

DELEGATED REPORT

Report by Helen Leach	Date of report: 06/02/2023	Ref: 68593/FUL
Registration: 28/07/2022	LDfC: 02/09/2022	Expiry Date: 22/09/2022
Site Visit: 08/08/2022	Site Notice: 08/08/2022	Press Date: 11/08/2022
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Variation of condition 2 following approval of planning permission ref. 68336 - The addition of PV panels to the roof, a reduction in the window cill height of kitchen window and the inclusion of a glazed lean to south elevation.

Location: Bast House, Manchester Road, Ramsbottom, Bury, BL9 5LZ

Description

The application relates to a redundant farm complex immediately to the east of Bast House and Bast House Farm Cottage and to the west of Bast House Farm. The site is to the south east of Gollinrod, next to the junction 1 of the M66 between Bury and Ramsbottom. The site is surrounded by open countryside and there is a small lodge to the south-east.

The buildings to be converted have two distinct built elements separated by a cobbled courtyard. The larger building on the north side of the site has evolved with a mix of different stone and brick forms and is characterised by larger relatively open barns with three distinct gables on the north-east elevation. The building on the south side of the farmyard is a smaller, more enclosed stone built barn. A structural survey was submitted and confirmed that the buildings are substantial and capable of conversion but they are in a relatively poor state of repair.

The site is accessed from a private track off Manchester Road which loops around the site and runs back onto Manchester Road at the same point.

The site lies within the Green Belt and Area of Special Landscape. Bast House Farm Cottage, to the west, is a Grade 2 listed building and a Public Right of Way (PRoW) (229) runs through the site west to east. The location plan shows the routes of the PRoW in and around the site.

Planning consent was granted in February 2017 for the conversion of the existing buildings into 6 dwellings. 5 of the dwellings would be located in the larger barn complex on the north side and 1 dwelling in the barn to the south. The vast majority of the built form would be retained although there would be a small amount of demolition and rebuilding, most notably the single storey outrigger on the east elevation.

The existing farm track would serve the proposed dwellings. A new farm track would extend off the existing road and loop around the south side of the development for the dual purpose of allowing vehicular access to the detached dwelling in the barn and in order to facilitate the redirected public right of way running through the site. The detached house would have a private garden area on its south side.

Planning consent was granted for the demolition of the barn to the south and the erection of a single dwelling with further amendments (68336) granted in June 2022.

Proposed development

The proposed development involves the addition of photo voltaic panels to the roof, a change from a window to a door for the kitchen window on the southern elevation and the inclusion of a glazed canopy on the south elevation.

Relevant Planning History

60870 - Conversion of two redundant agricultural outbuildings to create 6 no. dwellings at Bast House Farm Barns, Manchester Road, Ramsbottom. Approved with conditions - 1 March 2017.

66016 - Demolition of existing detached barn and erection of 1 no. dwelling at Bast House Farm, Manchester Road, Ramsbottom. Approved with conditions - 5 February 2021.

68336 - Variation of condition 02 following approval of planning permission 66016-Garage widened to provide internal corridor and WC and the back door position amended accordingly; position of window GW-03 moved (Ground Floor WC and additional ensuite to First Floor Bedroom 3); addition of window GW-05 to boot room / cloaks entrance and introduction of a stove to the kitchen - additional flue indicated on the elevations and internal amendments to layout at Bast House, Manchester Road, Ramsbottom. Approved with conditions - 21 June 2022.

68337 - Variation of condition 02 following approval of planning permission 60870:- Amendments to internal layout of unit 2; First floor - additional bedroom and ensuite; Second floor - additional floor area to provide dressing room & ensuite and East elevation amended to reflect the above changes at Bast House Farm, Manchester Road, Ramsbottom. Approved with conditions - 27 June 2022.

Publicity

The neighbouring properties were notified by means of a letter on 2 August 2022 and a press notice was published in the Bury Times on 11 August 2022. Site notices were posted on 3 August 2022.

There has been no response.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN9/1	Special Landscape Areas
EN1/1	Visual Amenity
EN2/3	Listed Buildings
EN7	Pollution Control
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
NPPF	National Planning Policy Framework
SPD 9	Conversion and Re-use of Buildings in the Green Belt
HT2	Highway Network
SPD11	Parking Standards in Bury

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.

Principle - Green Belt - The application site is located in the Green Belt. Paragraph 145 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. provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- c. extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- d. replacement of a building, providing 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 community needs under policies set out in the development plan (including policies for rural exceptions 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 with in the area of the local planning authority.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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.

UDP Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest, or the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

The proposed development involves the addition of PV panels to the roof, alterations to the window cill height of the kitchen window and the inclusion of a glazed lean to. The proposed PV panels and the alteration to the kitchen window would not impact upon the openness of the Green Belt. The proposed glazed lean to would be a lightweight structure and would be viewed against the backdrop of the existing building. As such, it would not have a significant adverse impact upon the openness and character of the Green Belt. Therefore, the proposed development would be in accordance with Policies OL1/2 and EN1/1 of the Bury Unitary Development Plan and the NPPF.

Principle - Residential - The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and

therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The principle of planning permission was established with the grant of planning permission in March 2017 and the development has been commenced. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Layout and design - The proposed photo voltaic panels on the roof would be an 'in-roof' system and the panels would be set within the roof. As such, the proposed development would have a similar appearance to roof tiles and would not have a significant adverse impact upon the character and appearance of the building.

The proposed kitchen opening would retain the same dimensions but would change from a window to doors. The proposed amendment would not impact on the external appearance of the proposed dwelling.

The proposed glazed canopy would be located to the front of the proposed dwelling and would provide space for outside dining. The proposed canopy would be constructed aluminium with glazed panels in the roof, which would be acceptable. The proposed canopy would be viewed against the backdrop of the existing building and would be a lightweight structure, which is semi-permanent and could be removed in the future. As such, the proposed canopy would not have a significant adverse impact upon the character and appearance of the proposed dwelling and would be in accordance with Policies EN1/1, EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - The proposed photo voltaic panels would not have any impact upon the amenity of the neighbouring properties.

The proposed kitchen door would be the same size and position as previously approved and would not have a greater impact upon the amenity of the neighbouring properties.

The proposed canopy would be used for outdoor dining and would be located on the southern elevation. All of the nearby residential properties are located to the north of the proposed dwelling. As such, the proposed canopy would not have an adverse impact upon the amenity of the neighbouring properties.

Therefore, the proposed development would not impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed changes to the external elevations would not impact upon the access or parking arrangements at the site. As such, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary 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 1119 A DR 000 B, 1119 A DR 006 A, 1119 A DR 100 G, 1119 A DR 220 M, 1119 A DR 221 L, 1119 A DR 222 J, 1119 A DR 227 H, 1119 A DR 228 H 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 be carried out in accordance with the materials approved as part of condition 3 of permission 60870.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.
- 4 The development hereby approved shall be carried out in accordance with the boundary treatments approved as part of condition 4 of permission 60870.
Reason - To secure the satisfactory development of the site and in the interests of the visual amenities of the area pursuant to Policy EN1/1 Visual Amenity of Bury Unitary Development Plan.
- 5 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 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.
- 6 All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Environmental Management Plan by ERAP (Consultant Ecologists) Ltd (ref: 2019-218b) dated January 2021.
Reason. In the the interests of ecology and protected species pursuant to the NPPF and UDP Policy EN6 Conservation of the Natural Environment.
- 7 Prior to occupation, a "lighting design strategy for biodiversity" for areas and buildings to be externally lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and

barn owls and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason. To ensure there is no harm to a protected species pursuant to the NPPF and Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan.

- 8 The development hereby approved shall be carried out in accordance with the details approved as part of condition 9 of permission 60870.
Reason. To ensure a satisfactory form of development in the interests of visual amenity pursuant to UDP Policies EN1/1 Visual Amenity.
- 9 Following the provisions of Conditions 10 and 12 of planning permission 60870, where remediation relating 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 11 - Conserving and enhancing the natural environment.
- 10 No development approved by this permission shall be occupied until a scheme for the disposal of foul and surface waters has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
Reason. Drainage details have not been submitted and to ensure a satisfactory means of drainage pursuant to the NPPF and UDP Policy EN7/5 Waste Water Management.
- 11 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to development hereby approved being occupied 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.
- 12 The turning facilities indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall be subsequently 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 Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.
- 13 No development shall commence unless and until a 'Construction Management Plan' (CMP), has been submitted to and agreed in writing with the Local Planning Authority and shall provide the following:

- Access arrangements and routing for demolition/construction traffic from the adopted highway and unadopted site access road, including use of appropriately sized vehicles in order to be able to utilise the existing restricted access route;
- Hours of operation and number of vehicle movements;
- Proposals for the provision of parking facilities/arrangements for site operatives;
- Storage on site/on land within the applicant's control of demolition/ construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding positions clear of existing Public Rights of Ways, including the provision, where necessary, of temporary pedestrian facilities/protection measures;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site as part of the proposed demolition works/ground works operations 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.

Reason. 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, in the interests of highway safety pursuant to UDP Policy H2 Highway Network.

- 14 Unless the section of Public Footpath No. 229 Ramsbottom located within the application site is first diverted, details of how the public footpath will be accommodated through the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Parking spaces should be provided prior to the first occupation of the dwellings and subsequently retained.

Reason. To ensure that the Public Right of Way that crosses the site is adequately accommodated pursuant to UDP Policy RT3/3 Access to the Countryside.

- 15 In the event that the section of Public Footpath No. 229 Ramsbottom located within the application site is to be diverted, no development shall commence unless and until full details of following have been submitted to and approved by the Local Planning Authority:

- The provision of a gate at the interface between the existing access track with the open field/diverted route of the Public Right of Way;
- The provision of a hard surfaced diverted route through the open field to a specification to be agreed to replace that which exists on the existing footpath route;
- In the event that fencing of the diverted route is required by the landowner, type of fence proposed and position(s) to ensure that the width of the diversion reflects that currently available along the existing path.

The details subsequently approved shall be implemented to the written satisfaction of the Local Planning Authority before the development is first occupied/ Public Footpath No. 229 Ramsbottom is diverted.

Reason. To ensure that the Public Right of Way that crosses the site is adequately accommodated pursuant to UDP Policy RT3/3 Access to the Countryside.

- 16 Prior to first occupation of the development hereby approved, a domestic sprinkler system to meet the requirements of BS 9251:2014, or any subsequent revised standard, shall be installed in the dwellings hereby approved. The sprinkler systems shall thereafter be maintained at all times.

DELEGATED REPORT

Reason. In the interests of fire safety pursuant to The NPPF and UDP Policies listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 06/02/2023			