

DELEGATED REPORT

Report by Tom Beirne	Date of report: 30/08/2024	Ref: 70926/LBC
Registration: 23/07/2024	LDFC: 27/08/2024	Expiry Date: 17/09/2024
Site Visit: 06/08/2024	Site Notice: 06/08/2024	Press Date: 01/08/2024
Objections: 0	Con Area:	Adv Type: ASB
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for demolition of existing garden shelter and replaced with new garden room

Location: Greenhalgh Fold Cottage, Whipney Lane, Tottington, Bury, BL8 4HT

Description

Greenhalgh Fold Cottage is a stone built, grade two listed building which has been extended on its eastern side. The existing timber built garden structure, that would be demolished is located at the easternmost edge of the side garden area. The garden sits at a higher level to the adjacent access road/footpath (30TOT) that runs through Greenmount Golf Course to the south of the property. The footpath is not impacted by any development within the garden.

The site is located within Greenmount Golf Course, with the clubhouse and car park situated to the east. The site is within the Green Belt, River Valley and West Pennine Moors and also within a designated Wildlife Links and corridor.

The new garden building would be L-shaped and measure 8m along its longest/ north side and 7.5m along the rear elevation. A small outdoor patio would sit in the 'elbow' of the building. The structure would be flat roofed with a maximum height of 2.85m and be finished in a cream coloured render with a small area of grey composite cladding.

Relevant Planning History

60468 - Change of use from a barn to a supplementary family annex - 06/04/2017
70925 - Demolition of existing garden shelter and replaced with new garden room - 20/03/2019
20/0339 - Breach of conditions no. 2 (approved plans) & 3,4,7 (pre-commencement conditions) - 19/11/2020

Publicity

Immediate neighbours notified by letter dated 23/07/2024. No objections received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objection received.
National Amenity Societies - No objection received.

Pre-start Conditions - N/A

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
EN2/3	Listed Buildings
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

PFE Places for Everyone

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.

Policy and Heritage - Chapter 16 of the NPPF relates to the historic environment and paragraph 206 states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing

justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

NPPF paragraph 208 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Heritage policies with the recently adopted Places for Everyone and UDP Policy EN2/3 Listed Buildings support the guidance within the NPPF in protecting heritage assets.

In terms of its impact, the proposal to replace the existing garden building is not considered to have a detrimental impact on the character and appearance of the listed building. The conservation officer has no objection to the proposal and as such the proposal would protect and enhance the heritage asset and complies with the NPPF, PfE and UDP Policies listed above.

Green Belt - The new building would replace an existing garden structure and hardstanding patio within the same area of the site and would be screened by fencing and existing trees and shrubs around the boundary. Although the new building would be larger, there would be no significant impact on the openness of the green belt.

Ecology - There would no loss of existing planting and no significant impact upon wildlife habitats. The new building is a single storey structure with flat roof construction in order to minimise massing, ensuring that there is not a disproportionate addition to the site, over and above the existing dwelling. The proposed building would sit subserviently and hidden by the existing woodland in the most part.

Visual amenity - UDP Policy EN1/1 Visual Amenity is relevant. The proposed building would be to the east of the main house and would be sited within the existing dense wooded area that surrounds the site in this location. This area of the garden sits at higher ground, with the surrounding land outside of the site boundary falling away at roughly 45°. The public footpath running along the southern boundary falls away towards the east and therefore the visual impact on passers by is negated with the existing timber fence shielding the majority of the new buildings massing.

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 the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed

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Buildings and Conservation Areas) Act 1990.

- 2 This decision relates to drawings numbered 001, 100, 101, 102 and 103 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 development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Greenhalgh Fold Cottage.

Reason. To ensure the proposed use remains ancillary to the principle use on the site pursuant to UDP policies listed.

<u>Case Officer</u> TB 30/8/24	<u>Date</u>	<u>Sign off Officer</u> DM 30/8/24	<u>Date</u>
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