

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/11/2024	Ref: 71118/FUL
Registration: 20/09/2024	LDfC: 18/10/2024	Expiry Date: 15/11/2024
Site Visit: 02/10/2024	Site Notice: 02/10/2024	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: COUS

Proposal: Change of use and extension of agricultural building to a cafe, class rooms, animal pens, kiosk and outdoor seating area with associated parking

Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS

Description

The application relates to a farm, Higher Woodhill Farm on the west side of Woodhill Road. The site is within the Green Belt and a designated Landscape Character Area, River Valley and Wildlife Corridor. The complex of farm buildings are grouped together around which are concrete hardstandings which serve as the yard and servicing areas to the buildings and a hardcore surface which had been in situ for more than 15 years to facilitate an access to the rear of the agricultural buildings.

To the south of the site and in the applicant's ownership is an open field beyond which is residential development which extends round to the west and the north western perimeter of the field.

Background

Historically, the farm has operated as a poultry farm but due to upgrading and advancement of Animal and Farm welfare standards the poultry business became unviable and has since been relocated. The farm therefore concentrated on developing the dairy business. However, traditional markets for agricultural commodities and products, changes in farming practices, competition from supermarket retailers and withdraw of the UK from the EU have also had an impact on the viability of the farm and its continuing operations and therefore has diversified into the manufacturing and sales of dairy ice cream which is done on site and enabled by a planning consent to operate out of 3 timber clad containers (see planning history below).

The sales of dairy ice cream locally has continued to flourish and the applicant now wants to expand the business and provide other services to members of the public to continue to be a profitable and sustainable business.

The application seeks the change of use and extension of an agricultural building to a cafe, classrooms, animal pens, kiosk and outdoor seating area with associated parking.

The agricultural building relating to this application is to the south of the cluster of buildings which forms the farm site. It is proposed to internally separate the building into two main areas; half to be used as animal pens with classrooms attached and the other half a cafe, with toilet facilities dividing the two areas. A container would be added to the front elevation which would be 10.36m x 3.6m (eastern side) with the roof raised slightly higher where it would join the building and where the kitchen/food store, ice cream and coffee kiosk and display and storage would be located to serve members of the public.

The existing access at the southern end of the site would be used to access the yard area

and parking, which is already in situ but which would be more formally laid out to provide 32 spaces, a coach space and 6 spaces for staff.

To the west of the site behind the building would be an animal grazing and interaction paddock for outdoor learning with an outdoor seating area to the south side of the building close to the cafe area.

The western boundary of the site would be planted with a native mix hedgerow and a low post and rail fence would separate the different areas of the site.

Relevant Planning History

54048 - Demolition of existing poultry shed and erection of new livestock building together with outside yard/feeding area incorporating below ground slurry storage - approved 2011

60960 - Demolition of existing poultry shed and agricultural building - approved 6/2/2017

66859 - Temporary change of use for a period of three years from agricultural use to retail sale and manufacturing of ice cream with the provision of 3 no. containers - approved 6/8/21

71033 - Continuation of the use of 3 no. containers associated with the retail sale and manufacturing of ice cream (Classes E(b) & B2) for a temporary period of three years - approved 18/10/24

Publicity

Letter sent to Calrows Farm on 26/9/24

Site notice posted 2/10/24

No responses received

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Commercial Section - No objection

Environmental Health - Pollution Control - No objection

Waste Management - No response received

Canal & River Trust - No comments to make

Greater Manchester Ecology Unit - No objection

Environmental Health - Contaminated Land - No objection

United Utilities (Water and waste) - No objection subject to condition and informatives

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

OL5/2 Development in River Valleys

EN6/4 Wildlife Links and Corridors

EN1/2 Townscape and Built Design

EC4/1 Small Businesses

OL1/2 New Buildings in the Green Belt

OL4/4 Agricultural Diversification

HT2/4 Car Parking and New Development

GMMWP Greater Manchester Minerals and Waste Plan

JP-C2 Digital Connectivity

JP-C5 Streets For All

JP-C6 Walking and Cycling

JP-C8 Transport Requirements of New Development

JP-G1 Landscape Character

JP-G9 The Green Belt

JP-S2 Carbon and Energy

SPD11 Parking Standards in Bury

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

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 - Use

Chapter 6 of the NPPF supports a prosperous rural economy and at para 88 states that planning policies and design should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;

- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

EC4/1 - Small Businesses states that proposals will be acceptable where the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

OL4/4 - Agricultural Diversification - Encourages a viable rural economy by supporting farm diversification enterprises which respect the quality of the built and natural environment. Development proposals should seek to conserve and enhance the landscape character and nature conservation value of the countryside.

The proposed development would facilitate the continuing expansion of the farm business to support the ongoing viability and preservation of the farming enterprise for the future. The business would be a sustainable development, manufacturing and producing the goods on site with retail sales to members of the public and the proposed classrooms would provide an educational facility for children from the local community and schools.

It is therefore considered that the proposed development would be acceptable and comply with policies EC4/1, OL4/4 and the principles of the NPPF.

Principle - Green Belt

The proposed extension to the existing agricultural building would be sited and attached to the front of the building and would add circa 37 sqm which is considered to be a relatively minimal addition. The proposed increase in roof height would be on the easterly side to connect the extension and would not increase the existing ridge. The extension would be clad in timber which is considered to be an appropriate addition with a rural and Green Belt setting. It is therefore considered that this element of the development would be acceptable and would not have a significant impact on the openness of the Green Belt.

In terms of the proposed parking and hardstanding area, the extent of the existing hardcore area to the south of the site has been in situ since 1997 and used as an access track to the poultry shed when this was one of the main activities of the farm.

The car park area would not be increased in size, but more formally laid out to facilitate 32 spaces and an area for a coach to park when schools visit the educational facility.

The proposed development would be in connection with the existing dairy farming business and would not have a visually harmful impact on the openness of the Green Belt or conflict with the purposes of including development in the Green Belt.

It is therefore considered that given the siting, appearance and location of the development and its use in connection with an existing agricultural business, the proposed development would not harm the openness of the Green Belt and would be appropriate development and compliant with the principles of the NPPF.

Impact on residential amenity

The nearest residential property is Calrows Farm which would be more than 55m away from the proposed development area, parking area and the access to it and is screened by other farm buildings.

Properties to the rear (west) of the site would be more than 60m away and as such impacts from activities and noise are considered not to be significant as the majority of the development would be located within the agricultural building and the parking and ice cream sales located on the eastern side and well screened from views from these house.

It is therefore considered the proposed development would be acceptable and comply with EC4/1, EN1/2 and OL4/4.

Highway issues

Currently, customers and visitors arriving by foot to the ice cream sales kiosk use the access directly opposite the kiosk and during busy periods, queue up in this area which can get close to the road which the applicant states is unsafe particularly for children. This situation would be improved as the sales point to the kiosk would be relocated to the front of the agricultural building, further away from the road and a new path and formal queuing area provided within the site which would be accessed via a new pedestrian entrance.

The car park and concrete and hardcore surfacing are already in situ, albeit the parking is not formally arranged and visitors and customer cars already park in this area. The proposal is to provide 32 spaces in a more formal arrangement which would be delineated by numbered signs attached to the post and wire fence which would be less visually intrusive than markings on the ground. The spaces would also ensure that cars would also be less likely to park on Woodhill Road.

The coach space would be for when schools or a community group use the classroom facilities and visit the animal pens and outdoor paddock and learning area and this would be located along the southern boundary of the car park. The highway section are satisfied that this larger vehicle could manoeuvre safely within the site to exit in a forward gear out onto Woodhill Road.

Subject to conditions, the Highway Authority have raised no objection.

The proposed development is therefore considered to be acceptable and comply with HT2/4, JP-C5, JP-C6 and JP-C8.

Air quality

The site is not located within an Air Quality Management Area. Due to the scale of the development, it is considered very unlikely that the development would create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

The proposed development would have off-street parking. Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The required measures to do this are currently under discussion. Due to this requirement, and the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), this Section recommends a condition to be placed on any grant of permission for the provision of a minimum of 20% of the proposed parking spaces.

United Utilities

Recommend a condition for the submission of a sustainable surface water drainage scheme.

Ecology

GMEU have been consulted and consider that the proposals have very low ecological risk and would therefore not require any ecology surveys to support this application.

GMEU would however give the following advice -

- Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will

- impact on protected species.
- Work that will impact on habitats where nesting birds may be present (for example works to buildings/demolition, works to/or removal of trees, hedgerow and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken.
- Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application, and could include integration of bat or bird boxes into the building.

Policy JP-S2: Carbon and Energy

The applicant has provided a statement that the development would comply with current thermal and energy regulations as required under building regulations. EV charge points would be located in the car park.

Policy JP-C2 - Digital Connectivity

Fibre has recently been installed along Woodhill Road and therefore the application site will be connected shortly. The whole premise will be connected digitally.

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 This decision relates to drawings numbered -
Location plan Ent.508.3556.01
Existing and proposed site plan ENT.508.3556.02B
Proposed and existing plans and elevations ENT.508.3556.03
Coach swept path analysis ENT.508.3556.04
Energy and Digital Connectivity Statement
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.
- 2 Following the implementation of the parking hereby approved, the applicant shall provide:
electric vehicle (EV) charging points (minimum 7kW*) for a minimum of 20% of the proposed parking spaces.
Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

- 3 Within 2 months of the grant of permission, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The approved drainage schemes shall be completed in accordance with the approved details within 3 months of the approval of the scheme and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to the principles of the NPPF.
- 4 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.
- 5 The development hereby approved shall incorporate a bat and bird box within the development site which shall be installed within 2 months of the date of the grant of the planning permission and shall thereafter be maintained.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to PpE Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 6 Within 2 months of the development hereby approved, the layout of the car park and signage for the delineation of the car parking spaces and coach parking space shall be implemented in accordance with approved plan reference Ent.508.3556.02B and shall thereafter be maintained for the duration of the development hereby approved.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4.
- 7 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 policies JP-C5, JP-C6 and JP-C8.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/11/24	HL -	14/11/2024