

DELEGATED REPORT

Report by Helen Leach	Date of report: 11/11/2021	Ref: 67694/NON
Registration: 20/10/2021	LDfC:	Expiry Date: 17/11/2021
Site Visit: 05/11/2021	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: 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.'

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 a non material amendment to plot 1 to change the brick from 'York Handmade Old Clamp' to 'Newlyn Heritage Blend'.

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

Publicity

None required.

Statutory/Non-Statutory Consultations

None required.

Pre-start Conditions - Not relevant.

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.

Design and layout - The proposed amendment to the bricks would apply to plot 1 only. The previously approved brick is not available and the applicant wishes to change the brick to the Newlyn Heritage Blend brick. This would have a very similar appearance to the previously approved brick and as such, would not impact upon the character and appearance of the proposed live/work unit. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Recommendation: Approve

Conditions and Reasons:

- 1 The proposed amendments would not impact adversely upon the appearance of the site or the residential amenity of the nearby properties. As such, the proposed development would not be unduly prominent in the locality. The proposed amendments would not have a detrimental impact upon ecology or highway safety and would still be in accordance with the overall principles in terms of the approved application 57530 and the Policies against which this was approved. As such, the application is a non-material amendment.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 11/11/2021		DM	12/11/2021