

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/06/2023	Ref: 69571/FUL
Registration: 20/04/2023	LDfC: 22/05/2023	Expiry Date: 15/06/2023
Site Visit: 26/04/2023	Site Notice: 26/04/2023	Press Date: 27/04/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Conversion of an existing agricultural building into dwelling with single-storey extension and associated access.

Location: Meadowcroft Farm, Lowercroft Road, Bury, BL8 3PD

Description

The site relates to a detached agricultural building approximately 115m to the west of Meadowcroft Farm. The site at Meadowcroft Farm was granted planning permission in October 2019 for a development comprising conversion and extension of the existing detached farmhouse dwelling into 2 no. semi-detached dwellings, conversion and extension of agricultural outbuildings to provide 2 no. single storey dwellings to include demolition of existing outbuildings and structures, associated landscaping and access works. Works to this development have been completed and understood to be occupied/partly occupied.

The site is located in the Green Belt, Wildlife Corridor, West Pennine Moors and in an Area of Special Landscape. The site is in a remote area characterised by open land and fields. The nearest development is Meadowcroft Farm to the east, approx 110m away.

Access to the site is from Lowercroft Road and a single lane track and Public Right of Way (136 BUR) which was resurfaced with 4 passing places provided to serve the development at Meadowcroft Farm. From there, the access to the site itself is less formalised, comprising a grassed/stoned route with hedge planting and tree planting along the side. There is also a Public Right of Way (138 BUR) which runs along the eastern boundary of the site.

The building was formerly used for agricultural purposes and is a single storey structure with a rectangular footprint and constructed in random stone with a slate roof.

Background to the site

A Prior Approval has been granted for the building under Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for the change of use of an agricultural building to a dwelling (Q(a)) and building operations (Q(b)) reasonably necessary to convert the building to a use falling within Class C3.

For the Prior Approval application, the garden would be delineated by a new post and rail fence and hedge planting. The change of use comprised a single storey dwelling with building operations reasonably required to convert the building consisting of the installation of additional windows, retention of existing stonework and a new slate roof. The land within the red edge was reasonably tight around the building, comprising no more than the footprint of the building as is required under Class Q. The Prior Approval was granted in 2020.

In 2021, a full planning application for the site was submitted for the change of use on the

building to a residential dwelling with a single storey extension, external alterations and a new access to the site.

The application was refused for 4 reasons, summarised as follows -

- Encroachment of the Green Belt and domestication of the site to an adverse and harmful degree;
- Disproportionate and prominent extension affecting Green Belt openness
- Impact on Green Belt by the works to formalise the PRoW
- Insufficient information to ensure the PRoW would remain fully accessible to pedestrians.

This application is a resubmission following the above refusal and seeks a full planning consent for the conversion of the building to a residential dwelling, single storey extension, external alterations, and garden area.

It is proposed to add a 23.7sqm single storey extension to the eastern elevation to provide a second bedroom which would be constructed of random stone with a slate 'cat slide' roof to match the existing.

There would be an exposed timber roof truss to provide an overhang and shelter to the entrance door which would be located on the south elevation of the extension.

Patio doors on the west elevation and small window opening to the other elevations would be inserted.

The scale of development would comprise -

Existing volume - 240.69 m3

Proposed volume - 303.58 m3

Increase in volume - 26.13%

The proposed garden curtilage would be delineated by a new post and rail fence to the south and western boundaries and a native hedge along the eastern boundary adjacent to the PRoW. The garden would utilise the western area of the site, 3.5m in depth from the existing building to the western boundary. A bin store area would be located to the north eastern side of the dwelling behind the extension.

The development would provide 2 parking spaces located to the south of the building close to the site access which would be formed off the existing PRoW. The PRoW is essentially a grassed/gravelled pedestrian pathway with hedge and tree planting down both sides and this leads from the development at Meadowcroft Farm.

Works propose a stone and gravel surface.

Comparative to the previously refused application, this scheme would relocate the proposed extension to the eastern side of the building and parking to the southern area of the site.

The proposed residential curtilage has also been reduced and works to the PRoW comprise relaying of stone/gravel.

Relevant Planning History

63382 - Prior approval for the proposed change of use of an agricultural building to 2 no. dwellinghouses (Class C3) and associated building operations - Prior Approval Required and Granted 06/12/2018

64308 - Conversion and extension of existing detached dwelling into 2 no. semi-detached dwellings; Conversion and extension of agricultural outbuildings to provide 2 no. single storey dwellings to include demolition of existing outbuildings and structures, associated landscaping and access works. - Approve with Conditions 09/10/2019

65778 - Prior approval for the change of use from agricultural building to dwellinghouse - Prior Approval Required and Granted 07/10/2020

66238 - Non material amendment following approval of application 64308- Change of window type to second floor windows from Velux windows to dormer windows - Withdrawn - Invalid 12/01/2021

66360 - Change of house type application for 64308 to provide dormers at East and West -

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67132 - Change of use of an existing agricultural building, an extension, minor external alterations and the creation of a new access - Refused 15/12/2021

69296 - Erection of agricultural field shelter on hardstanding for alpacas -

20/0165 - Breach of conditions of planning permission 64308 - 03/09/2020

21/0349 - Transportation and disposal of waste/rubble on site - 05/10/2021

22/0285 - The pond on site has been drained and to be removed - 19/08/2022

Publicity

Letters sent to 27 properties on 25/4/23.

Site notice posted 26/4/23

Press advert 27/4/23

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - Do not support the application due to insufficient information to overcome access deficiencies.

Environmental Health - Contaminated Land - No objection

Environmental Health - Pollution Control - No comments to make

Greater Manchester Ecology Unit - No objection

Environment Agency - No objection

Public Rights of Way Officer - No objection

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- recommend the requirements of the fire service are met. GMFRS do not support the current proposals due to the following reasons:

- Length of the single access cul de sac
- Width of the single access cul de sac
- The distance to the nearest fire hydrant

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/1 Visual Amenity

EN1/2 Townscape and Built Design

EN5/1 New Development and Flood Risk

EN6/3 Features of Ecological Value

EN6/4 Wildlife Links and Corridors

EN9/1 Special Landscape Areas

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

OL1/2 New Buildings in the Green Belt

OL1/4 Conversion and Re-use of Buildings in the Green Belt

OL7/2 West Pennine Moors

OL1 Green Belt

HT2/4 Car Parking and New Development

HT6/2 Pedestrian/Vehicular Conflict

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

SPD 9 Conversion and Re-use of Buildings in the Green Belt

SPD11 Parking Standards in Bury

MW1/1 Areas of Search

RT3/3 Access to the Countryside

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 - Green Belt/Environment

Chapter 13 - Protecting Green Belt Land, Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 states that other certain forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of the exceptions to this is bullet point d) the re-use of buildings provided that the buildings are of permanent and

substantial construction.

Paragraph 149 bullet point c) also allows for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

UDP Policy OL1/4 - Conversion and Re-use of Buildings in the Green Belt is not inappropriate development and would be permitted provided that:

- it would not have a materially greater impact than the present use on openness;
- any extensions of re-used buildings and any associated uses of land surrounding the building do not conflict with the openness of the Green Belt;
- the buildings would be capable of conversion without major or complete reconstruction;
- form, bulk and design would be in keeping with the surroundings;
- suitable access and traffic can be accommodated;
- necessary services can be provided;
- no damage to habitats or protected species.

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 4 exceptions, one of which includes limited extension, alteration or replacement of existing dwelling, provided that they would not result in disproportionate additions over and above the size of the original dwelling

UDP Policy 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 or design.

UDP Policy EN9/1 - Special Landscape Areas states that development in such areas will be strictly controlled and required to be sympathetic to its surroundings in terms of visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

SPD8 - New Buildings and Associated Development in the Green Belt and SPD9 - Conversion of Buildings in the Green Belt provides additional advice and guidance, particularly with reference to siting, design, materials, the scale and form of a development and guidance on the size of the extensions.

Principle - The principle of a residential use has been established under an extant consent (application reference 65778) which granted prior approval to convert the existing agricultural building into a dwelling. In the assessment of that proposal, it was considered that the amount of operational development required to convert the building would be considered what is reasonably necessary, and therefore found to be in compliance with the requirements of Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The land within the red edge was reasonably tight around the building.

Notwithstanding the above extant Prior Approval consent, this application seeks a full planning consent which also includes the proposal to add a single storey extension, parking area and extend the curtilage beyond the prior approval consent.

In assessing the principles of the proposed development, there are essentially 3 different elements to consider - that of conversion of the building, extension to the building, and the use of open land to garden/residential curtilage. Each are considered below.

Conversion

Para 150 d) of the NPPF allows for the re-use of buildings of permanent and substantial construction provided they preserve Green Belt openness.

A visual inspection by a Chartered Surveyor has been carried out. It was concluded that the existing barn structure would be suitable for conversion to a new residential property and would recommend specialist survey work is carried out to the roof timbers and to complete rafter repairs or replacement.

The building is also a solid stone built structure which was determined as capable of conversion under Class Q (b).

As such, it is considered that the building itself would be capable of conversion and as such is considered to comply with the principles of the NPPF.

Proposed extension

The proposed extension would result in a volume increase of circa 26% above the existing building.

At para 5.10 and 5.11, SPD9 states that extensions should be of a subsidiary element of the original building which can be achieved by keeping the extension small scale, simple and unobtrusive. Extensions should be proportionate to the size of the original. Extensions of up to a third may be accepted. However, each proposal will be considered on its own merits and up to a third volume may not be appropriate in certain situations.

The proposed extension would be just within the guidance in SPD, but as stated above, proposals are considered on their own merits.

Assessment of impact of a development on the openness and character of the Green Belt cannot solely be determined on volumetric and physical size of a new development - greater impact on the openness and character of the Green Belt can be harmed by the character of development proposed and in relation to the original building and site context.

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green Belt presents."

Comparative to the previous scheme which proposed to position the extension on the western side in an open and visually vulnerable part of the site, this application proposes to locate the extension on the eastern side of the building. This is the lesser exposed and sheltered part of the site which is close to the field boundary and an existing post and wire fence and hedging which forms the site boundary on this side and which provides some screening.

The proposed extension would also be in a more 'contained' area and considered to be positioned so as not to impact on openness to a significant or harmful degree.

This area of the site would also be less visible from the wider public views from the north and west. For users of the PRow which runs to the south of the site boundary, the relatively small opening into the field where the site is located would allow for only brief glimpses of the extension. The encroachment into Green Belt land by the siting of the extension would therefore be less harmful to openness and less perceived and visible from surrounding areas.

In addition, as the existing agricultural building is close to the edge of the field and already has what could be described as a 'natural' boundary to the east, locating the extension in this area would not require a significant amount of additional land to the west of the building in order to provide a reasonable but modest level of amenity space for the size of dwelling

proposed.

Turning to the existing site and specifically in terms of the design, the site comprises an agricultural build, simple and typical in form for such a building. Elevations are stone and the roof is a hipped slate type. The proposed extension would be similarly stone built, and have an rectangular and linear form, following the eastern elevation of the building but set in front the front and rear walls, so as to appear subservient.

The roof would be a lean-to monopitch type, extending from the existing eaves and therefore the proposed extension would be lower in height and not of a scale and massing to challenge the existing building.

In terms of window openings, it is proposed to insert full height patio style widows on the west elevation of the existing building, the sizes of which have been reduced from the previously refused application and all told would not be significantly different from that accepted in the prior approval consent.

The windows proposed on the north, south and eastern elevation of the extension which would face the public right of way would be minimal in number and design and as such it is considered that there would not be significant harm caused to the character of the building and the Green Belt.

In consideration of the proposed scale and massing of the proposed development, the position of the proposed extension located on the eastern elevation, the design of the proposed extension and elevational insertions, it is considered that the proposed development would not have a significantly harmful impact on the character and openness of the Green Belt or the Special landscape area and would comply with the principles of the NPPF, policies EN1/1, EN9/1 and OL1/2, OL1/4 and SPD8 and 9.

Change of use of land

As a conversion to create a residential dwelling, there would be the expectation for a reasonable amount of land to be provided for outdoor amenity space which is proposed to be located to the western side of the existing dwelling and which would extend 3.5m in depth from the western elevation.

The Prior Approval Consent allows for a relatively limited area around a building for outdoor space and no more than the area of the footprint of the building to be converted and which was circa 1.6m in depth from the west elevation.

In consideration of the planning application for a conversion to dwelling this includes the assessment of provision of amenity space. The increase of just under 2m above that of the prior approval is considered to be a reasonable amount of amenity space and not excessive for the scale of development proposed. This level of amenity space would also limit the amount of domestic paraphernalia which could be sited in this relatively restricted space.

It is therefore considered that the proposed development would not result in excessive encroachment into the Green Belt and therefore considered that harm would not be caused to the openness of the Green Belt.

It is therefore considered the proposed development would be acceptable and comply with the principles of the NPPF and policies EN9/1, OL1/2, OL1/4 and SPD8 and 9.

Green Belt and Public Right of Way

Impacts of the character and openness of the Green Belt cannot be concluded without discussion of the PRow and works required to provide the access to the site.

In its current state, the PRow from the Meadowcroft Farm development to the site is a grassed/gravelled path, flanked either side by a post and wire fence, trees, hedging and bushes. On the previously refused scheme, works to create a vehicular access to the site

were proposed which comprised re-surfacing with 2 strips of tarmac for a length circa 115m. The proposals were considered unacceptable in the Green Belt and formed one of the reasons for refusal.

To address this, the applicant does not propose any significant formalisation of the access route or the PRoW, simply re-laying the route with stone/gravel which has previously served the site. This is considered to be an adequate surfacing to serve the scale of development proposed.

On balance, it is therefore considered the proposed development would cause an adversely harmful impact on the openness of the Green Belt.

Highways issues

Access and traffic

The access to the site would be formed from the development at Meadowcroft Farm to the east. As part of this development, 4 passing places were required and it is understood these have been provided. The route to this development is shared by vehicles and pedestrian traffic.

Beyond the Meadowcroft Farm development, the access and PRoW to the site is also shared between vehicles and pedestrians and would continue to do so for the proposed development. In terms of traffic generation accessing the site, it is considered that a 2 bed dwelling would not significantly add to vehicle movement along the route to a significant degree to cause undue conflict with pedestrian users or farm vehicles which continue to use this route beyond the site to the west. The proposed plans demonstrate that the width of the access would be sufficient to accommodate a car and similar to other single width countryside lanes, traffic movement would be slow and pedestrians and vehicles would make way for each other by pulling into the side for example.

As such, it is considered both the single lane access route and the existing route to the adopted highway would be of an acceptable standard for the volume of traffic and as such there would not be any highway concerns with regards to traffic conflicts.

With regards to the access and fire safety, this is discussed further below.

PRoW - As discussed above it is considered the PRoW which would carry the access to the site would not be significantly or detrimentally affected by the proposed development. There is also a PRoW (138BUR) which runs immediately adjacent to the field boundary and the site. The width of the PRoW is not recorded.

The OS plan indicates the path is at least 3m from the outside edge of the field boundary.

As the site access would be next to this PRoW, the applicant proposes to plant a new hedge along the site boundary to separate the PRoW from the site to not only provide a degree of privacy for future occupiers but for the safety of the users of the PRoW. A new wooden stile would also be provided to the start of this PRoW.

Whilst the lower half of the PRoW would be narrowed by the hedge line the path would increasingly widen along the eastern side and once past the development site would open out to its current position. The proposed PRoW would remain open to users at all time and it is considered the proposal would not significantly affect users. The PRoW Officer have raised no objection to the proposals, noting that within the boundary of the field the OS shows no fixed PRoW width but that the path to the north of the site would be 72m in width.

As such, it is considered the proposed development would be acceptable and comply with policies EN1/1, EN9/1, OL1/4, RT3/3 and the principles of the NPPF.

Fire - Due to the remote location, the Fire Service have been consulted on the application who have responded that the proposal should meet the requirements for Fire Service

access, which are as follows -

- The Fire Service requires vehicular access for a fire appliance to within 45m of all points within the dwellings.
- The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes. Additionally if the access road is more than 20m long a turning circle, hammerhead, or other turning point for fire appliances will be required, preventing a fire appliance from having to reverse more than 20m.
- The maximum length of any single access cul-de-sac network should be 250 meters. The single access cul de sac on this occasion, measured from Lowercroft Road is approximately 700 meters, almost three times the preferred maximum length of 250 meters.
- There should be a suitable fire hydrant within 165m of the furthest dwelling.
- The nearest fire hydrant to the proposed development (Slaidburn Drive) is approximately 660 meters away, four times greater than the preferred maximum distance of 165 meters.

The Fire Service strongly supports the installation of domestic sprinkler systems as a positive measure to protect persons. At a small cost occupants' can be given the reassurance of a high level of protection. All developers should positively consider the viability of installing domestic sprinkler systems. The access requirements for a dwelling fitted with an approved sprinkler system can deviate from the required standard detailed above, further consultation will be required.

GMFRS concluded that they do not support the current proposals due to the following reasons:

- Length of the single access cul de sac
- Width of the single access cul de sac
- The distance to the nearest fire hydrant

The issue of fire safety and access was raised by the LPA as an issue in the previously refused application, advising the applicant this would need to be addressed should a new application be considered.

In their Planning Statement, the applicant has sought to respond to the fire safety issues as follows -

- A domestic sprinkler/mist system would be installed within the property similar to that provided at the adjacent Meadowcroft Farm development (ref 64308)
- A comprehensive fire detection and alarm system would be installed.
- The future occupant of the property has been informed and acknowledges that the location of the property could impact on GMFR attendance at an emergency
- It is also acknowledged that the risks identified by GMFR are disclosed to any new buyer of the property to ensure they are also aware of the access deficiencies.
- GMF&RS are possibly not aware that the property already has a Prior Approval consent for the conversion to residential use under application 65778. The principle of conversion to residential has therefore already been set and by accommodating the suggestions made by GMF&RS we are of the opinion that their concerns can now be satisfied.
- It should be noted that during the construction works of the adjacent Meadowcroft Farm, a fire was started by some youths at a weekend when the construction site was closed. A total of 5 Fire engines attended the fire and were on site within 5 minutes of the fire being reported. There was no issue with regard access.

The above justification was sent to the Fire Service and they were also made aware of the previous consent for 4 dwellings just over 100m away to the east where sprinklers had been accepted by the Fire Service, and that the site benefits from a Prior Approval consent to convert the building to residential purposes.

The Fire Service have assessed all the information which has been provided by the

applicant. However, in their subsequent email response of 7 June 2023, it was stated that current policy does not support residential development, where a single access road is greater than 500 meters, despite the inclusion of a domestic sprinkler system.

It was acknowledged that this response contradicted their comments made on ref 64308, where it was accepted that additional passing places and the installation of sprinklers overcame their access requirements. The fire service also noted the comments that during a recent local incident a fire appliance was able to reach a nearby affected premises in a short length of time. However had the single access road been blocked at the point at which the single access begins (700 meters from the proposed development), then a substantial delay in firefighting operations commencing would have been evident.

Robust testing has been undertaken by the fire service to determine that 250 meters is a maximum comfortable distance for operational fire crews to manually run out hose. A length of 250 - 500 meters has been determined as the maximum comfortable distance should domestic sprinklers be installed, considering the performance of sprinklers and the additional manual requirements for operational crews. Beyond 500 meters, GMFRS are not comfortable in supporting residential development, without the provision of alternative access. Although domestic sprinklers are highly recommended by GMFRS, they are only guaranteed to suppress/contain a fire and are not always able to fully extinguish a fire.

In cases where access deficiencies exist, the most appropriate mitigating measure would be to ensure a second access into the site.

The LPA's position is a difficult one given the Fire Service response. There are a number of issues to consider which have been highlighted above and which when considered together, make a good case for supporting the application.

Firstly, the site already has a consent (extant) for the conversion of the building to a dwelling under Prior Approval. There are no conditions of this approval which require the applicant to install sprinklers. The approval of this application with a condition to install sprinklers would in fact be a betterment to what can already be carried out on site in fire safety terms. The building would also be subject to building regs approval which require escape routes to be provided.

Secondly, consent was granted for conversion works to 4 dwellings which was accepted in principle by the Fire Service with 4 passing places provided along the access route and the installation of sprinklers. Similarly for this development which would utilise the passing places and install sprinklers.

Thirdly, the applicant is fully aware of the fire safety risks, has acknowledged the risks in their Planning Statement and is agreeable to the installation of sprinklers and a comprehensive fire detection and alarm system. They have confirmed that the fire risks identified by the fire service would be disclosed to future and subsequent occupiers.

It is therefore considered that given these particular set of circumstances and with the imposition of conditions and informatives, the proposed development would be acceptable.

The Highway Authority have recommended refusal of the application based on the response by the fire service on 7 June 2023.

The LPA would attach conditions relating to the submission of a CTMP, provision of vehicle, pedestrian, turning and bin store arrangements and parking to be provided, plus the installation of a sprinkler system.

An informative would also include the fire access requirements and advise these should be discussed with GMF&RS.

Ecology - Summary

Whilst ecological issues likely remain unchanged a review and update of the ecological report is recommended.

Validity of Ecological Report

GMEU previously accepted the findings of this ecological report for the previous application 67132. However the report is now nearly 2 years old, with such reports regarded as being valid for around 18 months, less where a high risk location and more where low risk. For this site where bats a European protected species are a potential issue, GMEU would regard the report to be only valid for 18 months and therefore an update is now due. GMEU therefore recommend that prior to determination an updated bat and bird report is provided.

Following the submission of internal photographs GMEU are satisfied that the building is negligible risk for bats and nesting birds. Individual bats could use the odd crevice in the walls but this can be covered by an informative along the following lines -

Whilst the building to be converted has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Environment Agency - No objection in principle. Advises the development is carried in accordance with the hierarchy of drainage options

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 Block plan 9000-002 Rev B3 ; Existing site plan 9000-003 rev B2 ; Existing plan and elevations 9000-004 rev B1; Proposed plan and elevations 9000-007 rev B1; Proposed site plan 9000-006 rev B4 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 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site, and;
The approved contamination testing shall then be carried out and validity evidence (soil descriptions, laboratory certificates, photographs etc) 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 15 - Conserving and enhancing the natural environment.

- 4 Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.

Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 Prior to occupation the applicant shall provide one electric vehicle (EV) charging point (minimum 7kW*) per unit (dwelling with dedicated parking).

*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.

- 6 The external finishing materials for the proposal hereby approved shall match those of the existing building.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policies EN1/2 - Townscape and Built Design, OL1/2 - New Buildings and Associated Development in the Green Belt of the Bury Unitary Development Plan and SPD8.

- 7 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 H of Part 1 and Class A of Part 2 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.

- 8 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of Public Footpath No.'s 136 & 138, Bury, which forms the access to and abuts the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory undertakers connections to the site;
- Access point(s) for construction traffic to the site;
- If proposed, details of site hoarding/gate positions clear of Public Footpath No.'s 136 & 138, Bury;
- The provision, where necessary, of temporary pedestrian facilities/protection measures;

- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Confirmation of hours of operation, delivery & construction vehicle sizes that can be accommodated on the Public Right of Way that serves the site and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres;
- Parking on site or on land within the applicant's control of operatives' and construction vehicles, together with storage on site of construction materials clear of Public Footpath No.'s 136 & 138, Bury;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way/adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site 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. All highway remedial works identified as a result of the dilapidation survey shall be implemented prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the Public Right of Way and ensure adequate car parking provision and materials storage arrangements for the duration of the construction period and that the access routes 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.

- 9 The vehicular and pedestrian access arrangements, turning facilities and bin storage/collection arrangements for the new dwelling within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied 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 highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and H2/2 The Layout of New Residential Development.

- 10 The car parking indicated on the approved plans shall be surfaced in a crushed gravel/stone or grasscrete and made available for use prior to the development hereby approved being brought into use.

Reason. To ensure adequate car parking provision is maintained clear of the Public Rights of Way in the interests of road safety pursuant to policies H2/2 - The Form of New Residential Development, OL1/4 - Conversion and Re-use of Buildings in the Green Belt and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 11 Prior to first occupation of the development hereby approved, a sprinkler/misting system to meet the requirements of BS 9251:2014 or other subsequent standard that meets the requirements of Greater Manchester Fire and Rescue Service and deemed suitable to overcome the site's emergency access deficiencies and a fire detection and alarm system shall be installed in the dwelling hereby approved and shall thereafter be maintained at all times.

Reason. In the interests of fire safety and to ensure the safe and satisfactory

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development of the site and for its future occupiers pursuant to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/2 - The Layout of New Residential Development and EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/6/23	DM	16/06/23