

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 05/04/2022	Ref: 67823/FUL
Registration: 30/12/2021	LDfC: 31/01/2022	Expiry Date: 24/02/2022
Site Visit: 18/01/2022	Site Notice: 18/01/2022	Press Date: 13/01/2022
Objections:	Con Area: N/A	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: OTAG

Proposal: Demolition of a range of dilapidated agricultural buildings and the erection of a new agricultural livestock building and bale store

Location: Openshaw Fold Farm, Bury And Bolton Road, Radcliffe, Manchester, M26 4EP

Description

The site relates to a farmstead which is located within a rural setting and designated Green Belt land. The farmstead comprises a dwelling, outbuildings and agricultural storage buildings which form a cluster of buildings in the northern part of the site with associated land and fields to the south. There are 2 access points to the site, one to the east and on further along the track to the west.

The farmstead is surrounded on all sides by agricultural fields and is remote from any other built development in the vicinity. The site is on a slight incline and slopes downwards towards the south and the open land beyond the farmstead buildings.

The application relates to agricultural buildings which are located in the western part of the site. It is proposed to replace some dilapidated agricultural livestock buildings with a new livestock building and a bale store.

The proposed building would be located in the area of the barns to be demolished, in the western part of the site.

The proposed building would be rectangular in form and be 24m x 19m x 7.22m high to the ridge.

The proposed build would be oriented north/south with large openings on either end. Materials would comprise concrete panels walls to a height of 2m with timber boarding above and grey cement roof covering.

The proposed bale storage area would be located directly to the west of the agricultural build and would be 12m x 24m comprising a concrete base.

The applicant is seeking to replace the existing dilapidated agricultural livestock buildings with a new steel framed portal building which is more suitable for modern farming practices to provide a higher standard of animal welfare for the livestock.

The concrete pad would be used for the storage of hay bales which would be located directly to the west of the new agricultural building.

Relevant Planning History

62745 - Prior notification of proposed agricultural building and will include three roller shutter doors of sufficient width and height to provide access for agricultural vehicles and machinery - Prior Approval Required and Granted 22/05/2018

62854 - Erection of stable block for 6 no. horses and tack room and formation of outdoor menage for private recreational use and demolition of existing agricultural building - Approve with Conditions 15/08/2018

62855 - Demolition of existing dwelling and erection of 1 no. replacement dwelling -

Approve with Conditions 25/10/2018

Publicity

Site notice posted 18/1/22

Press advert 13/1/22

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No comments to make

Greater Manchester Ecology Unit - No objection subject to conditions

Public Rights of Way Officer -

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/1	Agricultural Land Quality
OL4/5	Agricultural Development
EN5/1	New Development and Flood Risk
EN7/2	Noise Pollution
EN7/3	Water Pollution
EN7/4	Groundwater Protection
EN7/5	Waste Water Management
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
HT6/2	Pedestrian/Vehicular Conflict

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.

Policies

In Chapter 13 - Protecting Green Belt land, Paragraph 149 considers the construction of new buildings as inappropriate development in the Green Belt. One exception to this is point a) buildings for agriculture and forestry.

UDP Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings is inappropriate development unless it meets one of the four listed purposes, one of which is agriculture and forestry.

OL4/7 - Agricultural Development states that buildings or structures which require planning permission will be permitted provided they are re-sited and designed in such a manner as to

- minimise their visual impact on the landscape having regard to height, materials, landform and landscaping;
- relate well to existing farm buildings;
- do not have an unacceptable impact on the amenity of neighbouring dwellings.

SPD8 - New Buildings and Associated Development in the Green Belt provides additional advice and guidance, particularly with reference to siting, design, scale and form of a development.

EN1/1 - Visual Amenity - Development should not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Area or the river valleys. The wider consideration of the effect on visual amenity is necessary in sensitive areas to ensure that developments are not inappropriate by reason of their siting, materials of design.

Principle - Paragraph 149 of the NPPF makes it clear that the construction of new buildings in the Green Belt is inappropriate development. However, there are exceptions to this which include buildings for agriculture.

The Appeal Decision at Twine Valley Farm, ref APP/T4210/W/16/3151468 for development of agricultural building for housing livestock, found that the NPPF sets no limits on the scale of agricultural buildings or requires evidence of its necessity. It is also stated that unlike

some other development types, the effects of agricultural buildings on the openness or purposes of the Green Belt are not listed as additional tests to be met.

Therefore, within the context of the NPPF and case law, the proposed building would not constitute inappropriate development in the Green Belt.

The Applicant is therefore not required to demonstrate the need for the building or assessed impact on openness of the Green Belt.

The proposed development for the erection of an agricultural building is therefore considered to be appropriate development and would comply with the principles of the NPPF and UDP Policy OL1/2.

Policy OL4/5 states that agricultural development should be sited and designed so as to minimise their visual impact on the landscape within regard to height, materials, landform and landscaping, relate well to existing farm buildings and not have a detrimental impact on the amenity of neighbouring properties.

Siting, layout and design are considered below.

Siting, design and appearance - The proposed building would be located on part of the footprint of the vacated by the buildings to be demolished. Whilst the proposed agricultural unit would be larger - 133sqm in area and 0.7m higher, it is considered this would not be a significant increase to cause harm to visual amenity or openness. The proposed build would also be orientated with the narrower elevation fronting the PRoW to the north and open land to the south and therefore potential views would be lessened.

The building would be constructed of concrete panel walls to a height of 2m with Yorkshire timber boarding above and a grey corrugated cement roof covering. It is not uncommon to see agricultural buildings of this scale and size within farming settlements and the use of such materials proposed are typical for an agricultural storage purpose within a rural farm setting. The materials would also ensure that the building would be watertight and fulfil the operational needs of the farming business in line with modern welfare standards.

The proposed bale store would be located adjacent to the agricultural build on the eastern side. Formed of a concrete plinth it would not be a high level structure and impacts would be limited.

It is therefore considered the proposed siting and position of the building in this location would not have a seriously detrimental impact on the surrounding area and as such would comply with EN1/1, EN1/2, OL4/5, SPD8 and the principles of the NPPF.

Impact on public amenity - The site is located in an isolated location in terms of proximity to any other residential or commercial properties and as such it is considered there would not be an impact on residential amenity.

The site is located close to a PRoW and the building would be seen by those using this route. The building would be an agricultural type appearance within a farm setting and commonly found in such agricultural settings. Views of the building and site would be temporary and brief in any event.

As such the proposed development is considered to be acceptable and would comply with EN1/2 and OL4/5.

Highways - There would be no alterations to the access lane which serves the site. The access lane is a PRoW, but given the existing use as a farm which would already generate it is considered the PRoW would not to be affected by the character or scale of the proposed development.

A Construction Traffic Management Plan, including a dilapidation survey has been submitted with the application which includes areas for the storage of materials, construction vehicles located close to the development site and proposals for wheel washing facilities and this would be conditioned.

It is considered the proposed development would therefore comply with EN1/2, OL4/5, HT2/4 and HT6/2.

Ecology

Bats

Satisfied that the risks are still very low relating to this building, the photographs clearly indicate a very low risk building. No further bat assessment is required.

Barn Owl

No evidence of barn owl was found. GMEU have no reason to doubt the findings of the report. Given no barn owl were found previously, GMEU are satisfied that no further surveys or measures are required. Provision of a barn owl as part of any ecological mitigation and enhancement of the site can be conditioned as part of such a condition.

Protected species -

GMEU agree that given the current status of the site, which has negligible habitat value, the proximity to a probable great crested newt breeding pond could be dealt with via reasonable avoidance measures (RAM). The ecological report has been updated by the applicant and proposes a strategy for RAM. GMEU have recommended the development be carried out in accordance with the RAM's which would be included as a condition.

The assessment also indicated that the earthworks that have already occurred (visible on google earth) would have been likely to have caused an offence unless reasonable avoidance measure were applied. It will not be possible to prove this however, but GMEU would recommend the developer be reminded that no earthworks even if done under permitted development should occur within 250m of the pond to the NE unless guidance from an ecologist has been taken.

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 - Existing floor and roof plans, existing elevations, location plan Bot/869/2603/01; Proposed livestock building, proposed floor and roof plans, proposed elevations, existing and proposed site plans Bot/869/2603/02; Barn Owl survey report - 09 February 2022; GCN survey by environ dated 07 February

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2022; RAM's for Amphibians - 17th March 2022; Construction Traffic Management Plan by GHA received 29/3/22 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 agricultural building hereby approved shall incorporate provision for a barn owl box as recommended in letter dated 09 February 2022 by envirotech. The barn owl box shall thereafter be maintained on/in the building.

Reason. To ensure provision is made in the development for 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.

- 4 The development hereby approved shall be carried out in accordance with the Reasonable Avoidance Measures (RAM) for Amphibians - 17th March 2022

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 Section 11 of the National Planning Policy Framework.

- 5 The development hereby approved shall be carried out in accordance with the materials detailed on approved plan Bot/869/2603/02. Only the approved materials shall be used for the construction of the development.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity, EN1/2 - Townscape and Built Design and OL4/5 - Agricultural Development.

- 6 The development hereby approved shall be carried out in accordance with the Demolition Method Statement dated December 2021.

Reason. To ensure the safe and satisfactory development of the site pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design and the principles of the NPPF.

- 7 The development hereby approved shall be carried out in accordance with the submitted Construction Traffic Management Plan by GHA ref Bot/869/2603/GH dated March 2022.

The approved plan shall be adhered to throughout the demolition and construction periods and the measures shall be retained and facilities used for the intended purpose for the duration of both periods. The areas identified shall not be used for any other purposes other than the parking of vehicles and storage of demolition/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 mitigate the impact of the construction traffic generated by the proposed development on the PRow and ensure adequate parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	5/4/22		

