

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/09/2025	Ref: 70870/FUL
Registration: 17/09/2024	LDFC: 24/10/2024	Expiry Date: 12/11/2024
Site Visit: 23/10/2024	Site Notice: 02/10/2024	Press Date: N/A
16:00:00		
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Conversion of part of adjoining barn to form a two storey addition to existing dwelling

Location: 33 Sunny Bower Street, Tottington, Bury, BL8 3HL

Description

The application site is located off Sunny Bower Street and relates to a residential dwelling (No. 33) with an attached barn. The barn is jointly owned by Nos 31 and 33 Sunny Bower Street. The application site relates to the northern end of the barn, which includes the two barn door openings on the front and rear elevations. The southern part of the barn contains a wooden staircase, which leads to a mezzanine floor. The barn is constructed from stone with a slate roof and the northern part contains a stone flag floor.

The site is accessed from Sunny Bower Street, which is not an adopted highway,

There are residential properties to all boundaries.

The proposed development involves the conversion of part of the barn to additional living accommodation. The works would include external alterations. The site would be accessed via the existing driveway from Sunny Bower Street.

Relevant Planning History

59006 - Demolition of existing garage and car port and construction of new car port with storage area at 33 Sunny Bower Street, Tottington. Approved with conditions - 27 August 2015.

59625 - Demolition of existing garage and car port and construction of new car port with storage area (Amendment to approved application 59006) at 33 Sunny Bower Street, Tottington. Approved with conditions - 16 February 2016.

Publicity

The neighbouring properties were notified by means of a letter on 18 and 19 September 2024 and site notices were posted on 2 October 2024.

1 letter was received, which has raised the following issues:

- The application includes land, which I own as evidenced by the title plan. The land I own includes the land at the rear of the barn and diagonally across to the corner of the double garage and in front of the large arched barn doors at the front of the house.

The neighbouring properties were notified of revised plans on 24 February.

1 letter has been received, which has raised the following issues:

I do not wish to object to the principle of the barn conversion but there are some concerns.

- The red edge boundary on the existing and proposed drawings are incorrect. Part of the rear of the existing barn and land is in my ownership and the application appears to use it/absorb it.
- It appears that the new drainage will be constructed within my land ownership.
- Should a tree survey have been submitted with the application?
- Certificate A is incorrect as I own part of the site within the red line boundary.
- Both the existing and proposed plans do not illustrate the full extent of the proposals in the context of the whole barn.
- The proposed drawing illustrates the elevations incorrectly. The drawing does not show the existing structural steel beam and column against the party wall, which supports the upper walls and roof of a section of the barn as well as the applicant's west arch. I do not want the column or beam to be removed.
- The west elevation faces Sunny Bower Street and this should be classed as the front elevation - although this is a minor point.
- The proposed masonry wall will interfere with access to the internal stair accessing the mezzanine in my part of the barn.
- Should the LPA be minded to approve the application a robust, CTMP should be provided as the barn will not be able to be constructed without access over my land and a party wall agreement will be included. A robust CDM pre-construction and construction phase plan should be included to ensure safe construction process.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Conservation Officer - No objections, subject to the inclusion of conditions relating to materials, rooflights and rainwater goods.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to bats and an informative relating to nesting birds.

Housing - Public Protection - No response received.

Pre-start Conditions - Applicant/Agentgent has agreed with pre-start conditions.

Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
OL1/4	Conversion and Re-use of Buildings in the Green Belt
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-G7	Trees and Woodland
JP-P1	Sustainable Places
JP-P2	Heritage
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

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 - The proposed development involves the change of use of the barn to additional living accommodation. Whilst the site is not located within the Green Belt, Policy OL1/4 is relevant to the proposal in so far as it relates to the conversion of a barn.

Policy OL1/4 states that the 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.

The proposed barn is surrounded by residential properties and as such, the proposed

change of use would not have an adverse impact upon the character of the area. A structural report has been submitted and it confirms that the barn building is of substantial and permanent construction and that the barn would be capable of conversion without major reconstruction. The issues of form, bulk, design and access will be addressed later in the report. The proposed development would comply with be in accordance with Policy OL1/4 of the Bury Unitary Development Plan.

Heritage - The building, part of a row of a three, stone built two storey terrace, possibly originally two dwellings dating from the early 19th century with a date stone of 1805. The part of the building to which the application relates is a two storey barn with an arched hay cart entrance each to the west and east elevation.

The building has some architectural interest and the hay cart entrances give legibility to its former use as a hay barn/store. It is built between 1800 and 1919 (late Georgian/Victorian/Edwardian), and retains original features, that are of sufficient quality to distinguish them from other buildings of that period. As such, the dwelling/barn has been identified as a non-designated heritage asset (NDHA).

Paragraph 207 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed development involves the conversion of the barn to additional living accommodation. The barn and attached terraced houses are shown on an Ordnance Survey map from 1830 and consists of a barn with two barn door openings on the front and rear elevation. The proposed development would retain the two barn doors with one being glazed and the other being infilled with wood and two window openings. The Conservation Officer has no objections, subject to the inclusion of conditions relating to a sample panel, conservation style rooflights and rainwater goods. As such, the proposed development would preserve the historical nature of the building. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan and Policy JP-P2 of the Places for Everyone Joint Development Plan and the NPPF.

Layout and design - The proposed development should retain as many of the original openings and keep new openings to a minimum. The proposed development would retain the existing openings, which consist of a large barn door opening on the front and rear. The barn door on the rear of the proposed development would be fully glazed, which would retain the vertical emphasis and would include doors to gain access to the garden. The rear barn door opening would be clad with timber, which would be recessed into the opening. Two windows would be located in the timber to provide light. Three rooflights would be installed on the rear part of the roof. Given the number of rooflights, this would not affect the character of the barn. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/3 and OL1/4 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case.

One half of the barn is in a separate ownership. There would not be any extensions to the barn and as such, the proposed development would not have an adverse impact upon loss of light when compared to existing.

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

Ecology - The main ecological impacts of the proposed development relate to bats and nesting birds.

Bats - An initial bat assessment concluded that the building is of moderate risk and as such, further survey work has been undertaken. Two dusk surveys were undertaken in August 2024, 3 weeks apart and the reports state that there was no evidence of bats emerging from the building.

GM Ecology Unit have confirmed that they are satisfied that it is very unlikely that the conservation status of bats would be negatively effected by this development as whilst best practice is for dusk surveys to be as far apart as possible, the surveys provided were within what is usually regarded as acceptable. Given no actual evidence of bats was found during the assessment, GM Ecology Unit has no reason not to accept the surveys and their findings.

However, Tottington is known to be a hotspot for bats and given the timings of the surveys were not in June and August, precautionary working measures would be required during the development. GM Ecology Unit has no objections, subject to the inclusion of a condition relating to precautionary measures for bats.

Therefore, the proposed development would not have an significant adverse impact upon a protected species.

Nesting Birds - Whilst the survey submitted with the application included nesting birds, there is no reference to them. As such, it is assumed that they are absent. GM Ecology Unit has no objections, subject to the inclusion of an informative relating to nesting birds.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG) - Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development is restricted to the conversion of the barn and no vegetated habitats are lost. As such, the proposed development would be exempt with regard to biodiversity net gain under the de minimis exemption.

GM Ecology Unit has no objections, subject to the inclusion of a condition relating to the inclusion of a bat roosting feature within the building.

Therefore, the proposed development would not have a significant adverse impact upon protected species and would be in accordance with Policy EN6/3 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed development would be accessed from Sunny Bower Street via the existing access, which has acceptable levels of visibility. 2 parking spaces would be provided on the land at the rear of the dwelling and 1 space would be provided in

the existing garage. This would comply with the parking standards specified in SPD11. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and HT2/4 of the Bury Unitary Development Plan and SPD11.

Response to objectors

- The applicant has served the required notice and served certificate B. The applicant would need to obtain the permission of the landowner before undertaking these works.
- A tree survey is not required as the proposed development relates to the barn and would not impact on the protected trees.
- The revised plans (floor plans & elevations) have been amended and show the full extent of the barn.
- The proposed floor plans indicate that the existing staircase will be partially removed and reinstated to form new arrangement, which is to be agreed with the owner of the neighbouring property.
- A CTMP condition has been added.

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 numbered 23001 001 revA, 23005 002, 23001 100 revA, 23001 101 revB, 23001 102 revA, 23001 103 revA 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.
- 3 Notwithstanding the approved plans, no development shall commence unless or until section and elevation details of the proposed windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: No details have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design.
- 4 Details/Samples of the external timber cladding to infill the existing barn door on the west elevation 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 construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy

EN1/2 - Townscape and Built Design.

- 5 Prior to the commencement of any works to the roof, a specification for the roof lights shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 6 Prior to any external building works or works in the roof space, a precautionary working measures method statement for bats shall be submitted to and approved in writing by the Local Planning Authority. Should work not commence prior to April 2026 an updated bat assessment must be provided.
A programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority and all the approved mitigation measures shall be fully implemented prior to the commencement of the works and to remain in situ on the site for an agreed period of time.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to Policy EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.
- 7 The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the conversion hereby approved being brought into use.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 8 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Hours of operation and number of vehicle movements;
 - Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
 - Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
 - Measures to ensure that all mud and other loose materials are not 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 demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period 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>
HL - 02/09/2025		DM	03/09/2025

