

**DELEGATED REPORT**

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| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 06/05/2022 | <b>Ref:</b> 68083/LBC          |
| <b>Registration:</b> 14/02/2022  | <b>LDFC:</b>                      | <b>Expiry Date:</b> 11/04/2022 |
| <b>Site Visit:</b> 10/03/2022    | <b>Site Notice:</b> 10/03/2022    | <b>Press Date:</b> 03/03/2022  |
| <b>Objections:</b> 0             | <b>Con Area:</b> N/A              | <b>Adv Type:</b> ALB           |
| <b>Reason for Delay:</b>         |                                   | <b>EIA:</b> NA                 |
| N/A                              |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> LBAL        |

**Proposal:** Listed building consent for removal of existing porch; Removal of existing brick stores; Removal of window to be replaced with door; Addition of 4 no. windows to ground floor and first floor roof's; Conversion of attic space to bedroom

**Location:** Brandlesholme Hall, Brandlesholme Road, Tottington, Bury, BL8 4LS

**Description**

The application relates to a Grade II \* Listed Building which dates back to the late 15th - early 16th Century. The property was originally one large dwelling, but was separated to form 2 semi detached dwellings, the southern portion being Brandlesholme Hall. The property has been extended and altered in the past, the most recent addition being the rear porch, circa the mid 20th C.

The property itself is timber framed, with rendered stone walls and a slate roof. Internally, the attic is one of the most important elements of the build, displaying a fine sequence of roof timbers. The dwelling is defined by English Heritage as being particularly important and of more than special interest, and is of high significance in both architectural and historical terms as a good example of late medieval open hall of complex development.

The dwelling is set within a good sized plot, with a garden and curtilage parking to the front and garden area to the rear. There are open stone outbuildings/stores located next to the northern boundary close to the house.

The property is part of a nuclear settlement of farmstead type buildings and dwellings accessed via a track from Brandlesholme Road. It is located in the Green Belt.

The application proposes the removal of the existing rear porch and detached brick stores and replacement with a bay/bi-fold door opening, addition of 4 no rooflights to the ground and 1st floor roof 's, conversion of the attic space to bedroom, replacement of a window with a door opening on the side elevation and repairs/re-render of external elevations.

An application for planning consent for these works has also been submitted.

**Relevant Planning History**

43517 - New detached summerhouse - Approve with Conditions 10/12/2004  
46684 - Alterations to summerhouse and retention of existing windows - Approve with Conditions 06/09/2006  
49659 - Alterations to summer house at rear - Approve with Conditions 10/04/2008  
57635 - Two/single storey extension at rear; Loft conversion with rooflight to rear roof slope - Approved 27/8/14  
57639 - Listed building consent for two/single storey extension at rear and loft conversion with roof light to rear roof slope - Approved 27/8/14  
58981 - Erection of two storey rear extension; conversion of attic space including the

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insertion of glazed roof lights in rear slope of roof and repairs & improvements to the fabric of the principal elevation - Approved 16/12/15

58982 - Listed Building Consent for erection of two storey rear extension: conversion of attic space including the insertion of glazed roof lights in rear slope of roof and repairs & improvements to the fabric of the principal elevation - Approved 16/12/15

68082 - Removal of existing porch; Removal of existing brick stores; Removal of window to be replaced with door; Addition of 4 no. windows to ground floor and first floor roof's; Conversion of attic space to bedroom - Concurrent application

### **Publicity**

Letters sent to adjacent 7 properties on 23/2/22

Site notice posted 10/3/22

Press advert 3/3/22

No responses received as a result of the publicity.

### **Statutory/Non-Statutory Consultations**

Historic England - No comments to make

Conservation Officer - No objection

Public Rights of Way Officer - No comments

**Pre-start Conditions** - Applicant has agreed with pre-start conditions

### **Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| OL1   | Green Belt                         |
| OL5/2 | Development in River Valleys       |
| EN2/3 | Listed Buildings                   |
| EN1/1 | Visual Amenity                     |
| EN1/2 | Townscape and Built Design         |
| H2/3  | Extensions and Alterations         |
| NPPF  | National Planning Policy Framework |
| EN6/3 | Features of Ecological Value       |

### **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**

Section 66 of the Planning (Listed Building and Conservation areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

The NPPF advocates positive strategies for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 189 states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 190 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Regard will be had to factors including the impact of the proposal on the historic fabric of the building, the relationship of any extension to the Listed building, the need to protect the setting of the Listed building and the impact of associated ancillary facilities and infrastructure works.

### **Proposed works**

The property is a Grade II\* Listed Building and a building of national historical importance,

and as such particular regard would be given to the design, scale, massing and materials which would form any development of the building or the site. Proposals should be of a sensitive nature and respect the existing architectural fabric of a building.

Repairs to render and re-paint/render - Repairs are proposed to the front elevation to remove areas where the render has either peeled off or come away entirely. This would involve using a lime based render. The proposals would improve the appearance of this important dwelling and would contribute to the future preservation of the Listed Building.

Proposed bay/bi-fold doors on the rear elevation - This would replace an existing porch which is itself a more recent addition and does not form part of the historic fabric of the building and as such its removal considered acceptable. The proposed bi-fold doors would be a modern addition and provide a legible and contemporary break between the existing and new with minimal impact on the historic fabric of the building. The scale and massing of the addition is considered not to dominate the physical presence of the building or detrimentally impact on its historical character. As such, it would continue to preserve and sustain a significant designated heritage asset.

Rooflights - The replacement roof lights would have a minimal impact on the historic fabric of the building and would be relatively minor intrusions. The position of the new openings has been carefully considered and as such considered acceptable. In terms of the attic conversion, the attic space has already been opened up which has exposed the historic timbers, including the trusses and purlins and which provide interesting features.

The door inserted on the side elevation would be a minimal intervention and considered not to harm the fabric of the build.

### **Conservation Response**

This application is for the removal of elements of low to negligible significance and is therefore considered acceptable. It is considered the additional bi fold door the rear, replacement openings, repairs to render on the front elevation and re-render of the side and rear elevations and addition of rooflights to the rear elevation would be minimal and non intrusive and therefore not harm the significance of the building.

The core of the buildings significance lies in its historic fabric. The opening up of the attic has required the removal of the non-historic inserted partitions and has fully exposed the roof structure, which had hitherto been concealed. Consequently it has already greatly increased our understanding of the building.

It is understood the intention is to keep as much of the structure exposed as practically possible, which is another positive step, as is the decision to bring the entire room back into use.

As such the attic conversion is acceptable and should be carried out in a sensitive and sympathetic manner. It is recommended a condition is added to secure details of the roof lights and their insertion into the roof as some historic fabric would be lost, but this would be outweighed by the benefits of the further revealing the significance of the building in re-opening the original historic internal roof timbers. The condition should require the details of the design of the roof lights and a method statement and details of their installation with regard to the internal roof boards.

It is therefore considered that the proposed development would actively safeguard the character and setting of the Listed Building, and without detriment on the historical or architectural fabric and character, and would therefore be in compliance with the principles of the NPPF and UDP Policy EN2/3.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions and Reasons:**

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings - 19/026 - Site location plan (0-)AXP001P; Proposed site plan (2-)AP027; Existing ground and first floor plan (0-)AXE002; Existing elevations (0-)AXE003 rev 2; Proposed elevations (2-)AE023; Proposed ground floor plan (2-)AP024; Proposed first and second floor plan (2-)AP-25; Proposed roof plan (2-)AP026 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 Details/Samples of all the materials, (including paint and render colour and types) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used for the development.  
Reason. No material samples have been submitted and are required in the interests of visual amenity and to protect the historic character of the Listed Building pursuant to Bury Unitary Development Plan Policies EN1/1 Visual Amenity, EN2/3 - Listed Buildings and H2/3 - Alterations and Extensions.
- 4 No development shall commence unless and until design details of the roof lights and bay window/bi-fold doors and methods/detail of their installation have been submitted to and approved by the Local Planning Authority. Only the approved details shall thereafter be implemented.  
Reason. In the interests of visual amenity and to safeguard the character and setting of the Listed Building pursuant to Bury Unitary Development Plan Policies EN1/1 - Visual amenity, EN2/3 - Listed Buildings and the NPPF.

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| <u>Case Officer</u><br>JT 6/5/22 | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|----------------------------------|-------------|-------------------------|-------------|