

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 02/08/2023	Ref: 69673/FUL
Registration: 31/05/2023	LDfC: 29/06/2023	Expiry Date: 26/07/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Variation of conditon no. 2 (approved plans) of planning permission 67711 (conversion of existing church into single dwelling): Amendments to internal layout, amended door with glazed roof above on east elevation and change of material to dormer roof

Location: St John Shuttleworth, Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0EF

Description

The site relates to a former C of E Church circa 1847 which closed as a place of worship in 2015. The building is set back from and elevated above the front of Whalley Road and is positioned between residential properties which comprise a row of terraced houses forming a linear row along the Whalley Road frontage. Nos 26-28 Church Road to the north and No 1 Millhouse Street directly to the south of the site are also set back from the main road behind the terraces and share a boundary with the site.

There is an existing gated pedestrian access from Whalley Road which leads to a set of steps and the entrance to the church building. The front of the site is grassed and there is a row of mature trees along the frontage. There is a pedestrian flagged path around the church and a Garden of Remembrance which comprises a grassed strip of land which is located directly next to the front elevation. The Garden of Remembrance is available for relatives and friends to visit. At the rear of the church is a flagged area which has become overgrown and neglected.

Beyond the rear of the site boundary is Church Road which is an unadopted, unmade single lane access track that carries a public right of way from which there is an existing gated vehicular access. The site boundaries are formed by dry stone walls.

The site is located in the Green Belt and Special Landscape Area.

The building is considered to be a Non-Designated Heritage Asset (NDHA) and as such is included on the Councils' draft local list of heritage assets

Planning permission was granted in 2022 for the conversion of the building to a residential dwelling.

The main form of the building would remain but dome external alterations were proposed, including new metal framed windows, rooflights, extension to windows on the side elevation to create door openings, bi-fold doors and a rear slate clad dormer.

Internally, works comprised insertion of a mezzanine floor and re-configuration of the internal space.

This application seeks changes to the approved plans to make amendments to change the design of the door on the east elevation and change the materials of the dormer from slate tiles to a grey zinc clad. There would also be some internal alterations to reconfigure the layout.

The application has been submitted as a variation of condition (Condition 2) of the approved plans.

Relevant Planning History

66744 - Change of use from church to dwelling - Approved 12/7/21

67711 - Conversion of existing church into single dwelling - Approved 27/5/22

Publicity

Letters sent to 4 adjacent properties.

One objection received:

- It appears that the significant external amendment to the approved plans under previous Application Number 67711 ("67711") is the re-introduction of an incongruous zinc and glass construction to the Eastern elevation.
- This was one of the key elements of the objection to the original design in 67711, which we were grateful to see had been amended away from zinc and glass to use slate materials in keeping with the overall roof structure of this historic building.
- We note that the officer's report to the committee for 67711 stated: "Revised plans received change the design of the proposed dormer and change to slate-hung materials which is considered appropriate to enable the conversion."
- It would therefore be perverse for the planning authority to allow a design variation that was considered inappropriate at the full planning stage.
- We therefore oppose the application, preferring that the design and plans permitted by the existing permission be retained, sympathetic to the exterior elevations of the building and its setting

Statutory/Non-Statutory Consultations

Conservation Officer - No objection.

Pre-start Conditions - previously agreed on p/p 67711

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN2/3	Listed Buildings
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN9/1	Special Landscape Areas
OL1/4	Conversion and Re-use of Buildings in the 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
EN5/1	New Development and Flood Risk
EN3	Archaeology

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.

The principle of the conversion of the building and alterations has been previously established by the approval of permission ref 67711 in May 2021.

Considerations relate to the design and appearance of the dormer and rear door opening which is now proposed.

Design and appearance

Dormer - The principle of a dormer extension was previously accepted as it would be a relatively modest in size and follow the slope of the roof.

In the original application, the applicant had initially proposed to use a zinc clad material but the applicant was encouraged to clad the dormer in slate tiles to match the existing roof, either by using slate tiles to be removed from the roof or from sources elsewhere as the

GPDO (General Permitted Development Order) relating to extensions to dwellings should be of a similar material to the existing roof, hence a slate material was secured by the LPA.

The applicant now proposes to revert back to a grey zinc clad finish and has provided a justification from the move away from using slate tiles. The applicant is unable to source slates to match the existing roof, which are quite rare in terms of colour and sizing, given the buildings age. The existing slates which would be removed as a result of the dormer insertion cannot be re-used as the slates on the roof increase in size from large on the lower roof to small at the ridge. The stepping up in slate sizes would therefore result in a mis-matched and disjointed appearance where the slates would meet the dormer edge, to the detriment of the buildings appearance. The existing slates are also old and quite worn and it would also be likely that there would be significant breakages during removal and their re-use in the development.

A zinc material of a similar colour as the roof is proposed and a sample of the zinc cladding has been submitted (dark grey RAL 7016 -) together with a piece of the existing roof slate to gain a visual understanding of how the two materials would be seen together within the roof slope.

As a modern material, zinc is often used in dormer type additions, traditional barn conversions or extensions to listed buildings or in conservation areas due to its more lightweight and unobtrusive appearance and enables the 'newer' elements to be read as later yet complementary additions within the context of the building. The proposed grey colour zinc is also a close match and as such it is considered the dormer would appear a homogenous and coherent addition within the roof scape. Therefore, in heritage terms, it is considered the alteration to the material for the dormer would not fundamentally or significantly harm the NDHA and the Conservation Officer has raised no objection on this basis. It is therefore considered that on balance and for this particular development, the proposed material is considered to be an acceptable solution.

The previous application also required a photographic record to be carried out of the stained glass windows and internal historic fixtures or fittings to be removed as part of the conversion and this would likewise be a requirement for this application and as such included as a condition.

In terms of impacts on the Green Belt, the insertion of a dormer was previously considered to add a relatively small amount of volume and given the location of the rear elevation, impacts on openness would not be affected. It is considered that the change in material would not be significant to cause harm to the openness of the Green Belt.

Door opening (rear elevation) - Originally proposed as a bi-fold type, considered acceptable as a modern intervention of lightweight appearance. The intention now is to provide aluminium framed sliding doors which would also be a similar modern addition and considered to be a sensitive solution and therefore acceptable.

Internal arrangements - The proposed changes would be relatively minimal and would comprise re-configuration of some of the internal rooms. The amendments would not significantly depart from the approved scheme and as such are considered to be acceptable.

On balance, it is therefore considered that the proposed development would be acceptable and would comply with Policies EN1/2, H2/1

Response to objector

The issues raised with regard to the appropriate use of materials have been covered in the above report.

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 three years beginning from the date of the grant of the original consent of planning permission reference 67711 (approval dated 27/5/22).
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered - 367 PD -
Proposed ground floor plan 0006 E; Proposed mezzanine plan 0007 E; Proposed roof plan 0008 E; Proposed elevations 1/3 0009 D; proposed elevations 2/3 0010 E; Proposed elevations 0011 D; Proposed sections 0012 E; Proposed site plan 0013 D; Proposed section E-E 0014 C; Proposed south elevation alterations 0015
Arboricultural report Jun 2020 PM/FULL/24/06/20
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 works for the conversion to residential use of the church of St John in the Wilderness hereby approved shall not commence unless or until a level 1 photographic recording has been carried out of the stained glass windows to be removed and any other internal historic fixtures and fittings to be removed. No works shall commence until such written approval has been given. The recording shall be carried out in accordance with Historic England's Understanding Historic Buildings - A Guide to Good Recording Practice, published May 2016.
Reason. To ensure the preservation of the building for future references and in accordance with the principles of the NPPF.
- 4 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 G of Part 1 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.
- 5 Any works to the roof is likely to cause harm to common pipistrelle bats as identified in the bat survey date September 2020 by Anthony Nickson Ecology and shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
 - b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license

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.

- 6 No works to trees or shrubs shall occur or external works to the building commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 7 Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and monbretia should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.
Reason. The scheme does not provide full details of the actual extent of invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
- 8 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of a bird box on a retained tree and one on the converted church should be provided for loss of bird nesting habitat. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season,; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
- 9 The car parking and bin storage facilities provided within the curtilage of the site indicated on approved plan reference 367 PD 0013 Revision C shall be made available for use before the first occupation of the development hereby approved and shall subsequently be maintained available for use at all times.
Reason. To ensure adequate off-highway car parking and bin storage facilities are provided within the curtilage of the site, in the interests of road safety pursuant to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development and HT2/4 - Car Parking and New Development.
- 10 The materials for the development hereby approved shall be carried out in accordance with the approved plans and the dormer clad in a 'Mountain Grey' zinc material Ral 7016 (as sample submitted 26/7/23).
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
- 11 Facilities for the storage of any construction materials shall be provided within the

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curtilage of the site. The measures shall be retained and facilities used for the intended purpose for the duration of the construction period.

Reason. To maintain the integrity of the adopted highway and ensure adequate off street materials storage arrangements for the duration of the construction period, in the interests of highway safety pursuant to UDP 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	2/8/23	DM	02/08/23