the application, which includes the old Pack Horse trail, is not always problematical but when continuous or heavy rain falls, floods onto the roadway from Tom Nooks Farm and spills continuously onto Turton Road and across into the opposing driveway, flooding the garden and the garage. The original drainage under the roadway becomes overwhelmed and fails to manage the water flow. I am concerned that the work may well make the situation worse unless the drainage ditch water flow is fully maintained and steps are taken to avoid further flows of water across Turton Road and the underground drainage is fully maintained.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition requiring agreement of a Construction Traffic Management Plan

Public Rights of Way Officer: No objection. Public footpath number 63, Tottington runs adjacent to the western boundary of the development.

Environmental Health - Contaminated Land: No objection, subject to condition relating to the agreement of imported materials.

Greater Manchester Ecology Unit: No objection, subject to conditions in relation to nest birds, invasive species and biodiversity mitigation.

Pre-start Conditions - Agreed

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
EN1/1	Visual Amenity
EN7	Pollution Control
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

ASSESSMENT

Principle of the development

As the proposal is for an agricultural building on agricultural land, there is a presumption in favour of supporting such in Section 6 of the National Planning Policy Framework (NPPF).

The site falls within the Greater Manchester Green Belt. Whilst the construction of new buildings in the Green Belt is regarded as inappropriate, the NPPF makes an exception for agricultural buildings and as such there is no requirement to consider impacts on openness thereafter. Engineering operations (i.e. the proposed new access track) are also excepted, provided that they preserve openness and do not conflict with including land within it.

The proposal would therefore constitute appropriate development and comply with the principles of the NPPF and UDP Policy OL1/2.

Siting, design and appearance

The site falls upon land designated as a Special Landscape Area and West Pennine Moors, and as such an assessment of the impact of the siting and design of the proposed development is necessary with regards to the visual amenity and landscape character, as required by UDP policies EN1/1, EN9/1, OL4/5 and OL7/2.

The proposed building would be of a modest scale and height and be finished in typical materials and would be positioned relatively close to Turton Road and the opposing dwelling to the north, around 50-60m away. Land to the south rises beyond the associated farm complex and sporadic trees frame the site, further mitigating the potential visual impacts from close range when travelling along Turton Lane. From footpath 63TOT, the development would be an obvious new feature in the landscape. However, this would be in the context of expansive views from an elevated position on approach from the south and the building would be backdropped by the complex of buildings on the opposing side of Turton Road. Further, the building would be of a modest scale of the proposed building and the filtered views towards it from relatively distant vantage points to the south, east and west, it would be largely screened and would assimilate easily in the rural setting.

Given the circumstances, the proposal would not have any unacceptable impacts upon visual amenity or landscape character of the area or the designated landscapes and would therefore be compliant with the above policies and SPD8.

Residential amenity

The nearest unassociated dwellings would fall over 60m from the site and would have partially obscured views due to levels and intervening roadside hedgerow.

In terms of impact of noise from the development, whilst there may be some degree of noise from the building with the keeping of livestock and farm machinery, the building would be fully enclosed and agricultural activities associated with an existing working farm could happen in the area in any event, with or without the building. As a working farm, there would also be an expected level of 'agricultural type' noise in the area and it is considered that the proposed development would be unlikely to exacerbate noise to such a significant degree as to be a nuisance to the nearest noise sensitive receptors.

As such, it is considered that there would not be a detrimental impact on the amenity at nearest neighbouring properties and the proposed development would comply with UDP Policy OL4/5.

Access and highway safety

The Highway and Public Rights of Way Officer do not object to the proposal, which would utilise an existing access from Turton Road.

Other matters

The GMEU recommend the imposition of conditions as noted above.

Response to objection

- The infrequent surface water overflow is an existing situation related to the drainage ditch being culverted under Turton Road. The proposed further culverting would be to the same specification as existing and the extended level platform would be finished in permeable materials. Therefore, the proposal would not be expected to increase surface water flow. It would be the land owners obligation to maintain the flow of the drainage infrastructure on their land.

CONCLUSION

The proposed building would not have any unacceptable impacts on the openness of the Green Belt, upon visual amenity, landscape character, the historic environment, residential amenity and highway safety. Given this, the proposal would be compliant with the above stated policies, SPD8 and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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;
Location Plan dated 29/09/2022
Proposed Site Plan dated 29/09/2022
Proposed Plans (Dwg no. C11-001 A)
Topographical Land Survey - Ditch Quantification (Dwg No. MM.TS.17)
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 external finishing materials for the proposal hereby approved shall be as detailed within the approved application particulars.
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 Any materials brought to site for use in-filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) 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 Policy EN7 - Pollution Control of the Bury Unitary Development Plan.
- 5 No development 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 Public Footpath No. 63, Tottington leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of its use for the importation of inert material;
 - Measures to ensure that adequate levels of visibility are provided/maintained at the junction of the site access with Turton Road during construction of the development/material importation;
 - Access point(s) for construction traffic from Public Footpath No. 63, Tottington and all temporary works required to facilitate access for ground works/construction vehicles;
 - The provision, where necessary, of temporary pedestrian facilities/protection measures on Public Footpath No. 63, Tottington;
 - A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access onto Turton Road;
 - Confirmation of hours of operation, delivery, construction and material importation vehicle sizes that can be accommodated on the Public Right of Way that serves the site, and number of vehicle movements;

- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way/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 turning/parking of vehicles and storage of 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 development hereby approved being brought into use.

Reason. To maintain the integrity of the adopted highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, 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, pursuant to Policy EN1/2 of the Bury Unitary Development Plan.

- 6 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

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 National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 7 Prior to any earthworks, a method statement detailing biosecurity measures for himalayan balsam shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the agreed method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason. To ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the site and its surroundings, pursuant to Policy 6/4 of the Bury Unitary Development Plan and Section 15 of the National Planning Policy Framework.

- 8 Prior to the erection of any external wall of the development hereby approved, a biodiversity mitigation enhancement plan shall be submitted to and agreed in writing with the Local Planning Authority for the ditch upstream of the section to be culverted. Thereafter, the agreed mitigation enhancements shall be implemented in full within 12 months of the completion of the building hereby approved.

Reason. In order to provide biodiversity net gain pursuant to Section 15 of the National Planning Policy Framework.

<u>Case Officer</u> DSC	<u>Date</u> 08/12/2022	<u>Sign off Officer</u>	<u>Date</u>
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